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1

INTRODUCTION

BACKGROUND

1.1 Justices of the Peace (“JPs”) conduct statutory visits to designated institutions pursuant to the Justices of the Peace Ordinance (Cap. 510, “JP Ordinance”) and other relevant legislation. The JP Visit Programme serves as one of the important and independent channels for persons in custody, detained or hospitalised to express their views and lodge complaints; and as a platform for JPs to make comments and suggestions on ways to improve facilities and service management of the institutions.

1.2 The JP Visit Programme is administered by the Administration Wing of the Chief Secretary for Administration’s Office. JP statutory visits now cover 38 institutions, including correctional institutions under the Correctional Services Department (“CSD”), detention centres of the Immigration Department (“ImmD”) and the Independent Commission Against Corruption (“ICAC”), psychiatric hospitals of the Hospital Authority (“HA”), as well as remand homes, places of refuge, probation homes and reformatory schools of the Social Welfare Department (“SWD”). JPs visit these institutions on a fortnightly, monthly or quarterly basis so as to discharge their statutory visit functions.

1.3 The current JP Ordinance was implemented on 30 May 1997. The Government had reviewed the JP system (including the JP Visit Programme) in 1999. In light of the importance of the Programme and its long years of operation, The Ombudsman launched this direct investigation to examine the operation of and arrangements for JP statutory visits, including the support provided by the relevant departments and organisations before and during JP visits and the follow-up actions afterwards, with a view to making recommendations for improvement where necessary.

PROCESS OF INVESTIGATION

1.4 On 9 July 2021, we launched this direct investigation against the Administration Wing, CSD, ImmD, HA and SWD pursuant to section 7(1)(a)(ii) of The Ombudsman Ordinance. As regards ICAC, since it is not subject to our investigation under The Ombudsman Ordinance (except for cases relating to the Code on Access to Information), the Office has no power to investigate the Commission given the legal

restriction. On 15 July, we issued a press release to invite public views on this topic.

1.5 In total, this Office received more than 160 written submissions from the public. Some members of the public/stakeholders pointed out the possible problems with the JP Visit Programme and made some suggestions; some showed support for the Programme and considered it an effective channel for persons in custody, detained or hospitalised to express their views and lodge complaints, and that the relevant departments were cooperative with JPs' work. Yet, some members of the public/stakeholders raised queries about this direct investigation. We issued another press release on 17 August 2021 to further explain the objectives, factors of consideration and investigation procedures of this direct investigation.

1.6 On 23 November 2022, we issued a draft investigation report to the Administration Wing, CSD, ImmD, HA and SWD for comments, and received their feedback between 13 December 2022 and 9 January 2023. Having considered and duly incorporated their comments, we completed this final report on 31 January 2023.

2

RELEVANT LEGISLATION, OPERATION OF AND ARRANGEMENTS FOR STATUTORY VISITS

RELEVANT LEGISLATION

2.1 JPs are appointed by the Chief Executive pursuant to section 3(1) of the JP Ordinance (Cap. 510). For administrative purposes, JPs appointed by virtue of their holding of certain offices in the public service are often referred to as Official JPs while others as Non-official JPs. As at 31 December 2021, there were 316 Official JPs and 1,500 Non-official JPs. According to section 5 of the JP Ordinance¹, the main function of JPs is to visit custodial institutions or detained persons. At present, the JP Visit Programme covers 112 institutions, and JP visits to 38 of them are statutory. The list of institutions covered by JP statutory visits, the number of visits and the responsible departments and organisations are at **Appendix**.

2.2 JPs conduct visits to various custodial institutions as required by the relevant laws. For instance, they visit prisons under CSD pursuant to the Prison Rules (Cap. 234A); psychiatric hospitals of HA pursuant to the Mental Health Ordinance (Cap. 136); detention centres of ImmD pursuant to the Immigration (Treatment of Detainees) Order (Cap. 115E) and the Immigration Service (Treatment of Detained Persons) Order (Cap. 331C); and remand homes/reformatory schools of SWD pursuant to the Probation of Offenders Ordinance (Cap. 298) and the Juvenile Offenders Ordinance (Cap. 226). The above statutory visits are conducted on a fortnightly, monthly or quarterly basis.

¹ Section 5 of the JP Ordinance provides that the functions of a JP are to visit custodial institutions or detained persons; to take and receive declarations and to perform any other functions under the Oaths and Declarations Ordinance (Cap. 11); and, in the case of a JP appointed under section 3(1)(b), to serve as a member of any advisory panel. A JP shall perform such other functions as may be imposed on him from time to time by the Chief Executive.

2.3 Information provided by the Administration Wing shows that between 2019 and 2021, the numbers of JP statutory visits to institutions under different departments and organisations are as follows:

Table 1 : No. of JP statutory visits to institutions under different departments/organisations

Departments/ Organisations	No. of institutions covered by statutory visits	Total no. of statutory visits		
		2019	2020	2021
CSD	28	399	391	408
ImmD	2	28	25	26
ICAC	1	24	23	24
HA	5	59	5	0
SWD	2	16	15	17
Total	38	526	459	475

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

2.4 In addition to statutory requirements, visits to 74 other institutions are administrative arrangements. These institutions include hospitals under HA; institutions for drug abusers operated by non-governmental organisations under the purview of the Department of Health (“DH”); welfare institutions under the purview of SWD; and charitable organisations providing social services under the purview of the Home Affairs Department (“HAD”). Visits to these institutions are arranged at a quarterly or half-yearly interval.

OPERATION OF AND ARRANGEMENTS FOR JP VISIT PROGRAMME

Appointment of Visiting JPs

2.5 The JP Visit Programme is administered by the Administration Wing. The JP visit system operates on a roster basis. Currently, the Justices of the Peace Secretariat (“JP Secretariat”) of the Administration Wing writes to the Non-official JPs upon their appointment for their preferences with respect to JP visit arrangements, for instance, whether they prefer an Official JP or a Non-official JP as visit partner, and the type of institution they are interested in visiting. They may contact the Secretariat anytime if they wish to change their preferences or raise any views about visit arrangements. Official JPs cannot choose between Official JPs or Non-official JPs as visiting partners or their preferred type of institutions, and they will not be paired up with another Official JP for conducting visits. Based on the information provided by the Administration Wing, the pair-up arrangement of visit partners for JP statutory visits to institutions under various departments/organisations between 2019 and 2021 are shown below:

Table 2: Pair-up arrangement of visit partners for JP statutory visits

Departments/ Organisations	Year	Percentage of each type of pair-up arrangement	
		Non-official JP with Non-official JP	Non-official JP with Official JP
CSD	2019	3%	97%
	2020	7%	93%
	2021	8%	92%
ImmD	2019	-	100%
	2020	4%	96%
	2021	-	100%
HA	2019	2%	98%
	2020	-	100%
	2021	-	-
SWD	2019	6%	94%
	2020	7%	93%
	2021	6%	94%

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

2.6 In order to comply with the statutory requirements, the Administration Wing normally will arrange for two JPs to conduct a visit together. Before a visit, the JPs will first be appointed as visiting JPs by the Administration Wing to ensure that they can discharge their powers and functions² in accordance with the relevant legislation. Two months prior to each visit, the Administration Wing randomly selects two visiting JPs using a computer programme, having regard to such factors as the JPs' preference, their availability for conducting visits during a certain time period, and whether they are physically fit to use a certain mode of transport. The Administration Wing stated that random selection by the computer can assure procedural fairness and objectivity. The Department then sends an appointment letter to the JPs selected, stating the institution they are going to visit and their tour of duty. For example, the tour of duty at correctional institutions is in the first or second half of a month, while that for psychiatric hospitals lasts for a month.

2.7 The appointment letter issued by the Administration Wing also states that in

² According to section 222 of the Prison Rules (Cap. 234A), two visiting justices shall, in company if possible, visit each prison at least once a fortnight and each hostel at least once a month. Section 23 of the Prisons Ordinance Cap. 234 provides that visiting JPs should be appointed by the Chief Executive.

According to section 5 of the Mental Health Ordinance (Cap. 136), two or more mental hospital visitors appointed shall once at least in every month, together inspect the mental hospital. The Ordinance also stipulates that the visitors should be appointed by the Chief Executive.

According to section 42 of the Probation of Offenders Rules (Cap. 298A), every approved institution shall be visited by two visiting justices of the peace, in company if possible, not less than once in every month.

case one of the two visiting JPs, for certain reasons, cannot conduct a visit during the tour of duty, he/she should notify the JP Secretariat as soon as possible so that it can find another JP to conduct the visit in his/her stead. If one of the JPs indicates he/she cannot conduct a visit just immediately before the visit (e.g. because of sickness, leaving town or urgent business, etc.) and the Secretariat cannot instantly find another JP to go instead, the visit would still proceed if the remaining JP is willing to conduct the visit alone.

Information Attached to Appointment Letters Issued by Administration Wing

2.8 Reference materials relevant to the visit will be attached to the appointment letters issued by the Administration Wing. Such materials include an introduction to the institution, a map, the checklists prepared by the relevant department/organisation, a summary of the report of the previous JP visit at the institution, a sample JP Visit Logbook (“Logbook”), relevant guidelines, etc.

Checklists Prepared by Departments/Organisations

2.9 In order to draw JPs’ attention to key areas during a visit, the Administration Wing attaches the checklists prepared by departments/organisations to the appointment letter for JPs’ reference.

2.10 Take HA’s checklist as an example. Not only does the checklist recommend inspection on the general facilities of a hospital, it also highlights the areas that warrant JPs’ attention, such as the hospitals’ medical equipment and facilities, quality and standard of nursing care services, patient data security policies and procedures, and complaint handling procedures.

2.11 The Administration Wing invites departments/organisations biennially to update the checklist for each institution so that JPs can have a better idea of the key areas in advance for more effective inspection. Departments/organisations are also reminded to notify the Administration Wing as soon as possible of any updates to their checklists.

2.12 The last time the Administration Wing invited departments/organisations to review and update their checklists was in 2021. The Ma Tau Kok Detention Centre under ImmD regrouped the key areas during visits for easier evaluation by JPs. The other departments/organisations confirmed that no update to their checklists was necessary after review.

Summary of JP Visit Report

2.13 Furthermore, the Administration Wing attaches a summary of the latest report of JP visit at the institution concerned to the appointment letter issued to JPs for their reference prior to a visit. The summary includes a gist of the complaints, requests and enquiries received (including those already resolved or outstanding), as well as the suggestions and comments raised by JPs during the previous visit, and the follow-up

actions of the institution. The summary can help JPs understand in advance the state of the persons in custody, detained or hospitalised, with a view to monitoring the follow-up actions taken by the departments/organisations.

2.14 Taking CSD as an example, the Administration Wing indicated that CSD institutions normally submit to it the visit report one to two weeks after a visit. The Administration Wing already reminded departments/organisations to provide the latest report to JPs once it is ready. However, since the departments/organisations are not required to send a copy of the updated report prepared for JPs to the Administration Wing, the Administration Wing does not know whether the departments/organisations did actually send the updated reports to the JPs.

JP Visit Logbook

2.15 A sample “Logbook” prepared by the Administration Wing is attached to the appointment letter issued to JPs. JPs are required to complete the Logbook upon completing a visit at an institution. The Logbook records the complaints, requests and enquiries they received during the visit, their directives and suggestions to the institution after meeting the persons in custody, detained or hospitalised, as well as their evaluation, comments and recommendations regarding the facilities and services of the institution. The Logbook will be returned to the institution concerned for follow-up action.

2.16 In 2018, the Administration Wing, in conjunction with all the execution departments/organisations of the JP Visit Programme (including CSD, ImmD, ICAC, HA, SWD, DH and HAD), revised the Logbook for clearer record by JPs of the complaints, requests and enquiries they received, as well as their evaluation of and comments on the institutions. An item was also added to the Logbook so that JPs can confirm whether they have seen all the persons in custody, detained or hospitalised in an institution. The JPs may ask the institution staff to confirm whether they have seen all persons in custody, detained or hospitalised in the institution. If they have not, the institution staff should provide reasons (e.g. whether any persons in custody, detained or hospitalised have been temporarily transferred elsewhere outside on reasonable grounds on the day of visit, such as medical appointment at a hospital outside the institution or court attendance).

Providing Name of JP to Relevant Departments/Organisations

2.17 To facilitate verification of the identity of the visiting JPs by the institutions and for complying with statutory requirements³ the Administration Wing will send to the department/organisation concerned one month before a tour of duty the names of the visiting JPs appointed to conduct visits to their institutions and their duty period (e.g.

³ For example, section 222(2) of the Prison Rules (Cap. 234A) stipulates that the names of the visiting JPs shall be furnished by the Chief Secretary for Administration to the Commissioner of Correctional Services; section 42 of the Probation of Offenders Rules (Cap. 298A) stipulates that the names of the visiting JPs shall be furnished by the Chief Secretary for Administration to the Director of Social Welfare.

within two weeks) without disclosing the actual date and time of visit to the department/organisation concerned.

Dates and Times of Visits

2.18 Taking into account the activity times of the persons in custody, detained or hospitalised, the departments/organisations responsible for the institutions covered by the JP Visit Programme will propose a reasonable time for conducting visits, such that JPs can meet as many persons in the institution as possible during a visit, and listen to their complaints, requests or enquiries. The appointment letter issued to the JPs by the Administration Wing states clearly a reasonable date and time of visit proposed by the departments/organisations for their reference and consideration in arranging the visit.

