

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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22 June 2017

Ms Angel Wong
Clerk to Subcommittee on Children's Rights
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Wong,

**Subcommittee on Children's Rights
Follow-up to Meeting on 23 May 2017**

Thank you for your letter of 1 June 2017. In consultation with the Correctional Services Department (CSD), I write to provide supplementary information as requested by Members of the Subcommittee.

The duties and services of clinical psychologists of CSD are set out at **Annex A**.

A copy of the Information Booklet for persons in custody (PICs) is enclosed at **Annex B**. CSD staff adhere strictly to the provisions therein in operating correctional institutions.

With respect to diet, under section 24A of Prisons Ordinance (Cap. 234), plain and wholesome food should be supplied to PICs. The variety and portion of dietary scales currently provided by CSD are designed by dietitians and approved by the Department of Health. The scales meet the nutritional needs of PICs. Upon admission, every PIC would be provided with the local staple rice diet (menu at **Annex C**). PICs may request for change of dietary scale at any

time, and institutional management will consider each request on a case-by-case basis, with due regard to the PIC's health conditions, dietary requirements and religious belief.

Any PIC aggrieved by any treatment he receives may make representations or complaints through various channels, including representations to visiting Justices of the Peace (JPs) and to CSD's Complaints Investigation Unit (CIU). The mechanism for handling complaints lodged during JP visits is set out in the relevant sections of the Guidelines for visiting JPs at **Annex D**. Statistics on complaints made by PICs in CSD institutions to visiting JPs in the past five years are set out in the following table -

2012	2013	2014	2015	2016	2017 (Jan - Mar)
115	137	133	115	162	39

During the above period, no complaint was made by young PICs to visiting JPs in Sha Tsui Correctional Institution and Pik Uk Correctional Institution, while 7 such complaints were made to CSD's CIU.

Figures on cases in which young PICs committed violence, breached discipline and harmed themselves in the past five years are set out below -

	2012	2013	2014	2015	2016	2017 (Jan - Mar)
Committed Violence	92	82	82	43	65	24
Breached Discipline	247	247	236	179	218	67
Self Harm	22	13	13	12	11	4

Yours sincerely,



(Ms Connie LAU)
for Secretary for Security

c.c. Commissioner of Correctional Services (Attn: Mr TANG Ping-ming)

**Duties and services of clinical psychologists of
the Correctional Services Department**

The Correctional Services Department (CSD) has a team of professional clinical psychologists (CPs) to provide a range of psychological services for persons in custody (PICs) to improve their psychological well-being and help change their offending behaviour.

Specific duties of the CPs include:

- (1) To conduct psychological evaluation on PICs for:
 - (i) preparing psychological reports to court;
 - (ii) evaluating PICs' suitability for the various correctional programmes; and
 - (iii) providing psychological reports to the relevant statutory boards when required.
- (2) To provide psychological intervention for PICs that includes:
 - (i) counselling or other forms of psychotherapy / treatment in individual / group format; and
 - (ii) counselling or psychological treatment to supervisees under supervision when necessary.
- (3) To assist and recommend to the Head of Institution (HoI) / Senior Clinical Psychologist on the following when required:
 - (i) the allocation of PICs to specific institutions based on their special needs;
 - (ii) improvements to psychological services and rehabilitative work, including periodic review of treatment and training programmes as well as initiation and participation in research and survey projects; and
 - (iii) training to staff in applied psychology and other related subjects as well serving as clinical supervisors for clinical psychology trainees.
- (4) When required, to serve as a member of:
 - (i) the institutional management committee;
 - (ii) the institutional monitoring committee for self-harm prevention;
 - (iii) selection / promotion boards for staff appointment;
 - (iv) the Young Offender Assessment Panel; and

- (v) other committees or meetings.
- (5) To provide supervision and training for Officers of the Psychological Unit in institutions.
- (6) To bring to the attention of the HoI in cases where:
 - (i) a PIC requires psychiatric treatment;
 - (ii) a PIC has suffered emotionally as a result of incarceration;
 - (iii) a PIC has risks of self-harm or escape; and
 - (iv) there are irregularities, mass unrest or emotionally tense situations.
- (7) To assist in emergency situations including hostage taking and suicide in institutions.
- (8) To perform any duties as may be directed by supervisors.

Apart from individual case work, CPs also provide psychological treatment programmes to PICs to help change their offending behaviour. A specialised psychological treatment programme called Offending Behaviour Programme is offered to young PICs to address their offending problems through targeting essential factors related to their offending behaviour and the Drug Abuse Rehabilitation Programme is provided to drug abusers in drug addiction treatment centres. Sex offenders receive systematic treatment programmes in the Sex Offenders Evaluation and Treatment Unit. For adult PICs, the Violence Prevention Programme targeting at changing the violent behaviour of the participants are also in place at selected adult institutions. Systematic psychological treatment programmes are provided to female PICs in the Personal Growth and Emotion Treatment Centre for Women (PSYGYM) to help them develop a constructive lifestyle.

To encourage parental support in the rehabilitation of young PICs, CPs have also provided the Inmate-Parent Programme – Heart Start programme since late 2015 to address the needs of young PICS. Psychological services are also offered by CPs to staff to address their psychological health and needs.



Information for Person in Custody

Version October 2016

About this Book

This book is published for the guidance of persons in custody who are admitted to correctional institutions of Correctional Services Department (CSD). Starting from what you will be facing in your “*First Days in Prison*”, it goes on telling something you need to know while “*Living in Custody*”. Some ‘Dos’ and ‘Don’ts’ are explained in the chapter “*Conduct and Discipline*”. You will also learn more about the arrangements by which you can “*Keeping in Touch with the Outside World*” and to secure “*Your Health and Well-being*” while in custody. If you feel aggrieved at your treatment in the prison, you may find the chapter “*Channels of Complaints*” useful. You may be interested in the chapter “*Knowing your Sentence(for convicted prisoners) / Detention Period(for inmates)*” which introduces some basic concepts of the calculation of sentence and length of detention. It then goes through with you the “*Review / Appeal / Bail / Legal Aid / Petition*”. The last chapter tells you about the “*Rehabilitation Programmes and Supervision Schemes*” which will help your reintegration into society upon discharge.

“Person in custody” refers to “convicted prisoner”, “remand”, “debtor”, and any person detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance. Unless in the context otherwise specified, “inmate” refers to any person detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance.

If you are a remand, you must have to pay particular attention to the paragraphs of “Photographing”, “Clothing”, “Food”, “Work”, “Smoking”, “Visits by Relatives and Friends” and “Letters” as you will find that there are different treatments for you. Besides, you will also find the paragraphs of “Bail”, “Review of Refusal of Bail or Conditions of Bail” and “Legal Aid” that are useful for you. You may disregard the last chapter as the “*Rehabilitation Programmes and Supervision Schemes*” are not applicable to remands.

If you are a debtor, you must pay attention to the paragraphs of “Clothing”, “Punishments” and “Visits by Relatives and Friends” which indicate different treatments for you.

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance, or Rehabilitation Centres Ordinance, your attention is drawn to the paragraphs of “Training / Treatment Programme for Inmates”, “Leave of Absence”, “Punishments”, “Forfeiture of Privileges”, “Detention Period(for inmates)”and “Rehabilitation Service (Supervision)” as there are specific treatments offered to you.

This book covers most basic useful information. If you have any questions about the information in this book or need further information, you may ask the officers.

