

## LEGISLATIVE COUNCIL BRIEF

### **Prisons Ordinance (Cap. 234) Prisons (Amendment) (No. 2) Order 2014**

### **Drug Addiction Treatment Centres Ordinance (Cap. 244) Drug Addiction Treatment Centre (Nei Kwu Correctional Institution) (Amendment) Order 2014**

### **Drug Addiction Treatment Centre (Lai King Correctional Institution) (Amendment) Order 2014**

## INTRODUCTION

The Secretary for Security has made three Amendment Orders under section 4 of the Prisons Ordinance (Cap. 234) and section 3 of the Drug Addiction Treatment Centres (“DATCs”) Ordinance (Cap. 244) to make the following changes to the designation of specified penal premises:

- (a) formally ceasing the function of Nei Kwu Correctional Institution (“NKCI”) as prison for the use of the entire site to accommodate adult female drug addicts and reducing the size of Lai King Correctional Institution (“LKCI”) as prison (by amending the Schedule to the Prisons Order (Cap. 234B) (**Annex A**)) ; and
- (b) designating more premises in NKCI and LKCI as DATC (by amending the DATC (Nei Kwu Correctional Institution) Order (Cap. 244G) (**Annex B**) and DATC (Lai King Correctional Institution) Order (Cap. 244F) (**Annex C**)) respectively.

## BACKGROUND AND JUSTIFICATIONS

2. NKCI is the only correctional facility used for detaining adult and young female drug addicts undergoing addiction treatment programme under the DATCs Ordinance (Cap. 244). Part of the premises of NKCI is also appointed as prison for adult female prisoners. Nevertheless, the Correctional Services Department (“CSD”) has suspended using NKCI as prison for adult female prisoners since June 2011 as there are sufficient penal places elsewhere for female prisoners.

3. On the other hand, there is slight overcrowding in the DATC part of NKCI and the average occupancy rate stood at 103% in 2013. CSD expects that there will be an upward trend in the number of female drug addicts sentenced to addiction treatment. As such, it is proposed that NKCI should formally cease its function as prison for conversion of the vacant dormitories originally designated as prison into DATC to accommodate adult female drug addicts. The young female drug addicts currently detained in NKCI will be relocated to LKCI. The whole NKCI will hence accommodate adult female drug addicts only, and the total penal places for DATC at NKCI will be increased from 180 to 236.

4. LKCI is a multi-functional correctional facility which mainly serves as prison of young female prisoners and training centre for young female persons in custody who have to undergo 6 to 36 months' training under the Training Centres Ordinance (Cap. 280). It is also used as a place for the temporary detention of young female drug addicts before their transfers to NKCI. As the overall average occupancy rate of LKCI was only 38% in 2013 and the number of young female persons in custody to be detained in LKCI is expected to remain at similar level, CSD proposes to expand the DATC part of LKCI. Under the proposal, two dormitories currently used as prison in LKCI will be converted as DATC and a dormitory currently used as DATC will be converted as prison. The number of penal places for DATC at LKCI will hence be increased from 6 to 40.

## **THE AMENDMENT ORDER**

5. The three Amendment Orders (at **Annexes A to C**) are to -
- (i) repeal “Nei Kwu Correctional Institution on the island of Hei Ling Chau, except those parts of the buildings known as Dormitories 1 to 10 and 15” from the Schedule to the Prisons Order (Cap. 234B) and to amend the address of LKCI as a prison in the Schedule to the Prisons Order (Cap. 234B);
  - (ii) appoint the whole of NKCI as an addiction treatment centre in the Drug Addiction Treatment Centre (Nei Kwu Correctional Institution) Order (Cap. 244G); and

- (iii) amend the address of LKCI as an addiction treatment centre in the Drug Addiction Treatment Centre (Lai King Correctional Institution) Order (Cap. 244F).

Subject to negative vetting of the Legislative Council (“LegCo”), the Amendment Orders are to commence on 27 February 2015.

## **LEGISLATIVE TIMETABLE**

6. The Amendment Orders will be published in the Gazette on 24 December 2014 and tabled at the LegCo on 7 January 2015.

## **IMPLICATIONS OF THE PROPOSAL**

7. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of relevant legislations. It has no economic, productivity, environmental or sustainability implications. The workload and financial implications arising from the implementation of the Amendment Orders will be absorbed from within the existing resources of CSD.

## **PUBLICITY**

8. A spokesman will be arranged to answer media and public enquiries.

## **ENQUIRIES**

9. Any enquiries on this brief should be addressed to Mr Alex Chan, Principal Assistant Secretary for Security (Telephone: 2810 3435; Facsimile: 2868 9159).

**Security Bureau  
December 2014**

## **Prisons (Amendment) (No. 2) Order 2014**

(Made by the Secretary for Security under section 4 of the Prisons Ordinance (Cap. 234))

### **1. Commencement**

This Order comes into operation on 27 February 2015.

### **2. Discontinuance of the use of places and buildings as prisons**

The places and buildings specified in the Schedule are discontinued from use for the purposes of prisons.