2.19 Taking correctional institutions as an example, section 222(2)⁴ of the Prison Rules (Cap. 234A) stipulates that all prisons and hostels shall be open to JPs at all reasonable times during their tour of duty. For ordinary prisons and correctional institutions, CSD proposes that JP visits be conducted between 8:30 am and 4:30 pm on Mondays to Fridays (except public holidays) and between 8:30 am and 12:00 noon on Saturdays in order to facilitate observations by JPs of all the daily activities of the persons in custody. As regards half-way houses such as Lai Hang Rehabilitation Centre, Phoenix House and Pelican House, given that most of the persons in custody and residents go to work or school, JPs may not be able to see all of them if the visit is conducted during the daytime. In this light, the institutions propose that the reasonable time for JP visits be between 6:30 pm and 10 pm.

2.20 The Administration Wing indicated that fewer staff members are on duty outside of the aforementioned reasonable visit times. JP visits outside the proposed hours may impact on the operation of the institutions. Notwithstanding this, JPs may follow their own preferences and schedule to conduct visits at any time during their tour of duty. Whether or not JPs conduct visits to institutions during the proposed reasonable times as stated in the appointment letter, the persons in custody, detained or hospitalised in the institutions can still request to meet them during visits in order to raise complaints, requests or suggestions.

2.21 The Administration Wing pointed out that in order to ensure the “surprise” element of JP visits, and hence the effective monitoring of the management of the institutions covered by the JP Visit Programme, the following measures have been put in place:

- remind JPs in each appointment letter that while their tour of duty has been fixed, the actual date and time of their visit should be unannounced;

⁴ Section 222(2) of the Prison Rules (Cap. 234A) stipulates that the names of the visiting JPs shall be furnished by the Chief Secretary for Administration to the Commissioner of Correctional Services and the prisons and hostels shall be open to the JPs at all reasonable times during their tour of duty.

- state in the “Guidelines for Visiting Justices” written jointly with CSD that the actual date and time of JP visits should be unannounced. The “Guidelines for Visiting Justices” will be attached to the appointment letter issued by the JP Secretariat for reference by JPs who are going to visit CSD institutions;
- issue guidelines to Official JPs reminding them to avoid giving advance notice to the institution to be visited; and
- hold briefing sessions each year for newly appointed JPs reminding them of the areas that warrant special attention, including the unannounced nature of visits, and reiterating that the actual dates and times of visits should not be made known to the institution in advance.

2.22 The JP Visit Programme does not impose a time limit on visits. The actual time each visit takes depends on the time for handling the complaints or requests raised by the persons in custody, detained or hospitalised, as well as the time for JPs’ completion of the Logbook.

Transportation Arrangements for Visits

2.23 The Administration Wing stated that under normal circumstances, when an Official JP and a Non-official JP are appointed to conduct a visit together, the Official JP is responsible for, via his/her own department, arranging transportation to the institution concerned. If a vehicle cannot be so arranged, the Official JP may contact the Government Logistics Department (“GLD”) for arranging a vehicle under its Transport Operations Unit. If the said arrangement still cannot be made, the Official JP may choose to rent a vehicle provided by a Vehicle Hiring Contractor of GLD to go to the institution concerned.

2.24 For those institutions at relatively remote locations on outlying islands (including the Hei Ling Chau Correctional Institution and Nei Kwu Correctional Institution, Hei Ling Chau Addiction Treatment Centre and Lai Sun Correctional Institution on Hei Ling Chau), JPs may go by sea through arrangements by the Marine Department (“MD”), or by helicopter arranged by the Government Flying Service (“GFS”). Nevertheless, given the distance between the pier/helipad and the institutions, JPs may contact the institutions upon arrival at the pier/helipad for transportation to and from the institution. The appointment letter issued by the Administration Wing also reminds JPs of this arrangement.

2.25 The Administration Wing asserted that throughout the years, it has been issuing guidelines to Official JPs to remind them that the date and time of their visit should be unannounced, and that they should refrain from giving prior notice to the institution to be visited. Besides, they may choose private or public transport other than Government-arranged transport to go to the institutions. The Administration Wing, GLD, MD, GFS or the Vehicle Hiring Contractors need not give advance notice

to the institution for reservation of parking or berthing space. As such, save for the institutions at remote locations on outlying islands (see **para. 2.24**), JPs need not notify the institution of the actual date and time of their visit, nor do they need transportation arranged by the institution.

2.26 The Administration Wing suggests that JPs notify it when the date of visit is fixed so that it can make immediate arrangements where necessary. For instance, when one of the JPs indicates at very short notice that he/she cannot conduct a visit, the Administration Wing can quickly arrange for another JP to go instead. Such notification, however, is not mandatory. JPs may decide whether to notify the Administration Wing of the actual date and time of their visit.

2.27 As for visits conducted by two Non-official JPs, the Administration Wing will consult them on their preferred transportation arrangements and provide assistance where needed. For visits that the Administration Wing is informed of the actual date and time, the information will be kept confidential and not made known to the institution or the department/organisation concerned.

2.28 The procedures for JP visits to institutions of departments/ organisations under the JP Visit Programme are detailed in Chapters 3 to 6.

Extra Visits

2.29 If a JP wishes to visit an institution again to follow up on the complaints or cases they have received during a visit, he/she can make a remark on the Logbook or raise the request to the Administration Wing by telephone. Upon receipt of the request, the Administration Wing will contact the JP to understand his/her schedule, randomly select a visit partner by computer, and issue an appointment letter to the JPs concerned. If a JP arrives at the institution he/she intends to visit without first notifying the Administration Wing and being appointed as a visiting JP, the institution will contact the Administration Wing to confirm the JP’s identity. The Administration Wing will follow established administrative procedures to verify his/her identity and issue an appointment letter.

Table 3: No. of extra statutory visits requested by JPs outside their tour of duty

Year	No. of extra statutory visits requested by JPs outside their tour of duty
2016	2
2017	4
2018	3
2019	0
2020	1
2021	0

OTHER INFORMATION AND SUPPORT PROVIDED TO JPs BY ADMINISTRATION WING

Briefing Sessions for Newly-appointed JPs

2.30 The Administration Wing arranges briefing sessions every year for newly appointed Official JPs and Non-official JPs to explain the duties and functions of JPs and the operation of the JP visit system. Representatives from departments/organisations will also be present to explain the JPs' statutory duty of conducting visits and the arrangements for visiting their institutions. To ensure that the complaints lodged with JPs by persons in custody, detained or hospitalised are handled in a fair and transparent manner, the briefing sessions also cover the complaint handling mechanism in detail and the role of JPs in complaint handling, i.e. they may handle in person the complaints they receive during a visit, or record the complaints and refer them to the institutions or the departments/organisations concerned for investigation.

2.31 At the briefing sessions, the Administration Wing will specifically remind the JPs that:

- JP visits should be unannounced. The Department reiterates to JPs that they should not notify the institutions concerned of the exact date and time of their visit in advance to ensure effective monitoring of the management of the institutions through the JP Visit Programme;
- they will probably see all the persons in custody, detained or hospitalised during the visits, and they can talk with any one of them; and
- they can request staff of the institution to provide information relating to the institution, and ask them to confirm whether they have seen all the persons in custody, detained or hospitalised. If not, the staff should provide an explanation. For instance, some persons in custody, detained or hospitalised have been temporarily transferred elsewhere on the day of the visit on reasonable grounds (such as for medical appointment at a hospital outside the institution or court attendance)

2.32 In case a newly-appointed JP is unable to attend the briefing session, the Administration Wing will send to him/her by mail a CD-ROM that contains the summary distributed at the briefing session, the presentation slides and information of the institutions for reference. Newly-appointed JPs who have questions before a visit may contact the JP Secretariat, which will explain to them in detail the arrangements for the visit. According to the information of the Administration Wing, the numbers of newly-appointed JPs attending briefing sessions between 2017 and 2021 are tabulated below:

Table 4: No. of newly-appointed JPs attending briefing sessions

Year	No. of newly-appointed JPs	No. of JPs attending briefing sessions
2017	109	72
2018	78	55
2019	82	53
2020	70	48
2021	70	55

Annual Report on Justices of the Peace Visits

2.33 Each year, the Administration Wing publishes an Annual Report on Justices of the Peace Visits (“Annual Report”), giving a detailed account of the institutions visited by JPs in the year past, the complaints, requests and enquiries received during the visits, the relevant follow-up actions, as well the suggestions and comments raised to the institutions by JPs. The Annual Report also elucidates the follow-up actions taken by CSD, ImmD, ICAC, HA and SWD concerning those complaints, requests, enquiries, suggestions and comments. For example, how the departments have resolved the allegations made by complainants by way of site investigation, examination of relevant records and implementation of improvement measures. Such information can serve as reference materials for JPs in handling similar cases.

2.34 The time of publishing the Annual Report in the previous years by the Administration Wing is shown below:

Table 5: Publication time of Annual Report on Justice of the Peace Visits

Year of the Annual Report	Publication time	Time taken to compile the Annual Report
1999 (the first Annual Report)	October 2000	about 10 months
2000	August 2001	about 8 months
2001	June 2002	about 6 months
2002	June 2003	about 6 months
2003	June 2004	about 6 months
2004	July 2005	about 7 months
2005	July 2006	about 7 months
2006	July 2007	about 7 months
2007	July 2008	about 7 months
2008	June 2009	about 6 months
2009	June 2010	about 6 months
2010	May 2011	about 5 months
2011	May 2012	about 5 months
2012	June 2013	about 6 months

Year of the Annual Report	Publication time	Time taken to compile the Annual Report
2013	September 2014	about 9 months
2014	June 2015	about 6 months
2015	September 2016	about 9 months
2016	September 2017	about 9 months
2017	October 2018	about 10 months
2018	December 2019	about 12 months
2019	August 2020	about 8 months
2020	December 2021	about 12 months

JP Newsletters

2.35 Issued by the Administration Wing to all JPs once or twice a year, the JP Newsletter provides updates on the development of the JP system and relevant information, and reminds JPs from time to time of the points to note when conducting visits to institutions, e.g. they should not announce the exact date and time of the visit to the institution in advance, and they can conduct the visit at any reasonable time within their tour of duty, etc. The JP Newsletter also recapitulates the content of the briefing session for newly-appointed JPs, the questions raised by JPs and the response given by the departments and organisations at the briefing.

E-mail communication

2.36 Where necessary, the Administration Wing sends email messages to JPs providing them with the latest information. For instance, in response to media reports in 2017 about juvenile persons in custody being abused in prisons, the Administration Wing sent email messages to JPs who were about to conduct visits to the institutions to remind them of the areas that warranted their special attention, including the points that JPs should note as mentioned in the briefing session (see **para. 2.31**) and that in the interest of privacy, they might choose to talk with persons in custody, detained or hospitalised in private. Under such circumstance, the institution management will make necessary arrangements for the private meeting and provide JPs with the assistance they need.

JP Website

2.37 The JP website⁵ furnishes the public with the information about JPs, including the JP Ordinance, the full list of JPs, the list of newly-appointed JPs, the institutions covered by the JP Visit Programme, the Annual Reports and the JP Nomination Form. It also contains a “Justices of the Peace Zone” accessible only to JPs in which they can read the latest and previous issues of the JP Newsletter, as well as the detailed information about the institutions covered by the JP Visit Programme (including introduction to the institutions, location maps, photographs and the checklists

⁵ The website address is: <http://www.info.gov.hk/jp/>

prepared by the departments/organisations).

Others Avenues for JPs to Raise Comments

2.38 In addition to recording their comments or suggestions on the facilities and services of an institution in the Logbook, JPs may raise their comments to the Administration Wing direct. Between 2017 and 2021, JPs had raised their comments on four cases to the Administration Wing direct. Details are given in the table below:

Table 6: Cases in which JPs raised comments to Administration Wing direct

Year	No. of cases	Details
2017	3	Two JPs and two members of the Legislative Council wrote to the Administration Wing, the Security Bureau, CSD and this Office concerning allegations by juvenile persons in custody about having been abused, and the JPs visit system at correctional institutions. Two JPs also expressed concern about media reports on abuse of juvenile persons in custody. The Administration Wing subsequently replied to the JPs and members of the Legislative Council concerned.
2021	1	A JP received a letter from a person in custody seeking help and complaining against CSD staff. The JP forwarded the email exchanges between him and CSD to the Administration Wing. CSD subsequently referred the case to the Complaints Investigation Unit (“CIU”) for follow-up. It then notified the JP of the result upon completion of the investigation.

COMPLAINTS, REQUESTS OR ENQUIRIES RECEIVED DURING VISITS, AND COMMENTS OR SUGGESTIONS RAISED BY JPs

2.39 Meeting with persons in custody, detained or hospitalised and listening to their complaints, requests and enquiries is a major task of JPs when visiting an institution. They can also give their comments and suggestions on the facilities and services of the institution. In the interest of privacy, JPs may choose to talk with the persons in custody, detained or hospitalised in private. Under such circumstance, the institution management will make necessary arrangements for the private meeting and provide JPs with the assistance they need.

2.40 Complaints lodged with JPs by persons in custody, detained or hospitalised mainly concern their treatment and welfare, as well as the services provided by the

institution concerned. JPs may choose to investigate the complaints in person, or, having considered the nature and complexity of a complaint, refer it to the institution involved or other departments for follow-up. **Table 7** shows the number of complaints received by JPs during visits between 2019 and 2021 and how they were followed up.