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1 First Days in CSD Custody

1.1 Reception Procedures

On your admission to a correctional institution, you will go through a series of reception procedures including the following :

- Searching
- Issue of prison clothing and basic toiletries
- Checking of private clothing and property
- Fingerprint-taking
- Photographing
- Medical examination
- Admission Interview
- Issue of Identity Tag and Information for Person in Custody

1.2 Searching

Immediately upon your arrival, you will be searched to ensure that no unauthorized articles are introduced into the institution. During your subsequent stay in the institution, you will also be searched on other occasions such as when you are leaving or entering certain locations. (More about *Searching* in Paragraph 2.7)

1.3 **Issue of Prison Clothing and Basic Toiletries**

Apart from basic toiletries, you will be issued with a set of clothing which you will be required to wear during your stay in the institution. Your private clothing and property will be kept by the institution and will be returned to you upon your discharge. (More about *Clothing* in Paragraph 2.3)

1.4 **Checking of Private Clothing and Property**

An officer will check your private clothing and property before you. If you find any discrepancy, you must tell the officer immediately. After the checking, you will be required to sign on the list of your clothing and properties to acknowledge its correctness.

1.5 **Photographing**

You may be required to have your hair cut before the photo taking.

If you are a remand, you are not allowed to do anything to alter your appearance. You may have your hair cut and your beards or moustaches trimmed but not in such a manner as may alter your appearance.

1.6 **Medical Examination**

You will be examined by the Medical Officer and the state of your health will be recorded accordingly.

1.7 **Admission Interviews**

Upon admission, you will be interviewed by the Head of Institution(HoI)[or a senior officer], medical staff, reception officers and rehabilitation officers. One of the purposes of the interviews is to see if there are any issues that require immediate attention. **It is important that you must tell the interviewing officers if you have any of the following :**

- Special medical background
- Any factor affecting your participation in work or exercise
- Any medication taken prior to admission
- Drugs or alcohol related problem
- Violence background
- Feeling depressed or thinking of self-harm or suicide
- Any complaint or request

1.8 **Identity Tag**

You will be issued with an Identity Tag (ID Tag) bearing your photograph, your registration number in the institution and some

necessary personal particulars. You will be required to bring along this ID Tag during all the activities away from your assigned cell or dormitory. You must take good care of your ID Tag as well as other articles issued to you as all such articles are properties of the government. If you lose or damage your ID Tag, you may be subject to disciplinary action. (More about *Conduct and Discipline* in Chapter 3)

1.9 **Information for Person in Custody**

You will be issued with an “Information for Person in Custody” containing some basic information about the treatment and services provided in the institution as well as your right and expected behaviour. You will be told more about these during the Induction Programme.

1.10 **Induction Programme**

Newly admitted persons in custody will be arranged to undergo an Induction Programme. The programme will help you adapt to the life in the institution and make the best of your time in custody. Officers from various units will explain to you on subjects including treatment programmes, daily routines, institutional facilities, discipline, some ‘dos’ and ‘don’ts’ and channels of complaints, etc. You should take this opportunity to clarify any doubts or uncertainties.

Your conduct and performance whilst in the unit will be observed. After completion of the Induction Programme, you will be assigned to one of the workgroups commensurate with your ability and work aptitude. (More about *Work* in Paragraph 2.10)

1.11 **Knowing Who Can Help**

Throughout the period of your custody, you will be under the care of various units which are responsible for different aspects of correctional services. The followings are a brief introduction to the provisions made by these units. There will be more in-depth information under the topics of their respective areas.

- **The Officer-in-charge of your Workgroup/Dayroom (Oi/c)** will take care of all matters relating to your daily activities including accommodation arrangement, food issue and provision of daily necessities. He/she will also monitor your behaviour, discipline and work performance. In other words, he/she will be the closest officer to you. If you have any problems or difficulties, it is always advisable that you should talk about it with your Oi/c first.
- **The Rehabilitation Unit** will take care of your welfare matters and will provide counselling services or other assistance if you face any difficulties in relation to your imprisonment.

- **The Centre Hospital** staffed with Medical Officers and nursing staff will take care of your medical and health issues during the period of your custody.
- **The Psychological Unit** will take care of your mental/psychological health and emotional problems. The services provided include interview, assessment, counselling, treatment, etc.
- **The Industries and Vocational Training Section** will take care of your work arrangement including production, occupational safety and provide vocational training for those eligible persons in custody.
- **The Education Unit** will provide assistance if you want to pursue further study during your custody. If you are a young offender, formal educational classes may also be provided.
- **The Security Section** is responsible for maintaining a safe and secure environment for the delivery of custodial and rehabilitation services by other units. Officers of the section may interview you for detection of any threat to security and discipline of the institution. If you have any issues relating to your personal safety, you may approach the section through your Oi/c.
- **The Visit Room** officers will handle all matters relating to visit

and registration of certain approved articles handed in to you by your visitors.

- **The Physical Education Unit** will take care of matters relating to your daily exercise and physical fitness. To promote healthy life among persons in custody, the unit organizes sporting events such as ball games and competitions from time to time. The unit also provides advice on maintaining physical fitness whilst in custody.

1.12 **Collection of Personal Data**

For the general management of the institution, CSD needs to collect and hold some information about your personal particulars. The collection and use of your personal data will be in accordance with the data protection principles under the Personal Data (Privacy) Ordinance. You may request access to or correction of your personal data held by CSD. A charge reflecting the cost of reproducing the records requested may be levied. Applicants will be informed in advance of the charge and will be free to pursue or withdraw the request.

1.13 **Prevention of Bribery and Report of Soliciting Advantage**

Persons in custody should not offer any advantage to CSD Officers, whether directly or indirectly through a third party. The offering of advantage might result in an offence under the Prevention of

Bribery Ordinance.

No fee will be charged against persons in custody or their relatives or friends for the daily living needs during the period of detention. The CSD would provide persons in custody, without charge, all basic daily necessities such as food, hygiene items, clothing appropriate for the season, bedding, accommodation places etc. Neither will there be any charges for laundry, visit, activities arrangements, etc. If any person (including any CSD officers, persons in custody or any persons claim to act on their behalves) solicits money, gifts or favours from you for the services provided by CSD, you should immediately report the case to HoI or any senior officers or the Independent Commission Against Corruption.

1.14 **Classification and Categorization**

Upon your reception, a **Classification and Categorization Board** will assess your case with reference to the nature of the offence, your sentence, the risk of your escape, etc. You will be assigned a “Category” which will determine the types of institutions for you to serve your sentence. Your “Category” will be reviewed by the **Re-Categorization Board** at the serving institution from time to time. Factors to be considered include your penal behaviour, performance and rehabilitation progress. If your “Category” is changed, you may be transferred to other type of institutions to continue your sentence.

2 Living in Custody

2.1 Daily Routines

The life in custody features highly structured daily routines starting from around 0630 hours when you are required to wake up until around 1900 hours when you are arranged to return to your cell or dormitory after completion of the scheduled activities of the day. The scheduled activities include ward inspection, meal arrangement, work, recreational activities, exercise, bath etc. Usually, you will be in association with the persons in custody of your assigned group during the daily activities. Your Oi/c will guide you through the daily routines which you will soon get used to.

2.2 Accommodation

You will be assigned a bed in a cell or dormitory for night accommodation. In both cases, you may have to share the communal facilities with other persons in custody. You are required to maintain a high standard of cleanliness and tidiness in your cell or dormitory and the communal area. The officers will inspect your cell/dormitories regularly and any failure to maintain cleanliness and tidiness may be subject to disciplinary action.

An emergency call bell button is installed in your cell or dormitory. When there is an emergency, you can press this button to call for

assistance from the officer. You should bear in mind that the call bell is for emergency use only and any abuse of its use may be subject to disciplinary action.

2.3 **Clothing, Bedding and Toiletries**

Upon admission, you will be issued with a set of prison clothing, bedding and toiletries. The clothing and bedding will be exchanged regularly on a one-to-one basis whereas the toiletries items will be replenished regularly. Subject to the institutional management's approval, additional clothing or bedding will be provided under certain circumstances such as special medical conditions.

