

**CONTROLLING OFFICER'S REPLY**

**SB439**

**(Question Serial No. 5019)**

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:

It is said that the Correctional Services Department will strengthen the “surprise inspection” mechanism by Justices of the Peace (JPs) starting from the coming year; however, the “surprise” JP visit mechanism was already in place in the past, and the so-called surprise is “anything but surprising”. What mechanism or instruction is there to render the “surprise inspection” mechanism by JPs more effective and reliable?

Asked by: Hon SHIU Ka-chun (Member Question No. (LegCo use): 266)

Reply:

Justices of the Peace (JPs) conduct regular visits to correctional institutions under the Prison Rules (Cap. 234A) to ensure that the rights of persons in custody (PICs) are safeguarded. All JP visits are unannounced, which means that JPs may conduct their visits at any reasonable time during their tour of duty (generally 2 weeks or 1 month), and the exact date and time are not made known to the institutions beforehand. JPs may request to pay additional visits to the institution concerned outside their tour of duty to follow up on or look into specific complaints.

One of the important functions of JP visits to correctional institutions is to ensure that complaints lodged by PICs are handled in a fair and transparent manner. The visiting JPs may either make personal inquiries into the complaints (such as seeking background information from staff of the institutions and examining relevant records and documents) made by PICs or refer the cases to the institutions concerned, the management of CSD, the Complaints Investigation Unit of CSD, the Office of The Ombudsman or the Police for their follow-up actions, having regard to the nature and seriousness of the complaints. Upon receipt of the referrals, the parties concerned will carry out investigation into the complaints. On completion of the investigation, the result will be reported to the JPs.