Table 7: No. of complaints received by JPs during statutory visits and how they were followed up

Department/ organisation responsible for the institution visited	Year	Complaints investigated by JPs in person	Complaints referred by JPs to the following parties for follow-up				Total no. of complaints
			Institution visited	CIU of CSD	Other government departments	Other organisations	
CSD	2019	74	32	45	4	0	155
	2020	32	37	39	6	0	114
	2021	6	20	64	4	0	94
ImmD	2019	0	12		0	0	12
	2020	0	16		0	0	16
	2021	0	14		0	0	14
HA	2019	8	14		0	0	22
	2020	2	1		1	0	4
	2021	0	0		0	0	0
SWD	2019	0	0		0	0	0
	2020	0	0		0	0	0
	2021	0	0		0	0	0

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

2.41 Furthermore, persons in custody, detained or hospitalised can lodge complaints with JPs on any day in writing. The institution management will transfer the written complaints to the Administration Wing, which will in turn refer the complaints to the relevant department/organisation for follow-up action in accordance with the JPs' directive. If the JPs request background information from the institution staff, inspection of relevant records or documents, or a visit to the institution concerned to follow up on the case, the Administration Wing will provide assistance. Information of the Administration Wing shows that between 2017 and 2021, it had received two written complaints from persons in custody, detained or hospitalised lodged with JPs.

2.42 JPs may also receive requests or enquiries in addition to complaints during visits. They may refer such requests or enquiries to the institution concerned or other departments for follow-up. For instance, JPs may refer requests about medical care and treatment to the institution's medical officer for assessment and recommendation.

For requests for early release, JPs may instruct the institution to explain to the persons in custody the current sentencing and release mechanism.

2.43 For every visit, JPs are required to record in the Logbook their evaluation of the facilities and services of the institution, and provide suggestions or comments, which are normally related to the actual environment, facilities and services of the institution and conducive to improvement in the areas concerned.

2.44 The Administration Wing will ask the department/organisation concerned to inform JPs in writing of the result of investigation or handling of the aforementioned complaints, requests or enquiries, and the suggestions or comments, with a copy to the Administration Wing. If the JPs concerned are satisfied with the result and give no further directives, the department/organisation need not follow up further. If the JPs are not satisfied with the result or the follow-up action taken, the Administration Wing will, in accordance with the JP's directives, refer the case to other organisations for investigation or follow-up. The Administration Wing will also provide support to JPs (such as arranging another visit for them upon their request), or liaise with the department/organisation concerned to ensure proper handling of the case.

2.45 According to the Administration Wing's information, with respect to statutory visits between 2017 and 2021, no JPs expressed dissatisfaction upon receiving the result of follow-up action by departments/organisations.

Case Handling Time of Departments and Organisations

2.46 The Administration Wing pointed out that the case handling time of departments/organisations varies, depending on the nature and complexity of the complaints, enquiries or requests received and the suggestions or comments raised by JPs. For complaints about the services and facilities of institutions, the institutions normally can explain to the complainants the established mechanism and take follow-up action within a shorter time period. Complaints about staff conduct or unfair treatment are more complex and take longer to handle because information from various parties must be collected before an investigation can be launched. Besides, departments/organisations will need a longer time to follow up on JPs' suggestions or comments relating to reconstruction or major renovation projects of an institution. In this light, the Administration Wing deems it inappropriate to set down requirements concerning the timeframe for departments/organisations to complete follow-up actions on the complaints, enquiries and requests referred by JPs or their suggestions and comments. The time taken by the departments/ organisations to complete follow-up action on the complaints, enquiries or requests referred by JPs and their suggestions or comments in recent years is set out in **Tables 8, 9 and 10**.

Table 8: Time taken by departments/organisations to complete investigation into complaints received by JPs during statutory visits

Departments/ organisations	Year	Distribution of cases by time taken to complete investigation (percentage over total no. of cases received by the department/organisation in that year)				Total no. of complaints received by JPs
		Handled or resolved on the spot	Within 1 week	1 week to 1 month	Longer than 1 month	
CSD	2019	74 (48%)	36 (23%)	3 (2%)	42 (27%)	155 (100%)
	2020	32 (28%)	38 (33%)	4 (4%)	40 (35%)	114 (100%)
	2021	6 (6%)	12 (13%)	24 (26%)	52 (55%)	94 (100%)
ImmD	2019	0	11 (92%)	1 (8%)	0	12 (100%)
	2020	0	15 (94%)	1 (6%)	0	16 (100%)
	2021	0	12 (86%)	1 (7%)	1 (7%)	14 (100%)
HA	2019	12 (55%)	2 (9%)	8 (36%)	0	22 (100%)
	2020	2 (50%)	1 (25%)	1 (25%)	0	4 (100%)
	2021	0	0	0	0	0
SWD	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

Table 9: Time taken by departments/organisations to complete follow-up on requests or enquiries received by JPs during statutory visits

Departments/ organisations	Year	Distribution of cases by time taken to complete follow-up (percentage over total no. of cases received by the department/organisation in that year)				Total no. of requests or enquiries received by JPs
		Handled or resolved on the spot	Within 1 week	1 week to 1 month	Longer than 1 month	
CSD	2019	0	105(100%)	0	0	105 (100%)
	2020	0	88 (100%)	0	0	88 (100%)
	2021	0	188 (98%)	0	3 (2%)	191 (100%)
ImmD	2019	0	238 (92%)	22 (8%)	0	260 (100%)
	2020	0	416 (99%)	6 (1%)	0	422 (100%)
	2021	0	463 (98%)	8 (2%)	0	471 (100%)
HA	2019	24 (29%)	37 (45%)	22 (26%)	0	83 (100%)
	2020	0	10 (53%)	9 (47%)	0	19 (100%)
	2021	0	0	0	0	0
SWD	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

Table 10: Time taken by departments/organisations to complete follow-up on suggestions or comments made by JPs during statutory visits

Departments/ organisations	Year	Distribution of cases by time taken to complete follow-up (percentage over total no. of cases received by the department/organisation in that year)				No. of suggestions or comments made by JPs
		Handled or resolved on the spot	Within 1 week	1 week to 1 month	Longer than 1 month	
CSD	2019	27 (100%)	0	0	0	27 (100%)
	2020	18 (100%)	0	0	0	18 (100%)
	2021	30 (100%)	0	0	0	30 (100%)
ImmD	2019	0	9 (100%)	0	0	9 (100%)
	2020	0	16 (94%)	1 (6%)	0	17 (100%)
	2021	0	5 (100%)	0	0	5 (100%)
HA	2019	10 (29%)	4 (11%)	8 (23%)	13 (37%)	35 (100%)
	2020	2 (29%)	1 (14%)	3 (43%)	1 (14%)	7 (100%)
	2021	0	0	0	0	0
SWD	2019	0	4 (44%)	5 (56%)	0	9 (100%)
	2020	0	2 (22%)	7 (78%)	0	9 (100%)
	2021	0	3 (42%)	2 (29%)	2 (29%)	7 (100%)

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

2.47 Tables 8, 9 and 10 show that the departments/organisations could normally complete follow-up on the majority of complaints, enquiries or requests received by JPs during visits, as well as their suggestions or comments, within one month.

Monitoring Case Handling by Departments/Organisations

2.48 The Administration Wing indicated that it has been providing support to JPs so as to help them monitor the handling by departments/organisations of complaints, enquiries or requests received, as well as the suggestions or comments they raised. The Administration Wing believed that departments/organisations will investigate and take follow-up action at once as far as practicable, and reply to the JPs promptly. The time taken by the departments/organisations in recent years to complete follow-up actions and substantively reply to JPs after receiving the complaints, enquiries or requests as well as their suggestions or comments is shown in Tables 11, 12 and 13.

Table 11: Time taken by departments/organisations to substantively reply to JPs after receiving complaints from persons in custody, detained or hospitalised

Department/ organisation	Year	Time taken to substantively reply to JPs after receiving cases (percentage over the total no. of cases received by the department/organisation in that year)			Total no. of complaints received by JPs
		Within 1 week	1week to 1 month	Longer than 1 month	
CSD	2019	22 (14%)	91 (59%)	42 (27%)	155 (100%)
	2020	20 (18%)	54 (47%)	40 (35%)	114 (100%)
	2021	18 (19%)	24 (26%)	52 (55%)	94 (100%)
ImmD	2019	0	12 (100%)	0	12 (100%)
	2020	0	1 (6%)	15 (94%)	16 (100%)
	2021	0	0	14 (100%)	14 (100%)
HA	2019	14 (64%)	8 (36%)	0	22 (100%)
	2020	3 (75%)	1 (25%)	0	4 (100%)
	2021	0	0	0	0
SWD	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions have been temporarily suspended since late January 2020.)

Table 12: Time taken by departments/organisations to substantively reply to JPs after receiving enquiries or requests from persons in custody, detained or hospitalised

Department/ organisation	Year	Time taken to substantively reply to JPs after receiving cases (percentage over total no. of cases received by the department/organisation in that year)			Total no. of enquiries or requests received by JPs
		Within 1 week	1 week to 1 month	Longer than 1 month	
CSD	2019	54 (51%)	49 (47%)	2 (2%)	105 (100%)
	2020	45 (51%)	43 (49%)	0	88 (100%)
	2021	166 (87%)	22 (11%)	3 (2%)	191 (100%)
ImmD	2019	0	233 (90%)	27 (10%)	260 (100%)
	2020	1 (0.2%)	160 (38%)	261 (61.8%)	422 (100%)
	2021	0	0	471 (100%)	471 (100%)
HA	2019	61 (73%)	22 (27%)	0	83 (100%)
	2020	10 (53%)	9 (47%)	0	19 (100%)
	2021	0	0	0	0
SWD	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

Table 13: Time taken by departments/organisations to substantively reply to JPs after receiving their suggestions or comments

Department/ organisation	Year	Time taken to substantively reply to JPs after receiving cases (percentage over total no. of cases received by the department/organisation in that year)			Total no. of suggestions or comments made by JPs
		Within 1 week	1 week to 1 month	Longer than 1 month	
CSD	2019	23 (85%)	4 (15%)	0	27 (100%)
	2020	14 (78%)	4 (22%)	0	18 (100%)
	2021	30 (100%)	0	0	30 (100%)
ImmD	2019	1 (11%)	6 (67%)	2 (22%)	9 (100%)
	2020	0	4 (24%)	13 (76%)	17 (100%)
	2021	0	0	5 (100%)	5 (100%)
HA	2019	14 (40%)	8 (23%)	13 (37%)	35 (100%)
	2020	3 (43%)	3 (43%)	1 (14%)	7 (100%)
	2021	0	0	0	0
SWD	2019	4 (44%)	5 (56%)	0	9 (100%)
	2020	2 (22%)	7 (78%)	0	9 (100%)
	2021	3 (42%)	2 (29%)	2 (29%)	7 (100%)

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late January 2020.)

2.49 Tables 11 to 13 show that in the majority of cases, departments/organisations could complete follow-up action and issue substantive replies to JPs within one month after receiving the complaints, enquiries or requests made by persons in custody, detained or hospitalised, as well as the suggestions or comments put forward by JPs. Taking 2019 as an example, the departments/organisations issued substantive replies to JPs within one month with respect to 147 complaints (78% of all cases of that year), 419 enquiries or requests (94% of all cases of that year), as well as 65 suggestions or comments put forward by JPs (81% of all cases of that years), among which many had the substantive replies issued within one week.

2.50 During the COVID-19 epidemic, work-from-home arrangement implemented by government departments/organisations had impacted on their manpower and resources deployment. Consequently, it took the departments/organisations more time to reply to JPs in writing. Taking ImmD as an example, repatriation efforts were thwarted when, in addition to a reduction in international flights, various countries and regions tightened or even temporarily suspended receiving their nationals due to the epidemic. The number of enquiries or requests from persons detained surged (an increase of 81% from 260 cases in 2019 to 471 cases in 2021) because of impediment in the case progress, resulting in a longer processing time by ImmD.

2.51 The Administration Wing opined that departments/organisations in general can instantly handle cases properly and reply to JPs as soon as practicable without unreasonable delay. Given the varied nature and complexity of cases, the Administration Wing considered setting a timeframe for departments/organisations to issue substantive replies to JPs unnecessary. At present, the Department maintains records on whether the departments/organisations have issued substantive replies to JPs, but it has not set any timeframe for monitoring their case progress or reminded them to expedite and complete follow-up actions. Upon the launch of this direct investigation, the Administration Wing indicated that for cases requiring a longer processing time like more than a month, it will consider urging the departments/organisations to issue an interim reply to JPs to inform them of the case progress.

Cases That Took the Longest Processing Time by Departments/Organisations

2.52 Information of the Administration Wing shows that between 2019 and 2021, the longest time that departments and organisations took to complete actions on complaints, requests or enquiries, as well as suggestions or comments, ranged from one month to about two years (see **Table 14**).