You are responsible for keeping your clothing and bedding clean and tidy. If you lose or damage any of the items issued by the institution, you may be subject to disciplinary action.

If you are a remand / debtor, you may apply to the HoI for permission to wear private clothing.

2.4 **Food**

There are different prison diets to suit persons in custody with different dietary requirement, health condition or religious belief. Under normal circumstances, a person in custody will be assigned

regular diet. If you need to take special diet such as vegetarian diet due to religious belief or dietary requirement, you should tell the officers during the admission interviews so that your request can be duly considered.

Usually, the assigned diet will not be changed unless there is strong reason to do so. Personal preference will not be taken as a reasonable ground for change of diet.

The rules on provision of food in the institution are very strict. Food will be issued according to the assigned diet. Food with varied quantities will only be issued upon recommendation by the Medical Officer. The food must be consumed in the designated place which will usually be a dining hall. All persons in custody are prohibited from giving any food to or receiving any food from others. All leftovers must be returned to the kitchen. Any attempt to solicit food from others or smuggle food away from the designated dining place will be subject to disciplinary action.

When you receive your food, you should make a quick visual check so that any discrepancy can be verified on the spot. If you later find any problem with your food, you should report it to the duty officer as soon as possible.

If you are a remand, you may choose to have private food by procurement at your own expense subject to the approval of HoI.

2.5 Approved Hand-in Articles

Apart from the items issued by the institution, you may also keep certain approved articles handed in by your visitors. These articles include wet tissue, lip balm, dental floss, periodicals, exercise book, ball pen etc. Some of the items require prior application. There are also rules specifying the types and quantities of the articles to be handed in and the quantities to be kept by you at a time. You may approach the **Rehabilitation Officer** for details.

All hand-in articles must be in original packaging without any additional marks and will be subject to security inspection. All the hand-in articles of the same item will be pooled together and mixed before random distribution to you. **Hence the article you received may not be the one originally handed in.**

If you have no visit from your spouse, children, parents and siblings in the past two consecutive months, you may be eligible to apply for receiving books, periodicals or newspapers from the sender outside the territory of HKSAR for a period of six months. You may approach the Rehabilitation Officer for details.

2.6 Unauthorized Articles

Notwithstanding that you are allowed to keep the articles issued by

the institution and approved hand-in articles as mentioned above, you are not allowed to :

- give or lend any article to other persons in custody;
- receive or borrow any article from other persons in custody;
- alter any approved article ;
- keep any article which you have not been authorized to keep.

If you are found in possession of any unauthorized article, you will be subject to disciplinary action.

2.7 **Searching**

Upon admission, you will be searched to ensure that no unauthorized articles are conveyed into the institution. During your stay in the institution, you will also be searched on other occasions such as when you leave a workshop or after a visit, etc. The search will be conducted by an officer of the same sex as yours. Your cell, dormitory and belongings will also be searched from time to time.

Under most circumstances, the search will be a rub-down search during which the officer will search your belongings and touch your clothing to ensure that no unauthorized article is concealed therein. The officer may also check your hair or ask you to open your mouth for a visual check. The search may be conducted with the aid of equipment such as hand-held metal detector and metal detector doorway.

There may be occasions that a search will require removal of your clothing. You will be asked to hold your arms up and stand with your legs apart. Such search will be conducted expeditiously to avoid your unnecessary exposure. You can get dressed as soon as your clothing has been checked.

Under certain circumstances, such as on your admission to an institution, the Medical Officer, or an officer or nurse authorized by the Medical Officer, may search your rectum, nostrils, ear and any other external orifice. The rectal or vaginal search may be conducted with the aid of X-ray body scanner.

2.8 **Muster Counts**

Muster counts are conducted at fixed times of the day. During the muster count, you are required to stay at a certain place as directed by the officers. The officers will then count the number of persons in custody and, if necessary, check your identity. You should keep quiet and stop moving around during the muster counts.

2.9 **Emergency Alarm**

If you hear an alarm bell or siren, it means that there is an emergency situation in the institution and some emergency actions will follow. The duty officers will tell you what to do. Unless

otherwise directed, you must stop the activities that you are engaging in. Do not try to ask or discuss what happens as this may obstruct the emergency procedures.

2.10 **Work**

You are required to work unless the Medical Officer considered that you are not suitable to work on medical ground. The varieties of works in the institution include cookery, carpentry, laundering, garment making, general cleaning and maintenance, etc. The normal working days are from Monday to Saturday. Some types of work, such as cookery, will require shift work. If you are idle or negligent at work or refuse to work, you will be subject to disciplinary action.

If you are a remand, you may also be assigned with suitable working party **if you opt to work.**

You will be assigned to a working party according to the vacancies available and the level of your skills and abilities. In most workplaces, you will work under the guidance of qualified instructors. You will be taught the required work skills and proper use of tools and machinery. Apart from work skills, you will also be taught the relevant work safety rules and procedures which you must strictly observe. A variety of vocational training courses may also be provided from time to time.

You should take the opportunity to learn different work skills and develop a good working habit that will certainly benefit your reintegration into society upon discharge. If you have any question about your work or vocational training, you may approach the Industries and Vocational Training Section.

Ex-gratia Payment Scheme

In case of injury at work, for incident that is not caused by self-harm / not a self-deliberated act and where permanent disability has been confirmed as a result of the injury, you may apply for ex-gratia payment. In case of death at work, for incident that is not caused by self-destruction / not a self-deliberated act, your personal representative may apply for ex-gratia payment on behalf of you. For details, please contact your Oi/c.

2.11 Earnings

You will be credited with earnings for your work according to the laid down rate scales. If you are unable to work due to medical reasons, you will still be credited with earnings of the basic rate. Vocational training may be provided to help you gain accredited skills and qualifications.

Your work performance will be monitored and assessed by the officers. When you have acquired the requisite work skills, you may be promoted to higher work posts with higher earnings.

2.12 **Canteen Purchase and Savings**

Unless you are detained under the Detention Centres Ordinance or Rehabilitation Centres Ordinance, you can use your earnings to buy some daily accessories or snacks offered for sales in the canteen purchase that will be arranged regularly. All unused earnings will be credited to your savings and will be returned to you on your discharge. Initially, 10% of your earnings will be placed to your savings on compulsory basis until your savings accumulate to HK\$500. After that, you can decide the amount of further savings.

2.13 **Training / Treatment Programmes for Inmates**

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance, the major training / treatment programmes offered to you are as follows :

	Inmates of Drug Addiction Treatment Centre	Inmates of Detention Centre	Inmates of Training Centre	Inmates of Rehabilitation Centre
Training / Treatment Programmes	Work, Physical education, Drill, Drug Relapse Prevention Course, Vocational training, Remedial educational classes	Work, Physical education, Remedial educational classes, Drill, Deportment training	Educational classes, Vocational training, Character Development Training, Drill	Vocational training, Educational classes, Psychological activities, Physical education, Drill, Deportment training

2.14 **Recreational Activities**

You may participate in the recreational activities organized by the institution from time to time. Depending on the facilities available, different activities may be arranged by rotation and may include football, basketball, table tennis, chess game, video shows, television, study classes, hobby classes, etc.

2.15 **Culture and Hobby Groups**

To encourage the utilization of leisure time and the cultivation of cultural interest among persons in custody, **Correctional Services Department Rehabilitation Volunteer Group** will organize culture and hobby groups from time to time. You may apply to the **Rehabilitation Officer** for participating in these activities.

2.16 **Religious Activities**

You may apply for attending the religious activities held in the institution from time to time. The Prison Chaplain and Prison Visitors will visit the institution regularly. Religious literature or devotional books may be issued during these religious activities and you are allowed to keep them. You may also keep religious items as recommended by the Prison Chaplain and approved by HoI.

