

香港特別行政區政府
保安局



LC Paper No. CB(2)2002/17-18(01)

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Hong Kong Special Administrative Region
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11 September 2018

Ms Joanne MAK
Clerk to the Panel on Constitutional Affairs
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms MAK,

Rights of persons in custody

With regard to the views on the rights of persons in custody ("PICs") raised by Members and deputations at the meeting of the Panel on Constitutional Affairs on 30 April, in consultation with the Correctional Services Department ("CSD"), our brief reply is as follows:

CSD has all along attached great importance to the management of correctional institutions and the treatment of PICs. It is committed to providing basic necessities, a suitable living environment and adequate custodial care for PICs. Correctional work must be done in accordance with the requirements of the law and the principles of fairness and reasonableness, striking a balance between such factors as security risk, institutional operation and use of resources, so that PICs may receive appropriate and equal treatments.

Facilities in correctional institutions and supplies for PICs

CSD is committed to providing a humane and healthy environment for PICs. For instance, it ensures the size, lighting, heating, ventilation and fittings of all cells are adequate for health in accordance with the law. It also plans and implements various measures to enhance the facilities in correctional institutions according to the actual needs. Institutions will provide hot bathing water to PICs in response to seasonal changes. Water supplies in bathrooms are inspected by the Architectural Services Department or its qualified maintenance contractors on a regular basis to ensure their normal operation.

CSD provides PICs with basic necessities to meet their daily needs and to maintain a decent and healthy living environment during custody and rehabilitation. For example, PICs are provided with a complete outfit of clothing and blankets adequate for warmth, replacement and needs in accordance with statutory requirements. If individual PICs need additional clothing or blankets on medical grounds, the institutional management will provide the required items on the advice of the Medical Officer of the institution. CSD reviews the design and materials of clothing and bedding for PICs from time to time. In 2016, CSD replaced PICs' winter clothing of wool pullovers and nylon padded jackets with double-sided fleece pullovers and 3-layer laminated fleece jackets to enhance the warmth, windproof and moisture permeability functions. Moreover, CSD currently allows PICs to use padded quilt blankets with high warmth value on a trial basis in some correctional institutions for better storage and management.

As regards the collection in institution libraries, at present, the libraries of correctional institutions have a total collection of over 100 000 books in at least 30 different languages other than Chinese and English, such as Vietnamese, Indonesian, Thai, Korean, Spanish, Hindi, Urdu, Swahili, Wolof, etc. In addition, based on the needs of PICs of different nationalities, correctional institutions may borrow from one another books in the relevant languages as necessary. In addition to their library collections, correctional institutions also borrow appropriate books from the Hong Kong Public Libraries and place them in their libraries. These books will be replaced in batches on a regular basis to increase the quantity and variety of books available for borrowing by PICs. Currently, correctional institutions have borrowed over 7 000 books from public libraries. Furthermore, CSD accepts books (including those in Chinese, English and other languages) donated by external organisations or individuals in accordance with the established mechanism.

Complaint mechanism for PICs

CSD has all along attached great importance to the treatment received by PICs and the handling of complaints. Any PIC who is dissatisfied with the treatment received in prison may choose to lodge complaints or express dissatisfaction through various internal and external channels, including The Ombudsman, visiting Justices of the Peace (JPs), Legislative Council Members, etc.


Notices and posters of The Ombudsman are displayed at prominent locations in institutions. PICs may lodge complaints at any time by filling in the Office of The Ombudsman's complaint form available at various locations in the institutions or directly writing sealed letters to the Office of The Ombudsman. If necessary, PICs may request staff of the Rehabilitation Unit in respective institutions to provide them with the address of individual Government officials, JPs or Legislative Council Members. In accordance with section 47C of the Prison Rules, except for special arrangement, a correctional officer shall not open and search a letter from a PIC to a specified person (including the Chief Executive, Members of the Executive Council, Legislative Council and District Council, visiting JPs, The Ombudsman and the Commissioner of the Independent Commission Against Corruption) or from a specified person to a PIC, and shall not read such letter under any circumstances.

Regular JP visits to custodial institutions are conducted in accordance with provisions under the Prison Rules to ensure that the rights of PICs are protected. All JP visits are unannounced. JPs can visit at any reasonable time during their tour of duty and the institutions concerned will not be notified in advance of the exact date and time of the visit.

Moreover, CSD reviews and enhances the complaints handling mechanism from time to time to improve transparency and credibility in handling complaints, with a view to meeting the objectives of openness, fairness and impartiality. In August 2016, CSD established the CSD Complaints Appeal Board ("CSDCAB"), comprising community stakeholders who were familiar with correctional operations, with 10 JPs appointed as non-official members. To expand the structure of CSDCAB and further enhance the appeal mechanism, the membership of CSDCAB has been increased from 10 to 18 since April 2018. Apart from JPs, religious persons who are acquainted with correctional operations are also invited.

CSD is responsible for providing custodial and rehabilitation services to all PICs sentenced to imprisonment for their offences. Correctional officers have always discharged their duties in a professional and dedicated manner, carrying out enforcement actions in accordance with the laws of Hong Kong and the relevant regulations while taking care of the needs of PICs. We hope that Members will continue to support the work of CSD and its officers.

Yours sincerely,



(Ms Connie Lau)
for Secretary for Security

c.c. Secretary for Constitutional and Mainland Affairs (Attn: Ms Cathy LI)
Commissioner of Correctional Services (Attn: Ms Virginia LEUNG)