Table 14: Cases that took the longest processing time by departments/organisations

Type of Cases	Case Gist	Time taken to complete follow-up
Complaint	<p>During a JP visit at an institution on 28 January 2021, a person in custody (“the Complainant”) alleged that he had been picked on and maltreated by prison staff. The JPs directed that the case be referred to CIU for follow-up. CIU interviewed the Complainant the following day and conducted an investigation into his allegation.</p> <p>CIU then learned that upon the Complainant’s request, the allegation had already been referred to the Police for handling on 11 January 2021. Police investigation found no concrete evidence. Since investigation into the allegation had already been referred to and completed by a more appropriate and independent third party, viz. the Police, the CIU did not follow up on the case any further. The Complaints Committee of CSD accepted the investigation result regarding the allegation as “investigation terminated”. CIU informed the Complainant of the investigation result in writing on 27 April 2021. The Complainant filed an appeal to</p>	8 months

Type of Cases	Case Gist	Time taken to complete follow-up
	<p>CSD Complaints Appeal Board on 5 May. His application was dismissed. The Board informed him of the appeal result in writing on 27 September. The Complainant raised no further requests or complaints.</p> <p>CSD issued an interim reply to the visiting JPs on 4 February 2021, and reported the investigation result to them on 27 October.</p>	
Request or enquiry	<p>During a JP visit at an institution on 12 May 2021, a person in custody requested that an application document be submitted to the Judiciary. The institution management followed the JPs' directive to explain to the person in custody the established mechanism for submitting application documents to the Judiciary and the institution's follow-up arrangement, and to suggest that he seek assistance from the institution staff where necessary. Upon explanation, the person in custody was satisfied with the arrangement. With assistance from the institution management, the person in custody submitted the application documents to the Judiciary in mid-June 2021.</p>	About 1 month
Suggestion or comment	<p>During a visit at a hospital on 22 January 2020, the JPs expressed concern about manpower arrangement during reconstruction of the hospital, and encouraged the management to strengthen communication with the frontline staff in order to understand their needs and develop a new operation mode, such as more robust hospital-community cooperation. The suggestion was then referred to the management for consideration.</p> <p>To this end, the hospital management and frontline staff held regular meetings to review service needs and resolve frontline issues. In planning the hospital reconstruction, matters of concern of the frontline staff were also taken into consideration. The management would also augment manpower to meet the broader service scope in the future. In response to JPs' suggestion to boost hospital-community cooperation, in 2021, the hospital had organised a programme</p>	About two years

Type of Cases	Case Gist	Time taken to complete follow-up
	<p>jointly with a mutual assistance group formed by persons having recovered from mental illness with the objective of helping patients adapt and re-integrate into the community. Public education seminars would also be held to heighten public awareness of mental recovery.</p> <p>The hospital management had explained to the visiting JPs on the spot the measures taken by the hospital at the time. The hospital had completed implementing the JPs' suggestion and reported case progress to the JPs concerned. Since the JPs' suggestion or comments involved the hospital's long-term policies and future development, and the hospital's reconstruction was still underway, the manpower deployment will be completed by 2025/26. The hospital will keep watch on its service and manpower needs.</p>	

3

CSD's EXECUTION OF STATUTORY VISITS

OVERVIEW

3.1 Sections 222 to 235 of the Prison Rules (Cap. 234A) stipulate the arrangements for JP visits at correctional institutions. Section 222 provides that two visiting JPs shall visit each prison at least once a fortnight, or each hostel at least once a month⁶. The number of visits can be increased should the visiting JPs consider it necessary. Currently, JPs conduct statutory visits regularly to 28 prisons, correctional institutions, half-way houses, drug addiction treatment centres and rehabilitation centres under CSD.

INFORMING PERSONS IN CUSTODY OF THEIR RIGHT TO LODGE COMPLAINTS WITH JPs

3.2 All persons newly admitted to CSD institutions are arranged to attend an induction programme during which they are informed of the right to lodge complaints with visiting JPs. Besides, bilingual notices in Chinese and English are displayed at prominent spots of all correctional institutions stating that persons in custody can raise complaints or reasonable requests to visiting JPs. If they wish to meet the JPs in private, the institution management may make arrangements. In addition, the details of various complaint channels are contained in the Prisoner Information Booklet (printed in 27 languages) provided to the persons in custody upon admission, and available at the information kiosks located at different places in the institutions.

CHECKLIST PREPARED BY CSD

3.3 The checklist prepared by CSD (see **para. 2.9**) suggests that JPs inspect the general facilities like the library and condition of the buildings of an institution, and

⁶ JPs appointed to conduct visits at prisons, drug addiction treatment centres or designated penal institutions have an appointment term of two weeks, whereas those appointed to visit correctional institutions, rehabilitation centres or hostels have an appointment term of one month.

meals provided to persons in custody. It also reminds JPs of items that warrant special attention. For example,

- cases in which a person in custody is in separate confinement or removed from association with other persons in custody and the reasons behind;
- reports of physical injury and emotional harm sustained by persons in custody as a result of disciplinary action or treatment received in an institution;
- to inspect whether the institution has displayed notices about the various complaint channels available to persons in custody, and whether the complaint handling approach is fair and proper; and
- to tender advice and suggestions with respect to the work assignment and employment on discharge of persons in custody.

3.4 The above checklist is attached to the appointment letters sent to the visiting JPs by the Administration Wing for their reference (see **para. 2.8**).

GUIDELINES FOR VISITING JUSTICES

3.5 The Administration Wing and CSD have co-written the “Guidelines for Visiting Justices” detailing the time for conducting JP visits, the procedures upon JPs’ arrival at a correctional institution, arrangement for holding briefings for JPs, meetings between JPs and persons in custody in order to listen to the latter’s complaints, CSD’s complaint handling mechanism, etc. The Administration Wing and CSD had enhanced the part on complaint handling in 2017 to include examples on handling different types of complaints and a flowchart on complaint handling with a view to giving JPs a better understanding of CSD’s complaint handling mechanism and the various approaches to handle complaints. The Guidelines are attached to the appointment letters to visiting JPs for their reference (see **para. 2.8**).

VISIT PROCEDURES

3.6 Each month, the Administration Wing provides CSD with the names of the visiting JPs of the next phase. CSD indicated that whilst the roster of visiting JPs has been confirmed, the exact dates and times of visits will not be announced or made known to the institution concerned in advance so as to boost the effectiveness of “surprise” visits. As such, the institution management does not know the exact dates and times of JP visits.

3.7 For security reasons and in accordance with the rules for other visitors to enter the institution, JPs, upon arrival, must present their identity documents before they can enter the institution. The gatekeeper of the institution will first verify their identity and conduct a security check, then notify the supervisor or deputy supervisor of the institution and the responsible officer so that they can receive the JPs at the gate. Before leading JPs for the visit, the institution staff will briefly introduce the institution and inform JPs whether any persons in custody have asked to meet them (see **para. 3.13**). The JPs may also choose to inspect the institution first before listening to the briefing by the staff.

3.8 The institution management will take the initiative to report such information as the total number of persons in custody early in the morning, the total number of persons in custody at the time of visit, the number of persons in custody who have to be away from the institution temporarily for various reasons, the number of persons in custody locked away in the special unit. This can give the visiting JPs a general idea about the approximate number of persons in custody in the institution that day. When the JPs arrive at a certain location of an institution for inspection, the CSD officer on duty will take the initiative to report the number of persons in custody at that location.

3.9 The institution staff will lead the visiting JPs to inspect every location of the institution where persons in custody are present, including the day activities rooms, workshops, sports ground, visit rooms, kitchen, hospital and the special unit. This is to ensure that every person in custody of the institution (except those who are transferred out of the institution on reasonable grounds like court attendance and medical appointment at a hospital outside the institution, where the CSD officer will explain it to the visiting JPs) has the chance to meet JPs and the right to raise requests or complaints to them. During the visit, the staff will explain the operation of the institution and answer JPs' questions. The staff concerned will make sure that JPs have a chance to see everyone in custody and can talk with them individually or in small groups.

3.10 When the visiting JPs arrive at a location where persons in custody are present, the duty officer will announce loudly in Chinese and English “太平紳士巡視，有要求或投訴舉手” and “JP visit, any request or complaint?” respectively. If a person in custody raises a hand to indicate his/her wish to meet JPs, the staff will, depending on the security risk level of the person in custody concerned and the actual operation of the institution, make arrangement for him/her to meet JPs in the meeting room where they will not be seen or heard by other persons in custody.

3.11 Besides, if a person in custody does not want the institution management to hear his/her complaint, JPs may consider having a private meeting with the person in custody in the meeting room. If JPs choose to do so, the institution will explain to them briefly in advance the risks involved and make corresponding security arrangements to ensure their personal safety⁷.

⁷ CSD indicated that it has not maintained statistics on the mode of meeting between visiting JPs and persons in custody.

3.12 When inspection at a certain location is finished, the staff member will notify the colleagues at the next location that JPs have come to visit, and so on. CSD believes this measure can help ensure the confidentiality of JP visits such that frontline staff will not know the actual date and time of visit.

3.13 In addition to requesting to meet JPs on the spot, persons in custody can also request on any day to meet JPs by registering their requests in a request record book for staff to follow up. The staff will follow up on the request and proactively report the case to the JPs in the next JP visit and arrange for the relevant person in custody to meet them.

3.14 If a person in custody is not in the institution during a JP visit, the institution staff will issue a notification to him/her when he/she returns to the institution, and the person in custody must sign the notification to acknowledge receipt. CSD explains that this measure aims to inform persons in custody that JPs have visited the institution and that if they have any requests or complaints to raise to the JPs, they can do so in writing. The Administration Wing will refer their complaints to the JPs of that tour of duty. This practice can ensure that persons in custody are aware of JPs' visit and their right to raise complaints to them.

3.15 Persons in custody can request to submit written complaints to JPs on any day. The institution management will assist in mailing the complaint letter or statement to the Administration Wing for follow-up (see **para. 2.41**).

3.16 During a visit, JPs may request CSD officers for other information about the institution, or enquire of them to confirm whether they have seen all the persons in custody in the institution. If they have not, institution staff should provide an explanation, such as whether any person in custody has been temporarily transferred elsewhere (e.g. a hospital outside of the institution for medical treatment or court attendance). Special attention should also be paid to persons in custody staying in the institution's hospital, penalised or under separate confinement. Institution staff will make sure that JPs visit the aforementioned areas, and explain to them whether there are persons in custody under separate confinement and provide relevant information, as well as answer their questions on the spot.

3.17 The JPs may inspect the records of any person in custody and other official documents kept by the institution. They may inspect all parts of the institution and, where necessary, be arranged to inspect groups working outside of the institution.

3.18 After each visit, JPs must record in the Logbook whether they have seen all the persons in custody in the institution, any enquiries, requests and complaints made by such persons, as well as their own comments and suggestions.

3.19 Arrangements will be made for JPs to complete the Logbook undisturbed in a room of the institution, and the supervisor of the institution will be present to answer their questions at once. If JPs request the institution staff to leave to facilitate their

discussion, the staff will leave the scene as directed.

HANDLING COMPLAINTS RECEIVED DURING VISITS

3.20 For complaints raised by persons in custody during visits, JPs will conduct preliminary investigations on the spot such as understanding the background information of the case from the institution management, meeting institution staff and the persons in custody, examining relevant records and documents (including the institution's complaint register⁸, previous complaint records and other background information) to determine whether further follow-up action is warranted.

3.21 If JPs consider that the complaints raised by the persons in custody warrant further investigation, they may make directives having regard to the nature and complexity of the complaints. The JPs may conduct further investigations in person; or consider referring the complaints to the institution management, CIU of CSD, other departments or agencies for investigation. Cases involving breaches of the law may also be referred to the relevant law enforcement agencies for investigation.

3.22 If a person in custody complains that CSD staff have used unnecessary force on him/her, JPs should instruct the supervisor of the institution to arrange a physical examination for the complainant and take appropriate follow-up actions (e.g. referring the case to the Police for investigation).

CSD's Complaint Handling Mechanism

3.23 CSD stated that the CIU of the Department is an investigating unit appointed by the Commissioner and operates independently of other units of the Department. Visiting JPs may refer complaints about the treatment and rights of persons in custody, or misconduct or abuse of power by staff, to CIU for investigation. Persons in custody can also request a meeting with the representative of CIU. Upon receipt of the request, CIU will normally meet the person in custody concerned to take a statement within the next working day and complete the investigation report within 18 weeks. The CSD Complaints Committee⁹ is responsible for reviewing CIU's findings and making decisions accordingly. If the Committee is dissatisfied with the investigation outcome, it will instruct CIU to investigate the case afresh. If the Committee accepts the investigation outcome, CIU will notify the complainant.

⁸ Normally, the register contains the date of complaint, information about the complainant/complaine, content of the allegation, the investigation outcome, etc.

⁹ Chaired by the Civil Secretary of CSD, the CSD Complaints Committee comprises the Assistant Commissioner of Correctional Services (Quality Assurance), a Chaplain and four senior staff officers of the CSD Headquarters.

3.24 Any person in custody dissatisfied with the CIU’s investigation outcome may appeal to the CSD Complaints Appeals Board¹⁰ within 14 days for a final decision.

Notification of Investigation Results

3.25 For all cases investigated by the institution or CIU, upon completion of any subsequent appeal process, CSD will notify the visiting JPs concerned in writing of the complaint handling method and investigation results. If JPs are dissatisfied with the results and/or follow-up actions taken by the institution, they may require the case to be returned to CSD or referred to other organisations for investigation.

3.26 As for notifying persons in custody of investigation results, the results of cases handled by CIU will be related to the persons in custody concerned in writing, while results of the cases investigated by the institution will be explained in detail to the persons in custody direct by the institution staff upon completion of the investigation. The staff will clarify any questions of the persons in custody immediately. Information about the meeting, including the person in custody’s response, will be recorded in the his/her penal records. The person in custody can apply for a copy of the record as necessary. CSD explains that as frontline staff handle a large number of verbal or written requests or complaints from persons in custody every day, verbal notification to persons in custody of the investigation results can save them administrative work.

3.27 Regarding complaints received by JPs during statutory visits in recent years, the percentage of cases in which CSD issued a written response to the complainant rose from 29% in 2019 to 34% in 2020, then 68% in 2021 (see **Table 15**). The number of cases in which a written reply was issued was the same as the number of cases received by CIU via visiting JPs in the relevant years (see **Table 7**).