2.17 **Smoking**

Smoking is not encouraged in the institution and is restricted to designated places and specific times as approved by HoI. In the centre hospital, smoking is strictly prohibited. Violation of these rules may be subject to disciplinary action. If you are a smoker, you may use your earnings to buy cigarettes offered for sales in canteen purchase. If you are a remand, you may receive cigarettes from your visitors.

Smoking is not allowed for persons in custody under 21 years old and those having reached 21 but remain in an institution for young offenders.

2.18 **Triad or Gang Activities**

Triad or gang activities within the institution are strictly prohibited. Do not try to gang up with other persons in custody. If you are in any way bullied or threatened or you think that some other persons in custody are bullied, you should tell the officers as soon as possible.

2.19 **Personal Safety**

The following tips will help ensure your personal safety during your custody: -

- obey order of the officers and prison rules and other

regulations and directives issued from time to time

- do not give your personal information or that of your family members to other persons in custody
- do not engage in any argument with other persons in custody
- remain visible to the officers as often as possible
- stay with your assigned group as often as possible
- do not take part in gambling or any illicit activities
- do not ask for favours or borrow anything from other persons in custody
- do not go into the cell or dormitory of other persons in custody
- inform the officers as soon as possible if you encounter any threat to your safety (e.g. assault, sexual harassment)

2.20 **Removal from Association**

According to Rule 68B of Prison Rules, if the Superintendent has reasonable grounds for believing it is desirable, for the maintenance of good order and discipline in the institution or in the interests of you, he/she may order the removal of you from association for a period not more than 72 hours. If you have anything to say about your removal, you may make representations to the Superintendent. Under the same rule, the Commissioner may order your further

removal from association for a period not more than one month after the first 72 hours of removal as mentioned above, and thereafter from month to month. If this is the case, you will be told the reason of your further removal and you may also make representations to the Commissioner.

During the period of your removal, you will be located in the Special Unit of the institution. You will still be eligible for the privileges except those not compatible with the removal. A Board of Review will review your case regularly and make recommendation on resumption of your association or further removal.

2.21 **Leave of Absence**

If you have been sentenced to 4 or more years' imprisonment, and are within 6 months of the earliest date of your discharge, and there is no deportation order made against you, you may be granted leave of absence not exceeding 5 days at the discretion of the Commissioner under Rule 17 of Prison Rules.

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance and subject to certain conditions as well as your satisfactory performance, you may also be granted leave of absence. You are required to reside at a place during your leave as stated in a pass given by the

Commissioner and the length of leave **at any one time** is :

	Inmates of Drug Addiction Treatment Centre	Inmates of Detention Centre	Inmates of Training Centre	Inmates of Rehabilitation Centre
Length of Leave	Not exceeding 72 hours	Not exceeding 24 hours	Not exceeding 5 days	Not exceeding 5 days

If you do not meet the criteria mentioned above, you may be granted leave of absence not exceeding 24 hours at any one time at the discretion of the Commissioner. Examples of situations for which leave of absence has been granted are to attend funeral or to visit seriously ill family members. Leave of absence shall be granted subject to certain conditions and restrictions as to custody and escort.

2.22 Escort

With a view to enhancing the security during clinic escort, female persons in custody may be escorted by both female and male officers in certain identified clinic cases.

3 Conduct and Discipline

3.1 Misconduct

In the institution, you are required to conduct yourself in an orderly and disciplined manner at all times. The following are examples of misconduct which may lead to disciplinary action :

- shouting
- spitting
- littering
- lending to or borrowing from other persons in custody any article
- throwing food or leftovers
- giving your food to another person in custody
- playing any game of chance
- damaging any government property
- using tools or materials issued to you for any purpose other than for the purpose for which it is originally intended.

3.2 Disciplinary Offences

Rule 61 of Prison Rules states that every prisoner shall be guilty of an offence against prison discipline if he :

- (a) disobeys any order of the Superintendent or of any other officer of the Correctional Services Department, or any prison rules or other regulations or any directive issued from time to time by the Commissioner that are applicable to him ;
- (b) treats with disrespect any officer of the Correctional Services Department, or any person authorized to visit the prison ;
- (c) is idle or negligent at work, or refuses to work ;
- (d) uses threatening, abusive or insulting words or behaves in a manner that expresses a threat, abuse or an insult ;
- (f) commits any assault ;
- (g) communicates with another prisoner for an improper purpose or when prohibited from doing so in the interests of the discipline of the prison ;
- (h) leaves his cell or dormitory or place of work or other appointed place without permission ;
- (i) without reasonable excuse, disfigures or damages any part of the prison or any property which is not his own ;
- (k) has in his possession-
 - (i) any article that he is not authorized to have ; or
 - (ii) a greater quantity of any article than he is authorized to have ;

- (l) without authority gives to or receives from any person any article ;
- (p) in any way offends good order and discipline ;
- (r) wilfully feigns or endeavours to cause illness or wilfully obstructs cure ;
- (s) makes false and malicious allegations against an officer of the Correctional Services Department ;
- (u) loses or, without reasonable excuse, damages or destroys any Government property ;
- (v) is found to have, without reasonable excuse, traces of a dangerous drug within the meaning of the Dangerous Drugs Ordinance (Cap 134) in a sample of his urine ;
- (x) fights with any person ;
- (y) obstructs an officer of the Correctional Services Department in the execution of his duty ;
- (z) with respect to any of the other offences enumerated in this rule-
 - (i) attempts to commit;
 - (ii) incites another person to commit; or
 - (iii) assists another person in committing or attempting to commit, such an offence.

[Subsections (e), (j), (m), (n), (o), (q), (t) and (w) have been repealed]

3.3 **Disciplinary Hearing**

If you are reported to have committed a disciplinary offence, you will be located in the Special Unit pending disciplinary adjudication by the Adjudicating Officer (AO) who will be HoI or other appointed officer not below the rank of Superintendent.

Before the hearing, you will receive:

- (i) **Notice of Report** in respect of the charge(s) against you, and
- (ii) **Explanation of the Procedures at Disciplinary Hearings.**

These documents tell you the details about the charge laid against you and the procedures in the disciplinary hearing. They will help you prepare for the hearing and, if necessary, your defense. You should read these documents carefully. If you have any questions, you may ask the Officer-in-charge of the Special Unit for clarification.

During the disciplinary hearing, the AO will hear the evidence adduced for the charge. You will be allowed to clarify the evidence, make your defense, summon your witness(es) and ask for mitigation. All these procedures are described in details in the **Explanation of the Procedures at Disciplinary Hearings** as mentioned above.

3.4 **Punishments**

If you are found guilty of the offence, you will be awarded one or more of the following punishments :

- (a) issuing a caution ;
- (b) separate confinement for any period not exceeding 28 days ;
- (c) forfeiture of remission not exceeding 1 month (in advance for remand) but if the Superintendent considers that his power of punishment is insufficient, he shall refer the case to the Commissioner who may order forfeiture of remission not exceeding 3 months ;
- (d) forfeiture of privileges for a period not exceeding 3 months ;
- (e) deprivation of earnings or part thereof; and
- (f) deduction of earnings of the cost of any Government property lost by you, or damaged or destroyed without reasonable excuse by you.

