

CSD issues statement regarding treatment of persons in custody

In response to allegations lodged by Legislative Council members Mr Shiu Ka-chun and Dr Fernando Cheung and a discharged person in custody against the disciplinary action that the person in custody had received during his incarceration, the Correctional Services Department (CSD) issued the following statement today (February 26):

The CSD ensures a safe and secure custodial environment for persons in custody by committing to maintaining order and discipline in penal institutions. Therefore, any indiscipline by persons in custody will not be tolerated. When such behaviour is found, the institutional management will commence investigation into the matter in accordance with the law. Should there be a prima facie case, disciplinary action will be taken against the person in custody concerned. During the hearing, the Adjudicating Officer will hear all the evidence cited for the charge, and the accused person in custody has the right to clarify the evidence, cross-examine the reporting officer and any witnesses, make the defence, summon witnesses and submit evidence. Should the Adjudicating Officer find the accused person in custody guilty, punishment will be handed out according to Rule 63 of the Prison Rules.

The person in custody concerned may appeal to the Commissioner of Correctional Services against the ruling and punishment. The CSD has clear instructions and mechanisms for handling the appeal. The CSD is committed to ensuring all appeal cases are handled in a fair and impartial manner.

The CSD attaches great importance to the conduct, integrity and ethics of its staff and issues guidelines from time to time as reference materials for personal behaviour, ethics and discipline. The department will not hesitate to make referrals to other law enforcement agencies if any staff member is found violating the law.

The allegations by the above-mentioned discharged person in custody have already been referred to the Complaints Investigation Unit of the CSD for follow-up action and the investigation is still in progress.

The CSD suggests that individual persons in custody or discharged persons who feel aggrieved by any treatment received during imprisonment should lodge a complaint or air their grievances through various channels including the Complaints Investigation Unit, the visiting Justices of the Peace, the Ombudsman, members of the Legislative Council, the Equal Opportunities Commission or other law enforcement agencies.

The CSD from time to time reviews the complaint handling mechanism with a view to ensuring that complaints are properly dealt with and handles complaints in an open, fair and just manner. To widen the structure of the

CSD Complaints Appeal Board (CSDCAB) and further strengthen the mechanism to scrutinise appeals, the number of members was increased from 10 to 18 in 2018. Apart from Justices of the Peace, religious persons who are acquainted with correctional operations were also appointed. The independence of the CSDCAB ensures that such appeal cases are handled fairly.

The CSD has equipped its staff with the Video Speaker Microphone (VSM) system with an aim of collecting audio and visual information of incidents that occur inside or outside correctional facilities for facilitating investigations into indiscipline or criminal behaviour and the complaints against the CSD and the relevant prosecutions. The CSD has set out clear instructions for staff on the use of the VSM system. The CSD referred the relevant allegations to the Complaints Investigation Unit for investigation together.