Table 15: How CSD replied to complainants regarding complaints received by visiting JPs

Complaint type	Mode of replying to complainants	Number (percentage)		
		2019	2020	2021
Treatment and welfare	Verbal	48	33	9
	Written	20	21	23
Services of institutions	Verbal	27	20	3
	Written	9	6	23
Staff attitude and conduct	Verbal	1	3	3
	Written	9	10	16
Facilities and equipment provided by institution	Verbal	7	3	0
	Written	2	0	0

¹⁰ Chaired by the Deputy Commissioner of Correctional Services, the CSD Appeal Board comprises non-official members *viz.* persons from the community who are familiar with CSD’s operations (such as JPs and religious figures).

Complaint type	Mode of replying to complainants	Number (percentage)		
		2019	2020	2021
Disciplinary action	Verbal	5	5	8
	Written	1	1	2
Complaints against other departments/organisations	Verbal	11	5	4
	Written	0	0	0
Others (e.g. harassment by other persons in custody)	Verbal	11	6	3
	Written	4	1	0
Total	Verbal	110(71%)	75(66%)	30(32%)
	Written	45(29%)	39(34%)	64(68%)
	Total	155	114	94

HANDLING REQUESTS OR ENQUIRIES RECEIVED DURING VISITS, AND JPs' COMMENTS OR SUGGESTIONS

3.28 When a person in custody raises a request or enquiry to visiting JPs, the latter will assess the nature of the request or enquiry and instruct the institution to provide an explanation and/or assistance to the person in custody as appropriate. After the instruction is complied with, CSD will report in writing to JPs on the follow-up actions and results. JPs may give further directives to CSD if they are dissatisfied with the arrangements or results.

3.29 In addition, after each visit, JPs may make suggestions or comments on the facilities and services of the institution, and CSD will take follow-up action and report the implementation progress or results to the JPs in writing. Similarly, if JPs are dissatisfied with the progress or results, they may give further directives to CSD.

TIMEFRAME FOR HANDLING CASES

3.30 Save for the requirement that CIU must complete the investigation report on a complaint within 18 weeks (see **para. 3.23**), CSD has not set any timeframe for completing investigation or follow-up action on the complaints, enquiries, or requests referred by JPs, or their suggestions or comments. CSD believes that the time required for investigation or follow-up action depends on the nature and complexity of each case, and, therefore, can hardly be generalised.

4

ImmD's EXECUTION OF STATUTORY VISITS

OVERVIEW

4.1 According to section 16 of Schedule 1 to the Immigration (Treatment of Detainees) Order (Cap. 115E) and section 18 of the Immigration Service (Treatment of Detained Persons) Order (Cap. 331C), the Castle Peak Bay Immigration Centre (“CIC”) and the Ma Tau Kok Detention Centre (“MTKDC”) under ImmD shall facilitate JPs appointed by the Chief Executive so that they can visit detainees and satisfy themselves that detainees are held in accordance with the law. Currently, JPs conduct bi-weekly and quarterly statutory visits to CIC and MTKDC respectively.

INFORMING DETAINEES OF THEIR RIGHT TO LODGE COMPLAINTS WITH JPs

4.2 Upon admission to ImmD’s detention centres, all detainees are given written notification of their rights and the complaint channels available during detention, including the right to complain to visiting JPs if they are dissatisfied with their treatment or detention arrangements. This notification is included in the “Information Leaflet for Detainees at Castle Peak Bay Immigration Centre” and “Notice to Person Detained” issued by ImmD to detainees at CIC and MTKDC respectively. In addition to Chinese and English versions, the booklets are also available in 27 different languages to ensure that detainees speaking different languages understand their rights.

4.3 Furthermore, CIC has posted notices informing detainees that they can request CIC staff to arrange individual meetings with JPs during their visits. Upon our intervention and investigation, MTKDC has also revised its notices. Since January 2022, the revised notice has been posted in the Centre to inform detainees that they can raise complaints or requests to visiting JPs and request an individual meeting with them.

CHECKLIST PREPARED BY ImmD

4.4 The checklist prepared by ImmD (see **para. 2.9**) aims to remind JPs of the areas to heed when visiting its detention centres, such as:

- whether the detainees have sufficient daily necessities;
- whether the detainees' properties are properly kept;
- whether the body search procedures are carried out in accordance with the guidelines and the relevant records properly kept;
- whether outside contact arrangements have been made for detainees and they are allowed to be visited;
- whether notices of complaint channels available to detainees have been displayed/detainees have been notified of the complaint channels, and whether complaints have been fairly and properly handled; and
- special attention to be paid to detainees in separate confinement or being removed from association.

4.5 The above checklist is attached to the appointment letter issued by the Administration Wing to the JPs for their reference (see **para. 2.8**).

VISIT PROCEDURES

4.6 JPs need not give prior notice before visiting CIC and MTKDC. The staff of those two centres, therefore, do not know in advance the exact dates and times of JP visits. The Administration Wing regularly informs ImmD in writing of the names of JPs who will conduct statutory visits at its detention centres in the coming month or quarter.

4.7 ImmD staff would check the identities of the visiting JPs against the name list provided by the Administration Wing. Upon arrival at an ImmD detention centre, JPs will produce identification documents for verification by the staff.

4.8 Before a visit commences, the Chief Immigration Officer of the detention centre or the officer-in-charge assigned by him will brief JPs about the facilities, services and management of the centre, as well as the items on the checklist prepared by ImmD that warrant attention during the visit. The staff will also report to JPs the total number of detainees and their general distribution that day. Staff members at different locations of the detention centre will immediately notify detainees under their responsibility in person to ensure that detainees engaged in activities at different locations know that JPs will visit soon. Meanwhile, all detainee movements will be

suspended as far as practicable so that the staff can conduct a headcount and further provide JPs with the number of detainees temporarily away from the detention centre and the reasons for their absence.

4.9 Detention centre staff will lead JPs to inspect different locations of the centre and meet all the detainees. The facilities to be inspected include the isolation detention rooms, kitchen, laundry room and hospital in CIC (some of these facilities are not provided in MTKDC). During the visit, centre staff will explain and show to JPs the facilities and supplies for the detainees' everyday use, and answer their questions to help them understand the day-to-day operation of the centre.

4.10 For each location that JPs visit, the detention centre staff will report to them the number of detainees there. They will also announce in Chinese and English along the way that JPs are visiting and that detainees can raise requests or complaints to JPs on the spot if necessary. Immigration officers will arrange for the detainees to meet JPs, including private meetings upon request. In general, if detainees request a private meeting with JPs and with JPs' consent, immigration officers will arrange for them a private meeting in the centre's meeting room. No immigration officers will be present at the meeting¹¹.

4.11 In addition, detention centre staff will inform JPs of the number of and reasons for detainees not being in the centre during the visit (e.g. for treatment at hospital, attending court hearings, meeting with consulate staff, etc.). Where necessary, the staff will provide operational records of the centre for JPs to verify the number of detainees on site. After the visit, the staff will also verbally inform the detainees who were away that day of the JP visit. If they request to meet JPs, centre staff will make arrangements as far as practicable, or provide assistance as requested, including lodging requests or complaints with JPs in writing.

4.12 If detainees request to meet the JPs at a time outside of their visits, the detention centre staff will explain to them the current arrangements for JP statutory visits, inform them that they can raise complaints or requests by writing to JPs or through other channels. The staff will look into the detainees' requests for timely follow-up. If detainees wish to submit written complaints to JPs, ImmD officers will help them post the letters and make a record in the relevant mail register in accordance with the current mechanism.

4.13 At the end of the visit, detention centre staff will arrange for JPs to complete the Logbook in the meeting room or a separate room so that they can record the complaints, requests and enquiries received during the visit, as well as their evaluation, suggestions and comments on the environment, facilities, equipment and service quality of the detention centre. The staff will ask JPs if the staff have to be present to provide assistance. If not, the staff will leave the scene to allow JPs to complete the Logbook

¹¹ ImmD indicated that between 2019 and 2021, CIC had made arrangements for private meetings between detainees and JPs but it did not keep record on the number of such private meetings. MTKDC did not receive any requests for private meetings.

by themselves.

HANDLING COMPLAINTS RECEIVED DURING VISITS

4.14 JPs may probe into or investigate any complaints received on the spot. The staff of ImmD detention centre will provide assistance at JPs’ request, including furnishing them with background information during or after the visit, helping them to inspect relevant records and documents, and arranging meetings between the JPs and the detainees.

4.15 In addition to investigating by themselves, JPs may refer complaints to ImmD or other departments for follow-up or investigation. If JPs decide to refer a complaint to ImmD’s detention centre for follow-up, according to section 15 of Schedule 1 to the Immigration (Treatment of Detainees) Order, the Superintendent of CIC shall record and investigate the complaint as soon as practicable and inform the complainant of the investigation result, and report to JPs in writing. In addition, according to section 13 of the Immigration Service (Treatment of Detained Persons) Order, the staff at MTKDC shall report the complaints to the Assistant Principal Immigration Officer as soon as possible, make a record and follow up on the complaints.

Notification of Investigation Results

4.16 Upon completing the follow-up action or investigation of a complaint, the detention centre staff will give a verbal reply to the detainee and at the same time confirm that the detainee has no further enquiries or requests. ImmD stated that overall speaking, once detainees learn that the detention centre has followed up on their complaints, they will not require a written reply separately. However, if the complainant clearly requests a written reply, then ImmD will make arrangements having regard to the actual circumstance. Actually, ImmD’s written replies to JPs cover how the results of the investigation were related to the detainee (verbally or in writing) who filed the complaint.

4.17 For complaints received by JPs during statutory visits between 2019 and 2021, ImmD replied to all the complainants verbally (see **Table 16**).

Table 16: How ImmD replied to complainants regarding complaints received by JPs

Complaint Type	Mode of reply to complainants	Number (percentage)		
		2019	2020	2021
Treatment and welfare	Verbal	2	0	2
	Written	0	0	0
Services of institutions	Verbal	8	8	3
	Written	0	0	0

Complaint Type	Mode of reply to complainants	Number (percentage)		
		2019	2020	2021
Staff attitude and conduct	Verbal	1	1	2
	Written	0	0	0
Facilities and equipment of institution	Verbal	0	4	4
	Written	0	0	0
Others (such as not informed of the reason(s) for detention)	Verbal	1	3	3
	Written	0	0	0
Total	Verbal	12(100%)	16(100%)	14(100%)
	Written	0	0	0
	Total	12	16	14

HANDLING REQUESTS OR ENQUIRIES RECEIVED DURING VISITS, AND JPs' COMMENTS OR SUGGESTIONS

4.18 For requests or enquiries raised by detainees that involve the detainee's own case, such as enquiring about the case progress, requesting a meeting with the case officer, requesting to be released on bail or be repatriated as soon as possible, ImmD staff will notify the relevant case officer to follow up as soon as possible upon receipt of JPs' referral, and will report to JPs in writing.

4.19 If the requests or enquiries concern the detainees' treatment at the centre or their welfare, or the services or facilities of the detention centre in question, they will be referred to the responsible officers having regard to their nature. In addition, if a detainee in CIC requests or enquires about the medical services of the Centre, the staff will arrange for the medical officer on-duty to examine his/her health conditions as soon as possible, provide appropriate treatment, explain to him/her in detail the diagnosis and prescribe medicines, etc. Depending on the detainee's condition and need, the medical officer will also decide whether to refer the detainee to a public hospital or specialist clinic for treatment. MTKDC currently does not have medical services. If detainees have medical requests, the staff will arrange for them to be sent to a hospital for treatment. Related follow-up work will be reported in writing to the JPs concerned.

4.20 Regarding JPs' evaluation, suggestions or comments on the facilities and services of ImmD's detention centres recorded in the Logbook, if they involve the building structure or other facilities, ImmD will discuss follow-up arrangements with the relevant departments. If the suggestions or comments are related to the day-to-day operation of the detention centres, the officer-in-charge of the centres will follow up as appropriate. Related follow-up work will also be reported to JPs in writing.

TIMEFRAME FOR HANDLING CASES

4.21 At present, ImmD has not set any timeframe for completing investigation or follow-up action on complaints, enquiries or requests referred by JPs as well as their own suggestions or comments. ImmD stated that detention centre staff will take immediate follow-up action upon receiving JPs' referral and will report to them in writing the details and times of all follow-up work. For instance, in 2020, for most of the complaints, enquiries or requests received by JPs and their suggestions or comments, centre staff completed all follow-up work within a week (see **Tables 8, 9 and 10**).

5

HA'S EXECUTION OF STATUTORY VISITS

OVERVIEW

5.1 Section 5 of the Mental Health Ordinance (Cap. 136), which provides for the visits of psychiatric hospitals by JPs, stipulates that two or more JPs appointed shall jointly inspect every part of the psychiatric hospitals of which they are visitors at least once a month. They should see and examine, so far as circumstances permit, every patient therein and shall enter in a book to be kept for that purpose any remarks which they may deem proper with regard to the management and condition of the hospital and the patients therein. At present, JPs conduct statutory visits once a month at the Castle Peak Hospital ("CPH"), Kowloon Psychiatric Observation Unit of Kowloon Hospital, Kwai Chung Hospital, New Territories East Psychiatric Observation Unit of Tai Po Hospital, and Pamela Youde Nethersole Eastern Psychiatric Observation Unit of Pamela Youde Nethersole Eastern Hospital.

INFORMING HOSPITALISED PERSONS OF THEIR RIGHT TO LODGE COMPLAINTS WITH JPs

5.2 Currently, hospitals notify through various channels hospitalised persons of their right to lodge complaints, requests or enquiries with JPs, including informing hospitalised persons in the "Admission Notice/Introduction" distributed to them the arrangement for regular JP visits, and that they can express their views to JPs; posting visit notices in the wards; staff verbally informing the hospitalised persons when visiting JPs arrive that they can talk with or meet JPs. The above documents are currently available in Chinese and English only. Should hospitalised persons using other languages need translation, they can inform the ward staff, who will then provide assistance.