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance, Rehabilitation Centres Ordinance or being a debtor and are found guilty of the offence, the punishment awarded to you will be one or more as follows :

	Inmates of Drug Addiction Treatment Centre	Inmates of Detention Centre	Inmates of Training Centre	Inmates of Rehabilitation Centre	Debtors
Issue of Caution		✓	✓	✓	
Separate Confinement	✓ Not exceeding 28 days	✓ Not exceeding 14 days			✓ Not exceeding 28 days
Forfeiture of Privileges	✓ Not exceeding 3 months	✓ Not exceeding 1 month	✓ Not exceeding 1 month	✓ Not exceeding 1 month	✓ Not exceeding 3 months
Deprivation of Earnings or part thereof	✓				
Deduction of Earnings of the cost of Government property lost	✓		✓	✓	
Reduction of Grade		✓		✓	
Delaying Promotion to a Higher Grade			✓		
Stopping Letters and Visits			✓ Not exceeding 3 months		

3.5 **Forfeiture of Privileges**

The privileges that will be forfeited as punishment for disciplinary offence include :

- canteen purchases (except stamps and materials needed for writing letter) ;
- books (including textbooks, library books and notebooks), periodicals and newspapers ;
- shaver, transistor radio and batteries;
- entertainment, recreational activities and association;
- lectures, theatricals, concert parties and video shows;
- sports and public competitions;
- leave of absence;
- phone call to family outside the territory.

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance, the privileges offered to you that can be forfeited as punishment for disciplinary offence are as follows :

	Inmates of Drug Addiction Treatment Centre	Inmates of Detention Centre	Inmates of Training Centre	Inmates of Rehabilitation Centre
Privileges	Canteen purchase, Books, Periodicals, Newspapers, Recreational activities	Grade I No Privilege Grade II Organized games Grade III Organized games, Indoor recreational activities	Canteen purchase, Books, Periodicals, Note books, Newspapers, Television programmes viewing, Hobby class	<u>Detention Period</u> Grade I Association, Games Grade II Association, Games, Entertainment <u>Residence Period</u> Grade III The same as Grade II

3.6 **Appeals in disciplinary cases**

If you feel aggrieved at the decision of the AO about the finding of your guilt or the punishment awards or both, you may, within 48 hours, appeal to the Commissioner against the decision of the AO. The Commissioner may cancel, vary or confirm the order.

You may appeal to the Secretary for Security if your case has been referred to the Commissioner for punishment awards as mentioned in Paragraph 3.4(c) above. The Secretary for Security, as the case may be, will hear your appeal and may cancel, vary or confirm the original decision.

3.7 **Committing Criminal Offences in Institutions**

If you commit any criminal offence in the institution, the institutional management will refer the case to the police for investigation. There were previous cases of persons in custody convicted by the court for committing criminal offences in the institutions. Relevant court cases are as follows:

Court Case	Judgment
<u>Riot</u> A group of persons in custody besieged another group of persons in custody, set fires and threw burning objects.	42 accused persons in custody were convicted, among whom 8 were sentenced to imprisonment of 9 to 10 years for the offences of riot and arson.

<u>Escape / Assisting Escape</u> In a visit, a person in custody asked the visitor to assist him in an escape during his medical appointment in a public hospital.	The accused person in custody was sentenced to imprisonment of 16 months for the offence of conspiracy to escape from lawful custody, while the visitor was sentenced to detention in a rehabilitation centre.
<u>Assaulting Correctional Officers / Persons in Custody</u> A person in custody used his crutch to attack a correctional officer. 8 persons in custody assaulted another person in custody in the institution.	The assailant was sentenced to imprisonment of 8 months for the offence of common assault. 8 assailants were sentenced to imprisonment of 7 to 8 months for the offence of Assault Occasioning Actual Bodily Harm.
<u>Conspiracy to Trafficking in Dangerous Drugs</u> In a visit, a person in custody asked the visitors to assist in concealing dangerous drugs in a letter and smuggling them into the institution by mail.	The accused person in custody and 2 visitors were sentenced to imprisonment of 24 to 27 months respectively.

Committing criminal offences in institutions will lead to very serious consequences. Do not risk breaking the law.

4 Keeping in Touch with the Outside World

4.1 Visits by Relatives and Friends

The visits will be conducted in the presence of CSD staff. The visit will be stopped if any persons behave in a disorderly, indecent, offensive or riotous manner, or if the conversations amount to an attempt to defeat the ends of justice, relate to the past or future commission of crimes or contain threats of violence.

You are required to declare the identities of your visitors on your admission. You may later apply for adding new visitors or deleting existing visitors. The phone enquiry on your whereabouts will be entertained provided that the enquiring person is your declared visitor and your prior consent is obtained.

You can receive visits from relatives and friends twice a month with no more than three visitors at one time. Each visit will last not more than 30 minutes. If you need an additional visit for special reason, you may apply to HoI specifying the reason for the application.

If you are a remand or debtor, you can receive visits daily with no more than two visitors at one time and each visit will last not more than 15 minutes.

4.2 **Video Visit**

To facilitate the relatives and friends of persons in custody who have difficulties in coming to the institutions for visit due to age, pregnancy, disabilities or other special reasons, video service is available for visitors to conduct visit via online video conference link at the town visit centre, instead of traveling to distant institutions. You may apply for the visit and advance application is required.

Eligible persons in custody can receive video visit no more than once a month with no more than three visitors at one time. Each visit will last not more than 20 minutes. If you need an additional visit or extension of visit for special reason, you may apply to HoI specifying the reason for the application.

4.3 **Legal Visits**

You may receive visits from your legal advisors in their professional capacities and such visits will take place in the sight but not in the hearing of an officer.

4.4 **Telephone Call**

If you have no visit from and no phone call to your spouse, children, parents and siblings in the past one month, you may be eligible to

make one 10-minute phone call to your spouse, children, parents or siblings outside the territory as privilege. Notwithstanding, if you have an urgent need to contact someone, for examples, to inform your relatives or friends of your detention, to arrange for bail or other legal matters, or to know the situation of a critically ill family member, you may make a special request for making telephone call.

Your phone call so making is under the monitoring of a designated officer. The call will be terminated if the conversations deviate from the declared purpose or are in any way objectionable. You have to bear the cost of the charged phone call unless the receiver agrees to pay it.

If you think that for some reasons your family members may need to contact you urgently, you can approach the **Rehabilitation Officer** for assistance.

Upon request, you may make a phone call to the consulate of your country (if applicable) for assistance. However, you are not allowed to communicate with unauthorized persons. If you wish to make a phone call to your family members, you should follow the arrangements set out in the preceding paragraphs.

4.5 **Letters**

You can send to and receive from any person any number of letters provided that:

- the outward letters are not longer than 4 pages of A-4 papers;
- the letters do not pose any threat to any individual's personal safety or to the security, good order and discipline of the institution;
- you are not allowed to send letter to :
 - any person who has informed HoI that he/she does not want to receive letter from you;
 - other persons in custody unless prior approval has been obtained from HoI.

All your inward and outward letters may be opened and searched for security check. In a maximum security institution, the letters may also be read for checking under Rule 47A of Prison Rules.

You can send one free letter per week with envelope, papers and postal paid at public expense. For the additional letters, you have to use your own materials and stamps that can be bought through canteen purchase (or by deduction from earnings instead if you are detained under the Detention Centres Ordinance or Rehabilitation Centres Ordinance) with your earning.

If you are a remand, you may send and receive letters at all reasonable times and shall be furnished with papers and writing materials.

4.6 Newspapers

Newspapers will be provided in the institution on a shared-use basis. You can apply for receiving a daily newspapers paid by your relatives or friends on your behalf provided that you agree to the laid down conditions that will be explained to you on your application.

If your application is approved, you have to ask your relatives or friends to place the order with the publisher or a registered agent and pay on your behalf. If this cannot be done, you can apply for withdrawing money from your property to pay for the newspapers.

The newspaper will be subject to security check. Any part(s) of the newspaper may be withheld if it contains any information that may jeopardize the good order and discipline of the institution.

4.7 Library Services, Self-study and Distance Learning

You can borrow books and other reading materials from the institution library. If you want to pursue further study in the institution, you can apply for taking self-study or distance learning courses run by recognized external educational organizations. If necessary, you may apply for financial assistance for your study from donation funds such as the **Prisoners' Education Trust Fund** and the **Prisoners' Education Subsidy Fund**. For detailed information, you can approach the **Rehabilitation Officer / Oi/c of Education Unit of the institution concerned**.

