

LCQ 13: Persons remanded in custody

Following is a question by the Hon Dennis Kwok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 8):

Question:

It is learnt that as the Lai Chi Kok Reception Centre and the Tai Lam Centre for Women are often full, from time to time male and female persons on remand pending trial need to be transferred to other correctional institutions (e.g. the Stanley Prison). In this regard, will the Government inform this Council, in each of the past five years:

- (1) of the average and maximum length of time for which persons pending trial were held on remand; and
- (2) of the number of persons on remand pending trial who were transferred from the aforesaid centres to another correctional institution because the former were full?

Reply:

President,

The Government's consolidated response to the two parts of the Hon Kwok's question, based on information gathered from relevant departments, is as follows:

(1) The Correctional Services Department (CSD) is responsible for, inter alia, the operation of correctional institutions for the custody of offenders sentenced to imprisonment by the court and persons ordered by the court to be held on remand pending trial. It does not maintain statistics on the average and maximum length of time for which persons pending trial were held on remand in the past five years.

Under section 9D(1) of the Criminal Procedure Ordinance (Cap. 221), a defendant is entitled to be admitted to bail pending trial. A defendant may be refused bail if, as provided under section 9G(1) of Cap. 221, it appears to the court that there are substantial grounds for believing that the defendant would:

- (a) fail to surrender to custody as the court may appoint; or
- (b) commit an offence while on bail; or
- (c) interfere with a witness or pervert or obstruct the course of justice.

In deciding whether or not to refuse bail, the court may have regard to the following factors, as set out in section 9G(2) of Cap. 221:

- (a) the nature and seriousness of the alleged offence and, in the event of conviction, the manner in which the accused person is likely to be dealt with;
- (b) the behaviour, demeanour and conduct of the accused person;
- (c) the background, associations, employment, occupation, home environment, community ties and financial position of the accused person;
- (d) the health, physical and mental condition and age of the accused person;
- (e) the history of any previous admissions to bail of the accused person;
- (f) the character, antecedents and previous convictions, if any, of the accused person;
- (g) the nature and weight of the evidence of the commission of the alleged offence by the accused person;
- (h) any other thing that appears to the court to be relevant.

(2) CSD is committed to providing a secure, safe, humane, decent and healthy custodial environment for persons in custody (PICs) in all correctional institutions.

Generally, CSD detains adult males and females on remand at Lai Chi Kok Reception Centre (LCKRC) and Tai Lam Centre for Women (TLCW) respectively. In order to alleviate the occasional overcrowding situation in these institutions, since August 2016, some male remand PICs were transferred from LCKRC to Stanley Prison, while since January 2017, some female remand PICs were transferred from TLCW to Lo Wu Correctional Institution (LWCI). The numbers of male and female remand PICs transferred to Stanley Prison and LWCI respectively as at the end of the past three years (i.e. 2016 to 2018) are tabulated below:

| Year (As at December 31) | Number of male remand PICs in Stanley Prison transferred from LCKRC | Number of female remand PICs in LWCI transferred from TLCW |
|--------------------------------|---|--|
| 2016 | 201 | — |
| 2017 | 227 | 52 |
| 2018 | 335 | 79 |

CSD will continue its efforts to deploy resources flexibly having regard to the changing penal population, and plan and implement various measures to improve and upgrade ageing facilities (including redeveloping relevant correctional facilities to increase the capacity as necessary).