### **3. Setting apart of Lai King Correctional Institution as a prison**

The Lai King Correctional Institution (the place and buildings situated at 16 Wa Tai Road, Kwai Chung, New Territories), except those portions of the buildings known as Dormitories 7A, 7B, 9A, 9B, 10A and 10B, is set apart for the purposes of a prison.

### **4. Prisons Order amended**

The Prisons Order (Cap. 234 sub. leg. B) is amended as set out in section 5.

### **5. Schedule amended**

(1) The Schedule, item relating to Lai King Correctional Institution—

#### **Repeal**

“, except those portions of the buildings known as Dormitories 5B, 7A, 7B, 10A and 10B)”

#### **Substitute**

“), except those portions of the buildings known as Dormitories 7A, 7B, 9A, 9B, 10A and 10B”.

(2) The Schedule—


**Repeal the item relating to Nei Kwu Correctional Institution.**

**Schedule**

[s. 2]

**Places and Buildings Discontinued from Use as Prisons**

1. Lai King Correctional Institution (the place and buildings situated at 16 Wa Tai Road, Kwai Chung, New Territories), except those portions of the buildings known as Dormitories 5B, 7A, 7B, 10A and 10B.
2. Nei Kwu Correctional Institution on the island of Hei Ling Chau, except those parts of the buildings known as Dormitories 1 to 10 and 15.



Secretary for Security

12<sup>th</sup> Dec, 2014

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**Explanatory Note**

The effect of this Order is that—

- (a) Dormitories 9A and 9B in the Lai King Correctional Institution cease to be set apart for the purposes of a prison;
  - (b) Dormitory 5B in the Lai King Correctional Institution is newly set apart for the purposes of a prison; and
  - (c) the use of certain parts of the Nei Kwu Correctional Institution as a prison is discontinued.
2. This Order is to come into operation on 27 February 2015.

Drug Addiction Treatment Centre (Nei Kwu Correctional Institution) (Amendment)  
Order 2014

Section 1

1

**Drug Addiction Treatment Centre (Nei Kwu  
Correctional Institution) (Amendment) Order 2014**

(Made by the Secretary for Security under section 3 of the Drug Addiction  
Treatment Centres Ordinance (Cap. 244))

**1. Commencement**

This Order comes into operation on 27 February 2015.

**2. Drug Addiction Treatment Centre (Nei Kwu Correctional  
Institution) Order amended**

The Drug Addiction Treatment Centre (Nei Kwu Correctional  
Institution) Order (Cap. 244 sub. leg. G) is amended as set out in  
section 3.

**3. Section 2 amended (appointment of part of Nei Kwu  
Correctional Institution as addiction treatment centre)**

(1) Section 2, heading—

**Repeal**

“part of”.

(2) Section 2—

**Repeal**

“, other than those parts of the buildings known as  
Dormitories 11 to 14,”.

Drug Addiction Treatment Centre (Nei Kwu Correctional Institution) (Amendment)  
Order 2014

2

  
Secretary for Security

12<sup>th</sup> Dec, 2014

### **Explanatory Note**

Under the Drug Addiction Treatment Centre (Nei Kwu Correctional Institution) Order (Cap. 244 sub. leg. G) (*principal Order*), part of the Nei Kwu Correctional Institution is appointed as an addiction treatment centre.

2. This Order amends the principal Order.
3. The effect of this Order is to appoint the whole of the Nei Kwu Correctional Institution as an addiction treatment centre.
4. This Order is to come into operation on 27 February 2015.

**Drug Addiction Treatment Centre (Lai King  
Correctional Institution) (Amendment) Order 2014**

(Made by the Secretary for Security under section 3 of the Drug Addiction  
Treatment Centres Ordinance (Cap. 244))

**1. Commencement**

This Order comes into operation on 27 February 2015.

**2. Drug Addiction Treatment Centre (Lai King Correctional  
Institution) Order amended**

The Drug Addiction Treatment Centre (Lai King Correctional  
Institution) Order (Cap. 244 sub. leg. F) is amended as set out in  
section 3.

**3. Section 2 amended (appointment of Lai King Correctional  
Institution as addiction treatment centre)**


Section 2—

**Repeal**

“Dormitory 5B”

**Substitute**

“Dormitories 9A and 9B”.

  
Secretary for Security

12<sup>TH</sup> Dec, 2014



### Explanatory Note

At present, Dormitory 5B in the Lai King Correctional Institution is appointed to be an addiction treatment centre. The appointment is effected by the Drug Addiction Treatment Centre (Lai King Correctional Institution) Order (Cap. 244 sub. leg. F) (*principal Order*).

2. The purpose of this Order is to amend the principal Order.
3. This Order is to come into operation on 27 February 2015. The effect of this Order is that after its commencement—
  - (a) Dormitory 5B in the Lai King Correctional Institution would no longer be an addiction treatment centre; and
  - (b) Dormitories 9A and 9B in the Lai King Correctional Institution would be appointed to be an addiction treatment centre.
4. For Dormitory 5B and certain other parts of the Lai King Correctional Institution, they are set apart for the purposes of a prison under the Prisons (Amendment) (No. 2) Order 2014 (*Prisons (Amendment) Order*).
5. The Prisons (Amendment) Order will also come into operation on 27 February 2015.