4.8 **Voter Registration and Voting Arrangement**

If you want to register as a voter while under custody, you can approach the **Rehabilitation Officer** for an application form for voter registration. The completed form should be sent to Registration and Electoral Office (REO) / Home Affairs Department (HAD). REO / HAD will later publish the electoral registers for checking by the public and you will be facilitated to do such checking.

All election-related materials from REO / HAD such as poll card and candidates' introductory leaflet will be sent to you through the institutional management. You can also obtain information about the election from the notices displayed in the institution. On the polling day, you will be arranged to cast your vote at the dedicated polling station set up in the institution.

4.9 **Restrictions on Taking Out Notebook on Discharge**

If you intend to take any of your notebook out of the institution on your discharge, you can make application to the institutional management 14 days before the date of your discharge or as earliest as possible in case your sentence is less than 14 days provided that :

- you have not written in it any matters which will disrupt the good order, discipline or security of any institution, prejudice the prevention, investigation and detection of crime and

offences or infringe the privacy of other persons, including CSD staff and persons in custody;

- you have not drawn or painted anything depicting persons in custody, CSD staff, institution conditions or matters relating to crime ; or
- you have not written in it any notes in shorthand or cypher.

5 Your Health and Well-being

5.1 Medical and Health Care

The hospital section in the institution will provide medical and health care for you during your custody. Visiting specialist services from outside hospital may also be available in the institutions. If you suffer from any illness or injury, you should tell the officer immediately so that necessary medical treatment can be arranged.

5.2 Prohibition on Keeping Medicine

You are not allowed to keep any medicine unless otherwise directed by the Medical Officer. The hospital officer will issue to you the medicine as prescribed by the Medical Officer and only one dosage will be issued at a time. Any oral prescriptions issued to you must be taken on the spot. Any attempt to keep medicine without authority may be subject to disciplinary action.

5.3 Personal and Family Problems

If you feel frustrated by any personal or family problems, you can approach the **Rehabilitation Officer** for assistance. They will provide counselling services and assistance in areas such as retrieval of bail money, or application for comprehensive social security assistance for your family, etc.

5.4 **Emotional Problems**

If you feel depressed or begin to think of doing anything to hurt yourself, do not hesitate to talk about your problems with the officers. In the institution, there are various specialist units providing assistance in different aspects. Similarly, if you notice that some other persons in custody are thinking of self-harm or unusually tense, anxious or sad, you must tell the officers immediately.

5.5 **Mental Health Care**

The Psychological Unit will take care of your mental/psychological health issue including emotional problems and adjustment difficulties. The unit also provides special treatment programmes for persons in custody with drug abuse, psychosexual or violence problems.

If you feel tense or frustrated, try to talk to the officers. When necessary, your case will be referred to the Psychological Unit. You may also request direct referral of your case to the Psychological Unit.

5.6 **Making Requests**

If you have any request to make, you may ask to see HoI or a senior officer. Arrangement can be made through your Oi/c.

5.7 The Government's Electronic Health Record Sharing System

The Government's Electronic Health Record Sharing System (eHRSS) has commenced operation since March 2016. The eHRSS is a patient-oriented healthcare infrastructure which provides an information infrastructure to connect healthcare providers in both the public and private healthcare sectors, promotes public-private partnership in healthcare services, improves the quality of healthcare services and enhances the continuity of care. In line with the development, the Correctional Services Department (CSD) has registered to join the eHRSS which has come into use in various institutional hospitals since 18 July in the same year.

At present, with the consent of persons in custody (PICs) and upon confirmation, authorised healthcare personnel of the CSD can access the medical records of PICs in the eHRSS, including drug allergy records, diagnosis, laboratory and radiology results as well as discharge summary, etc., to ensure that accurate diagnosis is made and proper treatment is given to patients by healthcare personnel. In addition, the eHRSS also enhances the continuity of care, preventing PICs from being unable to receive timely treatment due to the absence of accurate patient records. Please approach hospital staff for details.

6 Channels of Complaints

6.1 Various Channels of Complaints

If you feel aggrieved at your treatments in the institution or have any complaint about your right or interest, you may voice out your complaint through the following channels :

- (a) any staff member including a senior officer of the institution ;
- (b) senior officers of the CSD Headquarters, including the Commissioner, visiting the institution ;
- (c) Complaints Investigation Unit (CIU) of CSD ;
- (d) visiting Justice of the Peace ;
- (e) a member of the Legislative Council ;
- (f) The Ombudsman ;
- (g) Equal Opportunities Commission;
- (h) Other government bureaux/ departments.

6.2 Complaints About General Treatment or Operations of the Institution

If your complaint relates to the daily routine, general treatment/service or operational procedures of the institution, you may try to have your problems resolved by the institutional management first. You may raise your complaint through any officers of the institution. If your complaint cannot be resolved by the institutional management, you may further complain to CIU.

6.3 **Complaints Investigation Unit (CIU)**

CIU is an independent office appointed by the Commissioner to thoroughly, impartially and expeditiously investigate complaints about the policy of CSD or misconduct of CSD staff members.

If you wish to lodge any complaint with CIU, you may approach the institutional management for arrangement or post your letter of complaint to CIU Office. CIU will then proceed to conduct an interview with you.

Under normal circumstances, CIU investigation will be completed within 18 weeks and the findings will be examined by the **Correctional Services Department Complaints Committee**. After the Committee has endorsed the findings, CIU will inform you of the investigation outcome accordingly.

If you are dissatisfied with the outcome, you may, within 14 days upon receipt of notification of the findings, appeal to the Correctional Services Department Complaints Appeal Board.

6.4 **Mediation Service**

Mediation Service is a flexible complaint handling mechanism adopted by CIU to resolve minor and uncomplicated complaint where both you and the complainee (the person you complain against) agree to resolve the problem through mediation.

In mediation, a CSD officer who is not involved in the case and have undergone mediation training will act as an impartial third party to facilitate you and the complainee to discuss the dispute and try to reach a mutually agreed resolution.

If CIU considers that your case is suitable to be resolved by mediation, a CIU investigator will explain to you the relevant principles and procedures. If you do not agree, CIU will handle the case in normal course. If you agree but it subsequently turns out that no mutually agreed resolution can be reached in the mediation, CIU will also take up the case in normal course.

6.5 **Visiting Justices of the Peace (JPs)**

The Visiting JPs will visit the institution regularly and you may approach them for complaints or any concerns about your treatment in the institution.

6.6 **The Ombudsman**

The Ombudsman handles complaints about maladministration in the public sector. Upon admission, you will be issued with an information leaflet about The Ombudsman. If you need to lodge a complaint with The Ombudsman, you can ask your Oi/c for a postage-free Ombudsman complaint form.

6.7 **Equal Opportunities Commission (EOC)**

EOC is an independent statutory body empowered to handle complaints about discrimination, harassment, or vilification on the grounds of sex, family status, disability or race. Complaints can be lodged by letter or by using the designated EOC complaint form.

6.8 **Assistance for Lodging Complaints**

If you are not sure which parties you should approach for your complaint, or if need any assistance in lodging your complaint, you may approach the **Rehabilitation Officer**.

7 Knowing your Sentence (for convicted prisoners) / Detention Period (for inmates)

7.1 Earliest Date of Discharge (EDD) and Latest Date of Discharge (LDD)

Upon admission, your EDD and LDD are calculated and indicated on your ID Tag. EDD is calculated after deducting remission from your sentence whereas LDD is calculated without deducting any remission. The following paragraphs will tell you more about remission and some basic concepts in computation of sentence. The actual computation will be more complicated as it involves some technical issues.

