

CONTROLLING OFFICER'S REPLY

SB031

(Question Serial No. 0854)

Head: (30) Correctional Services Department

Subhead (No. & title): ()

Programme: (1) Prison Management

Controlling Officer: Commissioner of Correctional Services (WONG Kwok-hing)

Director of Bureau: Secretary for Security

Question:

1. Please provide a breakdown by the number of complaints received by correctional institutions, the categories of complaints, the complainants, the content of complaints, the number of complaints entailing investigation, the number of complaints not entailing investigation, the number of substantiated complaints after investigation, the number of unsubstantiated complaints after investigation, and the number and rank of correctional officers subject to punishment for substantiated complaints after investigation in the past 5 years.
2. Please provide the number and content of programmes currently offered in rehabilitation centres. Are persons in custody (PICs) who are tertiary students provided with post-secondary programmes? If no, what is the content of the programmes provided to these PICs?
3. Where were the numbers of work injuries of PICs in various correctional institutions in the past 5 years? What were the average and median amounts of compensation for these work injuries? What was the level of recovery of each of these work injury cases after assessment? Are there any guidelines to follow? How does the Department ensure that PICs who engage in work are in compliance with occupational safety and health requirements?
4. What were the respective numbers of applications for official visits in different correctional institutions in the past 5 years? How many of these applications were approved? How many were rejected? What were the reasons for rejection?

Asked by: Hon TIK Chi-yuen (LegCo internal reference no.: 7)

Reply:

1. In general, if the complaints lodged by persons in custody (PICs) involve matters of a relatively minor nature, such as the daily routines, general treatment, services or operations of an institution, the institutional management will take immediate follow-up actions.

As for complaints of a relatively serious nature, such as misconduct of staff or maladministration, the institutional management will refer them to the Complaints Investigation Unit (CIU) of the Correctional Services Department (CSD) for comprehensive investigation.

The numbers of complaint cases received from PICs and entailing comprehensive investigation by CIU in the past 5 years are tabulated as follows:

| Cases entailing comprehensive investigation by CIU (complaints lodged by PICs) | 2017 (Number of cases) | 2018 (Number of cases) | 2019 (Number of cases) | 2020 (Number of cases) | 2021 (Number of cases) |
|---|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Use of unnecessary force | 18 | 8 | 9 | 21 | 16 |
| Misconduct of staff | 34 | 21 | 33 | 49 | 34 |
| Negligence of duty | 7 | 7 | 15 | 40 | 25 |
| Abuse of authority | 14 | 8 | 11 | 19 | 12 |
| Injustice in disciplinary action | 8 | 13 | 11 | 28 | 28 |
| Dissatisfaction with institutional policy/procedure | 2 | 1 | 2 | 9 | 0 |
| Total | 83 | 58 | 81 | 166 | 115 |

The numbers of complaint cases received from PICs which were found substantiated/partly substantiated upon comprehensive investigation by CIU in the past 5 years are tabulated as follows:

| Cases substantiated/partly substantiated upon comprehensive investigation by CIU (complaints lodged by PICs) | 2017 (Number of cases) | 2018 (Number of cases) | 2019 (Number of cases) | 2020 (Number of cases) | 2021 (Number of cases) |
|---|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Substantiated | 1 | 1 | 1 | 4 | 1 |
| Substantiated other than reported | 0 | 1 | 0 | 1 | 2 |
| Not fully substantiated | 0 | 0 | 0 | 0 | 0 |
| Total | 1 | 2 | 1 | 5 | 3 |

A total of 3 Assistant Officers were subject to punishment for involvement in the substantiated/partly substantiated cases listed above in the past 5 years.

2. CSD provides half-day compulsory education for young PICs aged between 14 and 20, and arranges qualified teachers to teach the subjects. Having regard to the length of sentences and learning needs of young PICs, CSD provides young PICs undergoing

Phase I training at Rehabilitation Centres with the “Teen’s Programme”, covering 120 hours of basic education curriculum at the junior secondary school level (with subjects including Chinese, English, Mathematics, Life and Society) and 180 hours of vocational training. The programme is recognised by the Vocational Training Council.

CSD also provides young PICs with courses at the secondary school level. PICs who were studying post-secondary programmes before imprisonment may contact their tertiary institutions for suitable modes of study and learning materials. CSD would assist PICs upon their requests to continue to study the relevant programmes at correctional institutions. PICs may also enrol in distance learning courses offered by the Hong Kong Metropolitan University according to their interests and abilities. Correctional institutions would provide appropriate assistance to them.

3. Statistics of PICs rendered unfit for work for 4 or more days due to injuries arising from work accidents in the past 5 years are tabulated below:

| Year | Number of accidents |
|-------------|----------------------------|
| 2021 | 8 |
| 2020 | 4 |
| 2019 | 7 |
| 2018 | 9 |
| 2017 | 11 |

According to Rule 38 of the Prison Rules (Cap. 234A), all convicted adult PICs are required to engage in work (unless they have been certified by the Medical Officers seconded to CSD as unfit to work on medical grounds). As CSD does not have an employer-employee relationship with PICs and the daily necessities and medical services of PICs are provided by the Government, CSD has not provided insurance for PICs. If PICs sustain a certain degree of permanent disability or die due to injuries sustained at work while serving their sentences, the PICs or their representatives may apply to CSD for ex-gratia payment. All eligible cases are handled and approved under the established mechanism.

In the past 5 years, there were 3 applications for ex-gratia payment from PICs on the ground of work injuries. While 2 of them are being processed, the other has been handled with an ex-gratia payment of about \$80,000 granted to the PIC concerned who also filed a civil claim for which the legal proceedings are in progress. Besides, there were 2 cases in which PICs who had sustained injuries at work filed civil claims for damages, and both cases were concluded with out-of-court settlement. The total settlement amount is \$190,000. CSD cannot disclose detailed information about these cases due to the confidentiality agreements.

CSD has formulated a safety management system and associated guidelines in accordance with the Factories and Industrial Undertakings Ordinance (Cap. 59), the Code of Practice on Safety Management issued by the Commissioner for Labour under that Ordinance, as well as the Occupational Safety and Health Ordinance (Cap. 509). These include the establishment of the Departmental Occupational Safety and Health

Steering Committee, the setting up of Occupational Safety and Health Committees and appointment of Occupational Safety and Health Officers in correctional institutions, regular safety audits conducted for correctional institutions, risk assessment of workplaces and work procedures, as well as the provision of training and personal protective equipment to all PICs who engage in work, etc.

4. CSD does not maintain statistics on the number of applications for official visits or the respective numbers of applications approved and rejected.

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