CHECKLIST PREPARED BY HA

5.3 HA has prepared a checklist highlighting the major areas relating to patient

services and safety for JPs' reference during visits at the psychiatric hospitals (see **para. 2.9**). The major areas include:

- whether the hospital provides appropriate medical equipment and facilities;
- attitude and professional competence of relevant staff;
- environment and facilities of the hospital and wards;
- quality and standard of nursing care services; and
- policies, procedures and organisation relating to patient safety, risk management, patient data security, and handling of complaints from patients and the public.

5.4 The above checklist is attached to the appointment letter issued by the Administration Wing to the visiting JPs for reference (**para. 2.8**).

5.5 Some areas on the checklist only come with a general title (e.g. "policies, procedures and organisation relating to patient safety, risk management and patient data security") and do not explain how JPs should evaluate them during visits. HA stated that it would review the checklist in due course to provide more explanation as far as possible. During JP visits, the hospital concerned will provide relevant explanation and information in response to JPs' questions and requests. For instance, it will provide guidelines, indicators, records, etc. to assist visiting JPs in making assessments and writing up visit records.

VISIT PROCEDURES

5.6 The HA Headquarters receives from the Administration Wing every month a notification that contains the tour of duty and names of JPs visiting various hospitals, but not the exact dates and times of the visits. HA will forward the notification to the hospitals, which will only know of the actual visits upon the JPs' arrival.

5.7 When the visiting JPs arrive at the hospital's enquiry counter and identify themselves, the staff will immediately notify the Hospital Chief Executive or an officer authorised by him/her to receive them. The staff will also ask for the JPs' business cards to verify their identity and ensure that they match the list of visiting JPs issued by the Administration Wing earlier.

5.8 The five psychiatric hospitals have established procedures to assist JPs to conduct statutory visits. Before a visit begins, the Hospital Chief Executive or an officer authorised by him/her will briefly introduce the hospital's services and the nature of persons hospitalised, and provide previous JP visit records for JPs to inspect and determine whether any matters warrant further follow-up action.

5.9 After a briefing on the hospital services, the hospital staff will provide JPs with information of all the gazetted wards¹², such as the nature of the wards, the number of beds, the utilisation status, the number of hospitalised persons in each ward, the number of people temporarily away from the hospital, previous JP visit records, and whether any hospitalised persons have requested to meet JPs. JPs will then decide on where to visit. It is for JPs to decide whether or not to visit all the wards, and normally most hospitals will not proactively make any visit suggestions. Due to time constraints of JP visits, JPs generally only visit gazetted wards but not all the wards within the hospital. Before the visit begins, the hospital will notify the staff of the selected wards.

5.10 HA stated that visit suggestions and arrangements may vary slightly, depending on the size and operation of individual psychiatric hospitals. For example, CPH, a large hospital, has over 700 hospitalised persons distributed across 24 gazetted wards located in different buildings. To facilitate JPs' visits, CPH will provide suggestions on visit locations, which are made on the principle that at least one JP visit per year will be arranged for each ward. The suggestions are purely referential, and JPs may decide on their own and change the visit arrangements anytime. Moreover, considering the large number of hospitalised persons and their dispersion, CPH will not notify the hospitalised persons of the wards not selected by JPs for visit.

5.11 When JPs enter a ward, the staff will report the number of people that the ward should have and the number of people temporarily away. They will also notify the ward staff and the hospitalised persons of the JPs' visit. The hospitalised persons can raise complaints, requests or enquiries to JPs on the spot. If a hospitalised person has already requested a meeting with JPs before the visit, the hospital will make arrangements during the visit accordingly.

5.12 HA stated that, as the hospitals do not know in advance the exact date and time of a JP visit, it is operationally difficult to notify immediately those hospitalised persons who are temporarily away from the hospital of the JP visit. When these hospitalised persons return to the ward, the staff will not inform them that JPs have visited. Upon the launch of this direct investigation, HA agreed to adopt improvement measures (see **para. 5.25(3)**).

5.13 If a hospitalised person demands to raise views or complaints to JPs, the staff will arrange a meeting for them in a suitable room. If a hospitalised person requests a private meeting with JPs, the staff will appraise his/her mental state, reflect the assessment and make suggestions to JPs, as well as explain the potential risks for JPs to decide. The hospital will act on JPs' decision and arrange the meeting under safe circumstances¹³. If there is safety concern or need, the meeting may be conducted in

¹² According to section 3 of the Mental Health Ordinance, the Chief Executive may by order published in the Gazette declare any place which is the property of the Government to be a mental hospital for the detention, custody, treatment and care of mentally disordered persons. The Ordinance stipulates that patients detained by the law for observation and treatment must be admitted to wards published in the Gazette.

¹³ HA indicated that between 2019 and 2021, the JPs had not talked or met with any hospitalised persons in private during visits at the five psychiatric hospitals.

the staff's presence with the consent of the hospitalised person and the JPs. For the sake of safety, the hospital does not recommend that JPs meet in private with hospitalised persons who are mentally unstable or who manifest violent or suicidal tendencies.

5.14 HA considers that, given the constantly changing condition of psychiatric hospitalised persons, if a hospitalised person requests a private meeting with JPs but is ultimately denied one due to unfavourable clinical assessment, his/her emotions and clinical treatment may be affected. Upon weighing the various factors, HA considers it inappropriate to specify that hospitalised persons can request a private meeting with JPs.

5.15 In addition, if a hospitalised person makes any complaints or requests during their stay at the hospital, the staff of the ward will first understand the complaint or request for the hospital to handle direct in due course. If a hospitalised person requests to express opinions directly to JPs or submit a written complaint to them, the hospital will suggest that he/she raise it when JPs visit the hospital. The request will be recorded if he/she so wishes.

5.16 Upon completing a visit, JPs will be left alone to complete the Logbook. The record will include the requests, enquiries and complaints raised by hospitalised persons, as well as items requiring follow-up. Hospital staff will not be present unless otherwise requested by JPs to provide assistance.

5.17 In response to the development of the COVID-19 epidemic, HA activated the "Emergency Response Level" in early 2020 and implemented a series of infection prevention and control measures in public hospitals. The arrangements for JP statutory visits to public hospitals had been suspended since 29 January 2020.

HANDLING COMPLAINTS, REQUESTS OR ENQUIRIES RECEIVED DURING VISITIS, AND JPs' COMMENTS OR SUGGESTIONS

5.18 Regarding the complaints, requests or views raised by hospitalised persons during their meetings with JPs, hospital staff will listen to them and provide information or assistance at once where appropriate. The requests or views will be recorded and referred to the relevant departments for processing as and when necessary.

5.19 If JPs decide to personally investigate a complaint lodged by a hospitalised person, the hospital will take appropriate action by providing the relevant records and documents during the visit. If information is not readily available, the hospital will reply in writing afterwards. If JPs instruct the hospital management to follow up on or investigate a complaint, the hospital will enquire of its department head concerned in order to understand the incident and conduct an investigation, and request the department head to submit a report.

5.20 Upon completion of follow-up action on a complaint, request or view recorded in the Logbook, the hospital will reply to JPs in writing regarding the follow-up work and investigation result. The ward staff concerned will also notify the hospitalised person of the follow-up action on the issues raised.

Notification of Case Handling Result

5.21 Normally, the hospital responds in the same manner (verbally or in writing) that the complaints, requests or enquiries are raised by hospitalised persons. As the issues raised by hospitalised persons are usually related to the ward's day-to-day services and arrangements (such as meals and facilities), the hospital will generally respond by way of actual actions or verbally inform them of the investigation results, so that both parties can immediately raise follow-up issues for handling. If a hospitalised person requests a written reply, hospital staff will provide a written response as requested. If a hospitalised person's complaint or request involves clinical matters, including treatment plans and discharge requests, the staff will record them in his/her medical record file.

5.22 Regarding the complaints received by JPs during statutory visits between 2019 and 2021, in the majority of cases HA responded to the complainants in writing (see **Table 17**).

Table 17: How HA replied to complainants regarding complaints received by JPs

Complaint Type	Mode of reply to complainants	Number (percentage)		
		2019	2020	2021
Treatment and welfare	Verbal	0	0	0
	Written	3	1	0
Services of institutions	Verbal	0	0	0
	Written	2	0	0
Staff attitude and conduct	Verbal	1	0	0
	Written	9	1	0
Facilities and equipment of institution	Verbal	1	0	0
	Written	2	0	0
Complaints targeting other departments/ organisations	Verbal	0	1	0
	Written	1	0	0
Others (e.g. inappropriate behaviour of other patients)	Verbal	0	0	0
	Written	3	1	0
Total	Verbal	2(9%)	1(25%)	0
	Written	20(91%)	3(75%)	0
	Total	22	4	0

(Note: In view of the development of the COVID-19 epidemic and public health considerations, JP visits to HA institutions had been temporarily suspended since late

January 2020.)

TIMEFRAME FOR HANDLING CASES

5.23 Given the varied nature and complexity of cases, HA currently has not set down any timeframe for hospitals to complete investigation or follow-up action on the complaints, enquiries, suggestions or views referred by JPs. Experience and records show that the hospitals invariably started investigation or follow-up action as soon as possible upon receiving JPs' referrals. Save for a small number of cases involving manpower, service planning or ward improvement works which needed more time to handle, most cases could be completed within one month. For complicated cases requiring a longer processing time, the hospitals would regularly report the case progress to the Administration Wing and JPs until the follow-up actions were completed.

HA's PROACTIVE REVIEW TO ENHANCE ARRANGEMENTS FOR STATUTORY VISITS

5.24 Upon commencement of this direct investigation, HA took the initiative to inform us that it would review and enhance the arrangements for JP statutory visits. It subsequently invited us to a meeting to exchange views on the matter. HA, having conducted a review, proactively pointed out that while JPs currently only inspect some but not all the wards in CPH due to time constraints (see **para. 5.10**), the fact that hospitalised persons in the wards not selected for visit would not be notified of the JP visit is undesirable. In this light, HA decided to implement improvement measures (see **para. 5.25(2)**).

5.25 We are glad that upon review, HA had decided to implement the following improvement measures:

- (1) align the content of the Admission Notice and notices posted in the wards of the five psychiatric hospitals to inform hospitalised persons of the arrangements for JP statutory visits (see **para. 5.2**). This exercise was completed in the third quarter of 2022.
- (2) Upon arrival of JPs, the five psychiatric hospitals will, either via the public address system or by telephone to the ward staff¹⁴, inform all hospitalised persons that a JP visit is about to start, with a view to protecting their right to raise complaints, requests or views to JPs. Hospitalised persons who wish to meet JPs can voice the request for the

¹⁴ Certain wards of the Kwai Chung Hospital do not have a public address system and, therefore, the ward staff must be informed of a JP visit over the telephone before notifying the hospitalised persons of their wards. The other four psychiatric hospitals will make the announcement via the public address system, such that all hospitalised persons at different locations of the hospital will learn of the JP visit.

hospital to make arrangements. However, given the large number of statutory hospitalised persons in CPH and their dispersion across the buildings, as well as the limited time of JP visits, even if only a small number of hospitalised persons request to meet JPs and the staff manage to make immediate manpower deployment, the hospital would still have to consider the actual operational arrangements and whether the JPs have sufficient time to meet all the hospitalised persons who have requested a meeting with them.

- (3) For hospitalised persons who are temporarily away from the ward on the day of a JP visit, the staff will inform them of the JP visit upon their return to the ward (except those who are given home leave¹⁵).
- (4) Update and enhance the key areas on the checklist, including hospital facilities and environment, patient service quality, patient safety and communication, etc. Explanatory notes and key items will also be added. The updated checklist was issued to the hospitals and medical organisations under HA for reference on 21 July 2022, and will be used once JP statutory visits to public hospitals resume.

5.26 HA has acted on advice and taken the initiative to implement a series of improvement measures regarding JP statutory visits. We consider its positive attitude commendable and exemplary.

¹⁵ HA stated that those hospitalised persons whose condition are more stable will be granted home leave to facilitate their adaptation after discharge. The duration of home leave is rather long, and those persons can seek to raise any complaints or views via other channels available in their respective communities. As such, upon their return to the ward after the leave, the hospital will not inform them of the JP visit.

6

SWD's EXECUTION OF STATUTORY VISITS

OVERVIEW

6.1 The JPs' statutory power to conduct visits at the remand homes, places of refuge, probation homes and reformatory schools of SWD comes from section 4¹⁶ of the Protection of Children and Juveniles (Places of Refuge) Regulations (Cap. 213A); section 14¹⁷ of the Reformatory Schools Ordinance (Cap. 225); sections 18 to 20¹⁸ of the Reformatory School Rules (Cap. 225B); section 17(3)¹⁹ of the Juvenile Offenders Ordinance (Cap. 226) and sections 42²⁰ to 52 of the Probation of Offenders Rules (Cap.

¹⁶ According to section 4 of the Protection of Children and Juveniles (Places of Refuge) Regulations, all places of refuge and any register kept therein pursuant to these regulations shall be open to inspection at any reasonable hour by the Director of Social Welfare or by any person so authorised by him in writing.

¹⁷ According to section 14 of the Reformatory Schools Ordinance, the Chief Executive may appoint one or more fit and proper person or persons to be the visitor or visitors of reformatory schools, and may remove every such visitor and appoint another in his stead.