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance, your ID Tag will be indicated only with the LDD without the EDD as the length of detention is determined by another system of which you can acknowledge from the last paragraph of this chapter.

7.2 Remission

According to Rule 69 of Prison Rules, remission of up to one third of the sentence of imprisonment may be granted to you for your industry and good conduct provided that the remission will not

reduce your sentence to less than 31 days. As mentioned above, remission may be forfeited as punishment for a disciplinary offence.

7.3 **Days Committed to Custody**

The days you have been committed to custody by a court order in connection with any proceedings relating to a sentence will be deducted from that sentence. Any period spent on bail will not be counted towards remission and sentence.

7.4 **Single Sentence and Multiple Sentences**

If you are serving one single sentence, the sentence will run from the date when it is awarded. If you are serving more than one sentence, the computation will depend on whether the sentences are concurrent or consecutive.

7.5 **Concurrent Sentences**

Concurrent sentences means each individual sentence runs from the date when that sentence is awarded. Each sentence will carry an EDD and LDD and the ones fall on the latest dates will be your actual EDD and LDD.

7.6 **Consecutive Sentences**

If the sentences are consecutive, the first sentence will start running first. The second sentence will start running on the expiry of the first one and so on unless otherwise directed by the Court. In other words, you will have to serve the sentences one after another.

7.7 **Committal for Non-payment of a Fine / Confiscation Orders**

If you are committed for non-payment of a fine, the money in your property will, unless otherwise directed by the court, be withdrawn to pay the fine. You can only keep HK\$10 and a sum which is less than sufficient to pay off one day's imprisonment.

If you or your relatives or friends pay in part or in full any amount of your confiscation order, please notify the prison management at once for re- calculation of your 'Earliest Date of Discharge' and 'Latest Date of Discharge'. If you have any questions, you may ask the correctional staff for further enquiry.

7.8 **Detention Period (for inmates)**

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance, you are detained under a detention order and the length of detention is determined on

the basis of your progress, behaviour and response to the **daily programmes** (More about *Training/Treatment Programmes for Inmates* in Paragraph 2.13). If you are detained under the Drug Addiction Treatment Centres Ordinance, your likelihood of remaining free from addiction to any dangerous drug after discharge will also be considered.

The length of detention for respective types of inmates are below :

	Inmates of Drug Addiction Treatment Centre	Inmates of Detention Centre	Inmates of Training Centre	Inmates of Rehabilitation Centre
Detention Period	2 to 12 months	(i) <u>Young offenders</u> 1 to 6 months (ii) <u>Young adults</u> 3 to 12 months	6 to 36 months	3 to 9 months <u>Initial Detention Period</u> 2 to 5 months <u>Subsequent Residence Period</u> 1 to 4 months

There is a Board which will regularly review your progress and make recommendations on your release. You are required to be advancing to higher-status grades until release in a 3-tier promotion system as adopted.

Upon your release, you will be placed under supervision of the **Rehabilitation Officer** and there are certain conditions in the supervision order of which you must observe during the supervision period. For any breach with the condition of supervision, you may

be recalled by a recall order to the institution for further detention. Alternatively, you may be charged in court, subject to a maximum penalty to a fine of HK\$5,000 and imprisonment for 12 months. Should you feel aggrieved over the recall, you may make a written representation to the Commissioner with 14 days from the date of recall. The provisions on the length of supervision period after discharge and the recall are detailed under “*Rehabilitation Service (Supervision)*” in Paragraph 9.9.

7.9 Transfer of Sentenced Persons

Non-local residents serving sentences in Hong Kong may apply for being transferred back to their places of origin (including Macau SAR but excluding other parts of China) to serve their remaining sentence. For further details, you may approach the Rehabilitation Officer.

8 Review / Appeal / Bail / Legal Aid / Petition

8.1 Statutory Time Limits

If you decide to apply for review or appeal of your case, you must make sure that application is made within the statutory time limits.

The followings are some relevant information :

(a) The Magistrate and Court of First Instance

If you are not satisfied with the determination of a Magistrate, you may, within 14 days after the determination, apply to the Magistrate to review the determination. If the Magistrate dismisses the review, you may appeal to the Court of First Instance of the High Court. The notice of appeal should be lodged within 14 days after the dismissal of the review by the Magistrate. You may also appeal to the Court of First Instance without first seeking a review. The notice of appeal must be lodged within 14 days after the determination of the Magistrate.

(b) Court of Appeal

If you are not satisfied with the decision of the Court of First Instance or the District Court, you may lodge an application for leave to appeal with the Court of Appeal within 28 days from the date of conviction/sentence. If you do not lodge an

application within time, you may apply to the Court of Appeal for leave to appeal out of time.

(c) **Court of Final Appeal**

The Court of Final Appeal (CFA) is the highest appellate court in the Hong Kong Special Administrative Region. CFA hears appeals from :

- (i) any final decision of the Court of Appeal, and
- (ii) any final decision of the Court of First Instance (not being a verdict or finding of a jury) from which no appeal lies to the Court of Appeal.

Application for leave to appeal must be filed within 28 days from the date of the judgment or decision to be appealed from.

You can approach **Rehabilitation Officer** for information about review/appeal. You may also refer to the booklets issued by the Judiciary Administration which may be available at the institution library, Reception Office or Induction Unit.

8.2 **Bail**

If you have been admitted to bail, you should make sure that you are clear about the conditions of your bail as ordered by the court. If deposit of money or surety is required, you should ask your relatives or friends to go to the court at the earliest possible moment

to deposit money or stand surety to secure your release from custody.

If the court is satisfied with the suitability of the surety, a recognizance of bail will be taken from the surety. You may also be required to enter into a recognizance acknowledging your undertaking to appear at the specified court at the specified time. After the court is satisfied that all the required recognizance(s) of bail have/has been completed, you will be released from custody.

8.3 **Review of Refusal of Bail or Conditions of Bail**

Where a District Judge or magistrate has refused to admit you to bail, you may apply to a judge to be admitted to bail. If a District Judge or Magistrate has admitted you to bail subject to any condition, you may also apply to a judge to be admitted to bail without being subject to that condition. Such applications should be made through your solicitor. However, if through lack of means, you are unable to employ a solicitor, you may make application through the Judiciary Administrator via CSD.

If you need further information about bail or need to communicate with your relatives or friends regarding your bail arrangement, you may approach the **Rehabilitation Officer** for assistance.

8.4 **Legal Aid**

You may apply for legal aid for your appeal. Applications can be made through HoI.

If you are remanded pending committal, or are waiting trial in the Court of First Instance of the High Court or District Court, you are eligible to apply for legal aid.

8.5 **Petition**

According to Rule 54 of Prison Rules, you may make petition to the Chief Executive during the first year of your sentence and once every year thereafter unless HoI considers that there is sufficient cause to justify additional petitions. Your petition must be submitted through HoI.

8.6 **Mental Health Review Tribunal**

If you are detained under hospital order made in accordance with Mental Health Ordinance (Cap 136), you may make an application to the tribunal for the review of your case after a period of 12 months from the date of your first being liable to be so detained. You may then reapply for a review with grounds specified thereafter 12 months of the determination of a previous review.

9 **Rehabilitation Programmes and Supervision Schemes**

9.1 **Risks and Needs Assessment**

The **Rehabilitation Officer** will assess your re-offending risks and rehabilitation needs through a scientific and evidence-based approach so as to provide you with suitable rehabilitation and reintegration programmes if you are an inmate of a Training Centre, Detention Centre, Rehabilitation Centre, or Drug Addiction Treatment Centre, a local young person in custody serving a sentence of 3 months or above, or a local adult person in custody serving a sentence of 12 months or above. More details can be obtained from the **Rehabilitation Officer**.

