

CONTROLLING OFFICER'S REPLY

SB435

(Question Serial No. 5012)

Head: (30) Correctional Services Department

Subhead (No. & title): ()

Programme: (1) Prison Management

Controlling Officer: Commissioner of Correctional Services (LAM Kwok-leung)

Director of Bureau: Secretary for Security

Question:

1. Please list the number of internal complaints lodged by staff of the Correctional Services Department (CSD) in the past 5 years. What are the types of complaints mainly involved? How many of these complaints were formally accepted? How many of these complaints were considered unsubstantiated?
2. What mechanism does CSD adopt to handle internal staff complaints? How many levels are there for follow-up action?
3. What mechanism does CSD adopt to ensure that the investigation of internal staff complaints is not "an investigation conducted by peers" but sufficiently independent and credible?
4. What mechanism does CSD adopt to protect the identities of complainants, namely internal staff, ensuring that they will not be retaliated afterwards?

Asked by: Hon SHIU Ka-chun (Member Question No. (LegCo use): 258)

Reply:

In the past 5 years, the Complaints Investigation Unit (CIU) of the Correctional Services Department (CSD) handled 40 complaint cases lodged by correctional officers. The type of complaints involved was mainly "misconduct." Of the 35 cases with investigation completed, two cases were found substantiated.

CIU is appointed by the Commissioner of Correctional Services as an establishment independent of various correctional institutions, and conducts investigation into each complaint in a fair, impartial and meticulous manner. CIU of CSD handles all complaints lodged by persons in custody, correctional staff and members of the public in the same manner.

Upon completion of investigation, CIU will submit the investigation results to the Correctional Services Department Complaints Committee (CSDCC) for examination and a decision will be made with regard to the investigation results. CSDCC is chaired by the Civil Secretary (Administrative Officer Staff Grade C) of CSD who is independent from the disciplined establishment. After CSDCC has endorsed the outcome of the investigation, the complainant will be informed of the outcome in writing accordingly. If the complainant is dissatisfied with the outcome of the investigation, he may apply in writing to the Correctional Services Department Complaints Appeal Board (CSDCAB) for appeal. CSDCAB comprises community stakeholders who are familiar with correctional operations. At present, 10 Justices of the Peace (JPs) are appointed as the non-official members. The independence of CSDCAB ensures that all appeal cases will be handled in a fair and impartial manner.

To broaden the structure of CSDCAB and further enhance the appeal mechanism, the number of members is going to increase from 10 to 18 this year. Apart from JPs, religious persons who are acquainted with correctional operations will also be engaged. The members will participate in the work of review on a rotational basis. The expanded CSDCAB is expected to start reviewing the appeal cases in the middle of this year.

CSD has all along attached importance to the confidentiality of complaints. The relevant contents (including the complainants' identities) of all cases are listed as "Classified" information.

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