¹⁸ According to sections 18 to 20 of the Reformatory School Rules, a reformatory school shall be visited at least once in every month by visitor(s), whose duties shall be to record in the book kept for such purpose the time and date of such visit, and their comments and recommendations; to inspect the dietary and record any failure to conform to the dietary prescribed; to report to the Director of Social Welfare any abuses; to inquire into any matter referred to them by the Director; to hear any complaint made by a detained person; to advise the Director on all matters connected with the school and in particular with regard to the training and recreation of detained persons; and such other duties as the Chief Executive may prescribe. For the purpose of carrying out their duties, visitors may inspect any part of the school at all reasonable times, inspect all books other than medical records connected with the running of the school; and inquire into any complaint made to them by a detained person. After every visit the superintendent shall send to the Director a true copy of the comments and recommendations as recorded in the book by the visitors.

¹⁹ According to section 17(3) of the Juvenile Offenders Ordinance, the Chief Executive shall cause places of detention to be inspected, and may make rules as to the places to be used as places of detention, and as to their inspection, and as to the classification, treatment, employment, and control of children and young persons detained in custody in a place of detention, and for the children and young persons whilst so detained being visited from time to time by persons appointed in accordance with those rules.

²⁰ According to section 42 of the Probation of Offenders Rules, every approved institution shall be visited by 2 visiting justices of the peace, in company if possible, not less than once in every month and on such other days as may be required by the Chief Secretary for Administration ("CS"). The CS shall nominate the visiting justices in respect of each institution for a tour of duty of 1 month at a time and shall furnish their names to the Director of Social Welfare. Each institution shall be open to the visiting justices nominated in respect thereof at all reasonable times during their tour of duty.

298A). At present, JPs conduct statutory visits at the Tuen Mun Children and Juvenile Home (“TMCJH”) and the Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel (“WL Workshop”) under SWD on a monthly and quarterly basis respectively.

INFORMING RESIDENTS OF THEIR RIGHT TO LODGE COMPLAINTS WITH JPs

6.2 SWD indicated that TMCJH has displayed notices to inform residents that they can raise views or complaints on its services via different channels, including requesting a meeting with JPs during their monthly visits at the Home. The above notices come in three languages, namely Chinese, English and Vietnamese.

6.3 As for the WL Workshop, having regard to the reading and comprehension ability of the residents, the workshop staff mainly explain to them verbally the rights they have, including the right to express views to or lodge complaints with JPs.

6.4 Upon commencement of this investigation, SWD took the initiative to inform us that while the languages used by residents of TMCJH over a certain period in the past were mainly Chinese, English and Vietnamese (see **para. 6.2**), the Department would gradually prepare notices in seven other languages used by ethnic minorities (namely Bahasa Indonesia, Hindi, Urdu, Punjabi, Nepali, Thai and Tagalog) for reference of residents using different languages. The WL Workshop has also agreed to put up notices in the Workshop for reference by residents and their family members/guardians (see **para. 6.3**), which are complemented by verbal explanations.

CHECKLISTS PREPARED BY SWD

6.5 SWD has prepared checklists listing out the main aspects of inspection that warrant attention during visits for JPs’ reference (see **para. 2.9**). For example, the checklist for TMCJH includes the following aspects:

- overall management (including the extent to which the objectives set by the Home is met, service quality and the professional resources put in, staffing establishment, staff attitude and their relationship with the residents, staff management, utilisation of resources and services);
- the residents (including the overall atmosphere, protection of their well-being and interests, their appearance, clothing, spirit and behaviour, feedback on training and activities, relationship among the residents and that between residents and staff, complaint channels and handling of complaints by the institution);

- services and training/rehabilitation programmes (including catering services, medical/dental nursing care services, activities/programmes for meeting educational and vocational training needs);
- its liaison with outside parties (collaboration with residents' families, participation of and opinions raised by family case workers, probation officers and social workers of non-governmental organisations, involvement of corporate organisations and outside volunteer groups, etc.); and
- the premises and its facilities (including general living environment and atmosphere, facilities for sleep and rest/condition of the dormitories, fire safety, safety and security measures against accidents and hazards).

6.6 The above checklist is attached to the appointment letters sent by the Administration Wing to the visiting JPs for their reference (see **para. 2.8**).

VISIT PROCEDURES

6.7 SWD indicated that all JP visits are unannounced. Neither TMCJH nor the WL Workshop knows in advance the exact dates and times of the visits. The Administration Wing, via the SWD Headquarters, notifies the WL Workshop and TMCJH of the names of the visiting JPs every quarter and every month respectively to facilitate verification of the visiting JPs' identity by the institutions.

6.8 The procedures and logistics with respect to JP visits are largely the same for both institutions. Upon JPs' arrival, they will give a brief introduction on their services, including their statutory functions, service objectives, the number of staff members, service arrangements and the content of the training provided to the residents. They will also explain the items on the visit checklists prepared by SWD. The Superintendent of the institution or the designated officer will accompany JPs during the visit so that they can understand on-site the various facilities of the institution, the training provided to the residents and the residents' daily lives. The staff of the institutions will also immediately inform all residents verbally that JPs are visiting, or inform staff at various locations through the walkie talkie so that the latter can inform the residents verbally to make sure that they know about the JP visit.

6.9 In addition, the staff members accompanying JPs will report the number of residents in the institution that day, and the number of residents temporarily away and the reasons for their absence (such as medical consultation at hospitals or clinics, or court attendance). For verification, the JPs can inspect the statistics chart on the number of residents in the institution that day or information of the residents. When they inspect a certain location of the institution, the staff will proactively report the number of residents there for JPs to verify.

6.10 During the visit, JPs may talk with any residents or collect their views directly anytime. SWD stated that the two institutions have always encouraged their residents to share directly with the visiting JPs their lives and training received at the institution, their personal feelings, views or complaints about the services or facilities of the institution, etc. The staff will lead JPs to meet all residents in the institution, including those put in the isolation rooms so that they can raise their complaints or requests to JPs. The accompanying staff will answer the questions raised by JPs and provide necessary assistance.

6.11 The two institutions currently do not inform residents that they can request to meet JPs in private. However, during JP visits, JPs or the residents can request to talk or meet in private²¹. The staff will assess the risk of a private meeting based on the behaviour and mental state of the resident and make appropriate arrangements after discussion with JPs. If JPs agree to meet the resident in private, the institution management will provide all assistance needed, including arranging an isolated room for the private meeting between JPs and the resident in order to protect the privacy of the resident.

6.12 If individual residents have gone elsewhere for medical consultation, court attendance or outside activities, the institution staff will so inform JPs. Since the institutions do not know the exact date and time of a JP visit in advance, it will be difficult for the staff to inform those residents away from the institution that JPs are visiting. The staff will not inform such residents of the visit either upon their return to the institutions. If JPs request that arrangements be made so that they can meet individual residents, the institution will make appropriate arrangements. Hitherto, the two institutions have not received such requests.

6.13 If a resident requests to meet JPs outside the JP visit hours, or wishes to lodge a written complaint with JPs, the staff will, having regard to the resident's wish or ability to express himself/herself, ask him/her to write down the details of the complaint and let him/her submit the complaint to JPs in person at the next JP visit, or arrange a meeting with JPs according to the wish of the resident or JPs.

6.14 At the end of a JP visit, the staff of the two institutions will make arrangements for the JPs to complete the Logbook in private. Unless JPs ask for assistance, the staff will not be present.

HANDLING COMPLAINTS, REQUESTS OR ENQUIRIES RECEIVED DURING VISITS, AND JPs' COMMENTS OR SUGGESTIONS

6.15 If JPs request to investigate by themselves a complaint lodged by a resident, SWD and the two institutions will provide assistance as far as possible during and after the visit accordingly. For instance, they may arrange a meeting between the resident

²¹ Between 2019 and 2021, the two institutions had no record on private conversations or meetings between the JPs and the residents.

and JPs, provide the necessary information or arrange a visit to the relevant facilities. They will take follow-up actions on JPs' suggestions after the investigation and issue written replies. Hitherto, SWD has not received any request from JPs to personally investigate a resident's complaint.

6.16 JPs may also forward the complaints, requests or enquiries received and their own comments or suggestions to the institutions for their follow-up action. The institution management should issue a written reply to JPs regarding the follow-up actions taken, and send a copy to the Administration Wing and the SWD Headquarters. The institution management must report to the SWD Headquarters any complaints received. Complaints, requests, enquiries, suggestions or comments involving service policies will be handled by the SWD Headquarters, which will issue a written reply to JPs.

6.17 Information provided by the Administration Wing shows that JPs did not receive any complaints during visits at the two institutions between 2019 and 2021 (see **Table 8**).

Notification of Case Handling Result

6.18 SWD indicated that the institution management is required to issue written replies to the complainants and their families/guardians.

6.19 The WL Workshop is a subsidised service unit operated by a non-governmental organisation receiving block grants from SWD. Complaints relating to the Workshop must be handled in accordance with the Service Quality Standards promulgated by SWD. If a complainant is dissatisfied with the institution's investigation result, and if the complaint involves the Workshop's service performance or failure to meet service requirements, violation of the stakeholders' rights and interests or inappropriate use of the block grant, the SWD Headquarters may, with the complainant's consent, refer the complaint to the Lump Sum Grant Independent Complaints Handling Committee for follow-up.

TIMEFRAME FOR HANDLING CASES

6.20 Regarding the timeframe for handling cases, TMCJH handles the complaints, requests or enquiries referred by JPs and their suggestions or comments in accordance with SWD's guidelines. A substantive reply or explanation on its investigation or case progress will be given within 30 days. The WL Workshop, according to its policies and procedures for handling complaints or comments, will issue an acknowledgment within seven working days of receiving the complaint. Generally speaking, it will complete the investigation and notify the complainant of the result within one month. For individual cases which cannot be concluded within one month, the institution will issue preliminary investigation results to the complainant within 15 days. Investigation should be completed and a reply be issued to the complainant within 45 days of issuing the acknowledgement.

7

SITE INSPECTIONS AND CASE STUDIES

SITE INSPECTIONS

7.1 In order to better understand the actual operation of JP visits, our officers conducted site inspections at several institutions under CSD, ImmD, HA and SWD in December 2021 and June 2022, during which the institution staff were asked to simulate and explain the arrangements for JP visits, including the routes of and procedures for the visit. The institutions we had chosen for site inspections were the Lai Chi Kok Reception Centre and Lai King Correctional Institution under CSD, CIC under ImmD, CPH and Kowloon Psychiatric Observation Unit of Kowloon Hospital under HA, and TMCJH under SWD.

The Lai Chi Kok Reception Centre under CSD

7.2 Located on Butterfly Valley Road, the Lai Chi Kok Reception Centre is one of the maximum security institutions under CSD. Persons in custody there are mainly male adults who are prisoners on remand, judgement respited prisoners, detainees under the provisions of the Immigration Ordinance and persons remanded under the Drug Addiction Treatment Centres Ordinance, etc. The Centre has a capacity of 1,484 persons.

7.3 Our officers conducted a site inspection at the Lai Chi Kok Reception Centre in June 2022. The Centre's supervisor first briefed us on the Centre's general information such as the number and types of persons in custody in the Centre that day, the number of persons in custody temporarily away from the Centre and the reasons, the daily work of its staff, its services, special units, meals arrangements and the complaint channels for the persons in custody. The same information is provided to visiting JPs.

7.4 The Centre management then led us to conduct the inspection along the same route of JP visits. We inspected the different buildings and units of the Centre, including ballcourts, cells, special units, day activities rooms, canteen, kitchen, hospital, laundry workshops, library and visit rooms. The supervisor indicated that since the Centre comprised a number of buildings, JPs usually start their visit from the building

nearest to the main gate, then proceed to the adjacent buildings one by one. They work their way at every building top down along the staircase to inspect each and every floor. CSD stated that since our inspection was not a real JP visit, they did not arrange visits to individual cells or units out of security concern.

7.5 At every location our officers and the institution supervisor arrived, the officer on duty reported the number of persons in custody at that location, then notified the persons in custody there that the supervisor was conducting a visit and asked if they had any complaints or requests. During our site visit, no persons in custody raised any complaints or requests to the institution supervisor.

7.6 We noticed that the institution management had put up notices at conspicuous spots (such as special units and activities rooms) of the Centre, informing the persons in custody that they can lodge complaints or reasonable requests with visiting JPs. Should they wish to meet JPs in private, arrangements can be made via the management (see **para. 3.2**). The management said that if persons in custody wish to raise complaints or requests to JPs, the latter normally will meet them one by one after completing inspection of all locations. JPs may also choose to meet them at once. Our officers visited the meeting venue of JPs and persons in custody, which is the room where sick persons in custody have consultations with the Centre's medical officer. The Centre management indicated that out of security concern, JPs usually meet the complainants or enquirers in the presence of the supervisor of the Centre. Door to the room will be left open with staff standing by outside.

7.7 With respect to how the Centre assists JPs to evaluate the areas highlighted on the checklist, the Centre management said that it depends on whether JPs raise questions about the relevant areas. If they do, the staff will answer accordingly.

7.8 At the end of the visit and after meeting the persons in custody, JPs will proceed to the Centre's conference room and be left alone to write up the Logbook. The management indicated that a JP visit usually lasts for at least two hours, depending on the number of persons in custody requesting a meeting with JPs.

The Lai King Correctional Institution under CSD

7.9 Situated on Wa Tai Road, Kwai Chung, the Lai King Correctional Institution is one of the minimum security institutions under CSD. Persons in custody there are mainly young females either convicted or on remand. It has a capacity of 200 persons.

7.10 In June 2022, our officers conducted a site visit at the Lai King Correctional Institution, during which the institution supervisor briefed us on the types of information they would give visiting JPs, including the number of persons in custody that day, the number of persons in custody temporarily away from the Institution that day and the reasons, as well as the services and facilities of the Institution. According to the institution supervisor, the briefing for JPs usually takes about 20 to 30 minutes.