9.2 **Rehabilitation and Reintegration Programmes**

The **Rehabilitation Officer** will discuss with you your rehabilitation progress regularly through individual and group counsellings. Some non-government organizations, volunteers and prison visitors may also participate in running the rehabilitation and reintegration programmes. When the date of your discharge is approaching, the programmes will focus on preparing yourself for the discharge and subsequent reintegration into society.

9.3 **Never Again Programme**

Through the Never Again Programme, you may be arranged to share with your family members your rehabilitation progress and discuss any problems relating to your imprisonment. The purpose is to promote mutual understanding between you and your family so as to strengthen their support to your rehabilitation and reintegration upon discharge.

9.4 **Non-government Organizations (NGOs)**

NGOs work closely with the Department to help with rehabilitation. More details can be obtained from the **Rehabilitation Officer**.

9.5 **Release Under Supervision**

Under the Prisoners (Release Under Supervision) Ordinance, persons in custody satisfying certain conditions may apply to the Chief Executive for early release under:

(i) **Release Under Supervision Scheme**

Persons in custody serving a sentence of 3 years or more (other than life imprisonment and not subject to deportation upon release) and have served not less than one-half or 20 months of that sentence (whichever is the greater) may be released from the institution and subject to supervision until the latest date of discharge.

(ii) Pre-Release Employment Scheme

Persons in custody serving a sentence of 2 years or more (other than life imprisonment and not subject to deportation upon release) may be released within six months prior to their earliest date of discharge and required to go out to work and reside in a designated hostel under supervision during the above-mentioned period.

9.6 Post-release Supervision of Prisoners Scheme

If your sentence is (i) imprisonment of 6 years or more or (ii) imprisonment of 2 years or more but less than 6 years and your offence is one of those specified in Schedule 1 of the Post-Release Supervision of Prisoner Regulations (such as certain triad-related offence, sexual offence or crimes of violence), you will be subject to supervision upon release for a period to be determined by the Post-release Supervision Board. You may ask the **Rehabilitation Officer** for details.

9.7 Long-term Prison Sentences Review Board

If your sentence is imprisonment of 10 years or more or is an indeterminate sentence, your case will be reviewed by the Board after the first 5 years of your sentence and every 2 years thereafter. The Board will consider your case and may make recommendation to the Chief Executive to:

- (i) remit your determinate sentence by substituting a shorter sentence, or
- (ii) substitute a determinate sentence for your indeterminate sentence.

Under certain situations, the Board may make an order for persons in custody with early release under supervision. For further details, you can approach the **Rehabilitation Officer**.

9.8 **Re-imprisonment upon Breach of the Supervision Order**

If you breach any requirements stipulated in the Supervision Order issued under the Ordinance/Scheme mentioned in paragraph 9.5, 9.6 or 9.7, you may be subject to re-imprisonment for the remainder of the sentence.

9.9 **Rehabilitation Service (Supervision)**

If you have been sentenced to imprisonment for 3 months and over, and under 21 years of age when you began to serve, and under 25 years of age on discharge, you will be subject to supervision for a period of 1 year from the date of your discharge.

If you are detained under the Drug Addiction Treatment Centres Ordinance, Detention Centres Ordinance, Training Centres Ordinance or Rehabilitation Centres Ordinance, the length of

supervision period after discharge and the provisions relating to the recall are as follows :

	Inmates of Drug Addiction Treatment Centre	Inmates of Detention Centre	Inmates of Training Centre	Inmates of Rehabilitation Centre
Supervision Period	12 months	12 months	36 months	12 months
Recall	Further detention until the expiry of 12 months from the date of the detention order or 4 months from the date of your being arrested under the recall order, whichever is the later	(i) <u>Young offenders</u> Further detention until the expiry of 6 months from the date of the detention order or 3 months from the date of your being arrested under the recall order, whichever is the later (ii) <u>Young adults</u> For further detention until the expiry of 12 months from the date of detention order or 3 months from the date of your being arrested under the recall order, whichever is the later	Further detention until the expiry of 36 months from the date of the detention order or 6 months from the date of being arrested under the recall order, whichever is the later	Further detention until the expiry of 9 months from the date of the detention order or 3 months from the date of being arrested under the recall order, whichever is the later

Correctional Services Department

Menu (Rice as Staple Food)

	Morning Meal	Mid Meal	Evening Meal	Late Snack
Day 1	Pork/ Vegetable/ Rice/Tea	Bean congee/ Raisin Bun	Chicken mid wings/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 2	Beef/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Egg Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 3	Chicken whole wing/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 4	Pork/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Chicken mid wings/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 5	Beef/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Egg/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 6	Chicken whole wing/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 7	Minced beef/ Vegetable/ Rice/Tea	Bean curd sheet congee/ Raisin Bun / Milk tea	Fish/ Egg/ Vegetable/ Rice/Fruit/ Tea	Milk/ Bread
Day 8	Pork/ Vegetable/ Rice/Tea	Bean congee/ Raisin Bun	Chicken mid wings/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 9	Beef/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Egg Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 10	Chicken whole wing/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 11	Pork/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Chicken mid wings/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 12	Beef/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Egg/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 13	Chicken whole wing/ Vegetable/ Rice/ Tea	Bean congee/ Raisin Bun	Fish/ Vegetable/ Rice/ Fruit/ Tea	Milk/ Bread
Day 14	Minced beef/ Vegetable/ Rice/Tea	Bean curd sheet congee/ Raisin Bun / Milk tea	Fish/ Egg/ Vegetable/ Rice/Fruit/ Tea	Milk/ Bread

***Sauce and cooking method for main meals changes every meal with two week as one cycle**

GUIDELINES FOR VISITING JUSTICES

(Extract)

Complaints

12. On induction to an institution, persons in custody are advised of their right to make complaints to V.J.s and in addition, notices in both English and Chinese are prominently displayed in all institutions reminding them of this right. They are also included in the “Information for Persons in Custody”, an information booklet which is issued to all persons on admission.

Hearing Complaints of Persons in Custody

13. Staff of Correctional Services Department (CSD) have been directed that when a person in custody makes a complaint to V.J.s, he/she should, whenever possible, be interviewed out of the sight and hearing of other persons in custody. Facilities for such interviews are available in all institutions.

14. In the interest of privacy, it is an established practice that V.J.s may speak to persons in custody in private if they so wish. For the safety of V.J.s, arrangement will be made for persons in custody of high security risk, like those in maximum security prisons, to be interviewed at their respective locations wherever practicable or at the nearest place with physical barriers and at safety distance. The interview so conducted will be arranged out of hearing of any staff if necessary. In the event a private interview is preferred by the V.J.s, the staff will brief them of the risks involved and make the necessary arrangement accordingly.

15. When a person in custody makes a complaint which requires investigation, the V.J.s may initiate the investigation into the complaint by making personal enquiry, or refer the complaint to the institutional management or the Complaints Investigation Unit of CSD for further investigation having regard to the nature and complexity of the complaint.

16. Upon the completion of investigation, CSD will inform V.J.s of the investigation outcome in writing and notify the complainant accordingly. In the event that the V.J.s wish to inform the complainant personally of the investigation outcome, they are free to do so. For complicated or serious cases, the V.J.s may wish to consult the Commissioner of Correctional Services in advance. If necessary, additional visits to institutions may be arranged.

17. If the V.J.s are not satisfied with the investigation outcome from the CSD, they can refer the complaint to The Ombudsman for an independent investigation. In such cases, the V.J.s shall inform the complainant and

obtain his/her consent prior to referral, or direct CSD to make the referral and/or seek the consent from the complainant accordingly.

18. In cases where the complaint has been referred to The Ombudsman, the Office of The Ombudsman will contact the complainant directly. CSD will inform the V.J.s. of the investigation outcome when it is available to CSD.

19. Where a person in custody complains that unnecessary force has been used on him/her by an officer, the V.J.s should ask the Superintendent to arrange a medical examination.