

CSD issues statement on complaints handling mechanism regarding persons in custody

In response to the press conference held by Legislative Council members Mr Shiu Ka-chun, Dr Fernando Cheung, Mr Charles Mok and several others regarding the complaints handling mechanism of the Correctional Services Department (CSD) and inspection arrangement of Justices of the Peace, etc., the CSD issued the following statement today (March 8) :

The CSD all along attaches great importance to complaints. All persons in custody newly admitted into correctional institutions will be arranged to undergo an induction programme during which the staff will explain to them their rights to make complaints and the various channels of complaints. In addition, through "Information Booklet for Persons in Custody" issued to them and the electronic kiosks located at different places in the institutions, they will learn the details of various complaint channels. Notices on the rights of persons in custody to make complaints are displayed at prominent places in all institutions.

Currently, persons in custody can lodge their complaints through various channels. Internal channels include complaining to the institutional management, directorate officers of the CSD Headquarters during their inspection to the correctional institutions or the Complaints Investigation Unit (CIU) of the CSD. CIU is an independent unit appointed by the Commissioner of Correctional Services which will carry out investigation on each and every complaint case in a fair, impartial and comprehensive manner, or make referral to other law enforcement agencies for follow-up according to its circumstances. As for external channels, persons in custody may write to members of the Legislative Council, The Ombudsman, statutory bodies, other law enforcement agencies or government bureaux, etc. to lodge their complaints. Besides, they can choose to seek assistance from or lodge their complaints to the visiting Justices of the Peace during the latter's surprise inspections to their institutions.

Being the independent watchdog of public administration that vested with the power to investigate complaints against the Government departments, The Ombudsman can request the CSD to provide information to assist their investigation into the complaints or initiate direct investigation of his volition.

Moreover, persons in custody have the right to see their legal advisors. They can also request to see those specified persons prescribed by law, such as members of the Legislative Council and District Councils. Staff members of the CSD will not be present at their interviews with the above persons. Their conversation will not be heard by staff members of the CSD and whether the interview is related to any complaints is also unknown. The CSD handles the letters of persons in custody in accordance with the Prison Rules so as to

protect the privacy of persons in custody where any letter to a specified person, including members of the Legislative Council and The Ombudsman, shall not be read. All the letters to and from a person in custody are handled and properly recorded by the clerical staff instead of staff members of the CSD.

Should persons in custody wish to lodge complaints to the visiting Justices of the Peace, they may request to see the Justices of the Peace alone. The visiting Justices of the Peace may initiate an investigation into the complaint immediately or refer the complaint to other external organisations. Furthermore, the Justices of the Peace may request to visit the institution concerned again outside the period of their tour of duty for follow-up investigation into the complaint. Visits of Justices of the Peace are not arranged by the CSD and the actual date and time of the visits will not be disclosed to the CSD or the institution concerned. The existing mechanism of visits by Justices of the Peace is functioning well and is also an effective system for persons in custody to lodge complaints. Among the 414 visits conducted by the visiting Justices of the Peace in 2018, the CSD received 187 complaints cases lodged by the persons in custody.

Chaplains of the CSD are independent clergymen appointed in accordance with the laws. He shall have access to persons in custody at all reasonable times and the persons in custody can lodge complaints to the Chaplains at any time. The Chaplains have the duty to report any impropriety in the prison which may come to his knowledge.

The CIU of the CSD is appointed by the Commissioner of Correctional Services. It is an investigation unit responsible for handling and investigating complaints of which its operation is independent of other sections of the Department. The findings of the CIU will be submitted to the Correctional Services Department Complaints Committee (CSDCC) for auditing and endorsement. The CSDCC is chaired by the Civil Secretary of the CSD (an Administrative Officer Staff Grade "C"). The complainants may appeal to the Correctional Services Department Complaints Appeal Board (CSDCAB) if they are not satisfied with the findings. The CSDCAB is chaired by the Deputy Commissioner of the CSD and comprises community stakeholders who are familiar with correctional operations. The CSD reviews and enhances the complaints handling mechanism from time to time with a view to increasing the transparency and credibility of the Department in handling complaints in an open, fair and impartial manner. To widen the structure of the CSDCAB and further strengthen the mechanism to scrutinize appeals, the number of members of the CSDCAB was increased from 10 to 18 in April 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 the appeal cases are handled fairly.

The CSD attaches great importance to the conduct, integrity and ethics of its staff. Any staff members found to have breached the law will be dealt with seriously by the CSD.