7.11 The institution supervisor and her staff then led us along the outer rim of the main facilities, including the hospital, cells, rest rooms, day activities rooms, laundry room, kitchen and study rooms. CSD stated that since our visit was not a real JP visit, they did not arrange for our entry into those areas out of security concern. The staff did briefly explain to us the procedures for a JP visit. For instance, upon JPs' arrival at each location, the staff on duty at that location will inform the persons in custody there that JPs are conducting a visit and they can lodge a complaint or enquiry if they so wish. The supervisor will accompany JPs when they meet complainants or enquirers.

7.12 We noticed that the management had put up notices at conspicuous spots (such as workshops, canteen and cells) of the Institution, informing persons in custody that they can lodge complaints or reasonable requests with visiting JPs. Should they wish to meet JPs in private, arrangements can be made via the management (see **para. 3.2**).

7.13 With respect to how the Institution assists JPs to assess the areas highlighted on the checklist, the management said that it depends on whether JPs raise questions about the relevant areas. If they do, the staff will answer accordingly.

7.14 At the end of the visit and after meeting the complainants and enquirers, JPs will proceed to the conference room of the Institution and be left alone to write up the Logbook. The management indicated that a JP visit usually lasts for about an hour.

7.15 The Institution management also pointed out that if a person in custody was temporarily away from the Institution on the day of JP visit, they will send her a notification about the JP visit upon her return and ask if she wishes to meet JPs. She is required to sign on the notification for confirmation (see **para. 3.14**).

CIC under ImmD

7.16 Located on Castle Peak Road, Castle Peak Beach in Tuen Mun, CIC is a detention facility under ImmD. The detainees are illegal immigrants, overstayers and persons who were refused permission to land upon arrival in Hong Kong by ImmD and pending deportation, some of whom had lodged claims for non-refoulement. CIC has a capacity for 500 persons.

7.17 Our officers conducted a site inspection at CIC in June 2022. The Centre supervisor first gave us brief information about the Centre, such as its services and facilities, the number of detainees that day, their rights and complaint channels, as well as the daily items and clothing allocated to the detainees. The same information is provided to JPs during their visits.

7.18 The Centre supervisor then led us along the same route of JP visit for inspecting different locations of the Centre, including dormitories, special units (areas where the detainees are detained in isolation), day activities rooms, meeting rooms, infirmary, kitchen, laundry room, visit rooms, detention rooms and properties room

(where the detainees' properties are kept). The supervisor explained to us along the way the functions and operation of each location. Upon our enquiry, the staff indicated that JPs usually will not ask to enter the properties room. Before conducting a body search, the staff will issue a note to the detainee and record the body search procedures. In recent years, no JPs have asked to inspect the records on the procedures for conducting body search. If JPs ask to inspect the properties room or records on body search procedures, the staff shall make the arrangement.

7.19 Whenever our officers and the Centre supervisor arrived at a location, the duty officer reported to the supervisor and us the number of detainees at that specific location at that time. During the site inspection, no detainees raised any complaints or requests to the Centre supervisor.

7.20 Our officers saw that notices had already been put up at conspicuous spots in CIC (including outside the dormitory and inside the day activities rooms), informing the detainees that they can lodge complaints or requests with visiting JPs.

7.21 At the end of the visit and after meeting with the complainants and those making requests, visiting JPs will be left alone to complete the Logbook in the absence of the staff. The Centre management indicated that a JP visit usually takes about two hours.

The Kowloon Psychiatric Observation Unit of Kowloon Hospital under HA

7.22 The Kowloon Psychiatric Observation Unit of Kowloon Hospital, which has 220 gazetted hospital beds, provides a spectrum of psychiatric services to the population in central Kowloon, including acute hospitalisation, psychogeriatric and psychiatry rehabilitation services, as well as hospitalisation services for residents in the east Kowloon district.

7.23 Our officers went to the Kowloon Psychiatric Observation Unit of Kowloon Hospital for a site inspection in June 2022. The supervisor of the hospital first briefed us on legislation relating to psychiatry, gazetted beds, complaint channels, discharge procedures, etc. The same information is provided to visiting JPs. He also indicated that upon JPs' arrival at the hospital, the management will at once inform the staff at various wards so that they can count the number of hospitalised persons, the number of hospitalised persons temporarily away from the ward, the number of hospitalised persons temporarily away from the hospital, and the number of hospitalised persons who wish to meet JPs. Once ready, the information will be reported to the JPs.

7.24 The hospital management told our officers that there are now five gazetted wards in the Observation Unit. Because of time constraints, JPs will only select two to three wards for each visit. Each meeting with a hospitalised person takes about 15 to 20 minutes on average, depending on the number of hospitalised persons who wish to meet JPs. A ward inspected in the previous JP visit may not be inspected again in the next visit. Nevertheless, if a hospitalised person in a certain ward wishes to meet

JPs, JPs will inspect that ward in order to meet him/her.

7.25 The hospital management and staff subsequently led our officers to two of the gazetted wards for inspection. Whenever our officers and the supervisor arrived at a ward, the duty officer reported to us the number of hospitalised persons at that ward at that time, as well as the number of hospitalised persons temporarily away from the ward and the reasons. The staff also indicated that when JPs enter a ward, the staff there will notify the hospitalised persons that JPs are conducting a visit and that they can raise any requests or views to JPs. The hospital staff also led our officers to inspect the facilities in different rooms and explain along the way their functions, including the nurse station, beds, day activities rooms, meeting rooms, lavatories, bathrooms and isolation rooms (for the physically weak or young patients).

7.26 Our officers saw that notices had been put up at conspicuous spots in the wards (such as corridors of the wards and day activities rooms), informing hospitalised persons that procedures are put in place for them to meet JPs and that they can contact the nurse-in-charge on duty for arrangements. However, the staff said that out of safety concern, hospitalised persons will not be told that they can request to meet JPs in private.

7.27 The staff stated that JPs can talk with any hospitalised persons anytime. After inspecting all the ward facilities, JPs will meet the hospitalised persons who wish to raise a complaint or enquiry one by one in the admission room or group therapy room. Normally, the staff will be present at such meetings so that they can provide background information of the hospitalised persons to JPs. Regarding how the hospital assists JPs to assess the important areas highlighted on the checklist, the staff indicated that they will provide information upon their enquiry.

7.28 With respect to how JPs can ascertain whether they have seen all the hospitalised persons in a ward, the staff told us that JPs can either ask the staff to confirm or walk through the wards in order to see all the hospitalised persons. The supervisor further indicated that hospitalised persons who are temporarily away from the ward when JPs are visiting will not be informed of the JP visit upon return to the ward.

7.29 After completing the visit and meeting with the hospitalised persons, JPs will proceed to a room arranged by the hospital for completing the Logbook in private. The hospital supervisor stated that a JP visit usually takes three to four hours.

CPH of HA

7.30 Located on Tsing Chung Koon Road in Tuen Mun, CPH is a specialist psychiatric hospital of HA with about 1,100 beds. It provides general psychiatric admissions for residents in Tuen Mun, Yuen Long and Tin Shui Wai districts, as well as psychiatric out-patient services and day hospital services. Consultation services are provided to general hospitals within the cluster.

7.31 Our officers conducted a site inspection at CPH in June 2022. The hospital

management briefed us on the various services and facilities, the numbers of hospitalised persons of different wards, etc. using short videos, PowerPoint presentation and booklets. The same information is presented to visiting JPs. The hospital supervisor indicated that given the large number of wards (about 25) in CPH and time constraints, experience showed that JPs could only inspect three wards during each visit. The hospital management has already planned 12 inspection routes, each covering three wards, for selection by JPs. The visiting JPs will choose one of the routes for each visit. Each year, JPs will conduct a total of 12 visits at the hospital. In other words, each ward will be visited at least once a year by JPs. The routes proposed by the hospital are purely referential. JPs may visit any three wards of their choice or request to inspect any part of the hospital.

7.32 The supervisor then led us to four of the wards, namely the psychogeriatric ward, adult general psychiatric ward, long stay ward and forensic psychiatric ward, for inspection. Whenever our officer and the hospital supervisor arrived at a ward, the staff on duty reported the number of hospitalised persons in the ward at that time, the number of hospitalised persons temporarily away from the ward and the reasons for their absence. The staff also indicated that before visiting JPs arrive at a ward, the ward staff will ask those hospitalised persons who are fully mobile to proceed to the day activities room and wait there, and inform them that JPs are visiting and will meet them later in the room. JPs will also meet hospitalised persons in the ward who are unwilling to leave the bed. The ward staff will tell these hospitalised persons that JPs are visiting, and that they can raise requests or views, if any, to the JPs.

7.33 The hospital staff also pointed out that for hospitalised persons who wish to meet JPs, the latter can either meet them at once or after inspection of the ward is finished. Our officers also inspected the room where JPs meet the hospitalised persons (i.e. the consultation room or quiet room). During the meeting between the hospitalised persons and JPs, the doors of the rooms are left open and hospital staff will stand by outside to provide immediate assistance. Due to safety concern and for provision of information about the hospitalised persons in case of need, the hospital staff usually accompany JPs during the meeting.

7.34 The CPH staff also led our officers to inspect other facilities in the wards and explained along the way. Those facilities included the nurse stations, hospital beds, day activities rooms, meeting rooms, lavatories, bathrooms and isolation rooms (for emotionally unstable hospitalised persons or those who will disturb other people in the hospital).

7.35 Our officers noticed that notices had been put up at conspicuous spots in the wards (such as corridors) to inform hospitalised persons that the hospital has put in place procedures for them to meet JPs, and that hospitalised persons who wish to do so can ask the nurse-in-charge on duty to make arrangements. Nevertheless, out of safety concern, the staff said that the hospitalised persons will not be told that they can meet JPs in private.

7.36 Regarding how CPH assists JPs to evaluate the key areas highlighted on the checklist, the staff indicated that it depends on whether JPs have asked about the related issues. If they do, the staff will provide information accordingly.

7.37 After completing the visit and meeting with the hospitalised persons, JPs will proceed to the meeting room of the hospital to complete the Logbook by themselves. The hospital management said that a JP visit usually lasts for around four hours.

TMCJH under SWD

7.38 Located on San Shek Wan North Road in Tuen Mun, TMCJH is a multi-purpose residential complex which serves the statutory functions of a place of refuge, a remand home, an approved institution (probation home) and a reformatory school. It has a capacity for 388 persons and provides residential training for mal-adjusted children/juveniles and young offenders.

7.39 Our officers conducted an inspection at TMCJH in December 2021. The supervisor of the institution staff first gave us a brief introduction to the Home, such as its operational routines, service targets, scope and types of services, as well as the number of residents there that day. The same information is provided to visiting JPs.

7.40 The supervisor then led our officers along the same route of a normal JP visit to inspect different parts of the Home, including the academic building, family visit rooms, haircut classroom, make-up classroom, gym room, rock climbing wall, covered playground, classrooms, dormitories, meeting rooms and isolation room. The staff indicated that they would suggest to JPs an inspection route, which usually matches the time and locations of classes and rest schedules of the residents so that visiting JPs can see all the residents in the institution.

7.41 In the course of our inspection, wherever our officers and the supervisor of the Home arrived at a location, the staff at that location took the initiative to report the number of residents there, verbally informed the residents present that the supervisor was conducting an inspection and asked if they had anything to raise to the supervisor. The staff indicated to us that JPs can talk with the residents anytime during the visit.

7.42 We noted that notices had been put up at conspicuous spots in the institution (such as the family visit rooms, reception area, canteen, corridors of the academic building and the noticeboards in the dormitories) to inform the residents that they can raise complaints, enquiries or requests to visiting JPs.

7.43 The supervisor stated that after completing a visit and meeting with those residents who have raised complaints, enquiries or requests, JPs will proceed to the meeting room of the institution to complete the Logbook in private. A JP visit usually lasts for about two hours.

CASE STUDIES

7.44 This Office has randomly selected 24 complaints, requests or enquiries received by JPs during statutory visits in recent years, as well as the suggestions or comments put forth by JPs, with a view to understanding how CSD, ImmD, HA and SWD had handled the cases in question²².

7.45 Records of the above 24 cases showed that the departments and organisations had followed up on and replied to the complaints, requests or enquiries recorded in the Logbook completed by JPs as well as the suggestions and comments made by them. In the majority of cases, the departments and organisations could promptly reply to JPs within one month after receiving the case and provide specific explanation on the details and results of their follow-up actions.

7.46 Two of the cases took longer (about six and seven months respectively) for the department to complete the investigation and reply to JPs. Both cases were handled by CIU of CSD, which took about 15 weeks to complete the investigation, a time that complied with the 18-week timeframe of completing an investigation (see **para. 3.23**). In one case, the complainant concerned had left the institution upon completion of the investigation. CIU informed him of the investigation result by registered mail but in vain. The letter reached the complainant only after about a month. Since the complainant did not raise an appeal, CSD subsequently issued a substantive reply to the JPs concerned two months later. This Office considers that CSD's delay in replying to JPs might be attributable to the impact of the epidemic on the case progress. In the other case, the complainant refused to receive CIU's written notification of investigation result without explaining why. A senior CSD officer then met with him but he still refused to receive the letter. The officer indicated that the notification letter would be returned to CIU and the complainant indicated his understanding and made no other requests or complaints. Two weeks later, CSD issued a written reply to JPs explaining the results of its follow-up action. On the other hand, another case relating to the reconstruction and manpower deployment of a hospital is still being followed up by HA (see **para. 2.52** for details). Having considered the nature of the case and the procedures involved, we consider the follow-up action and time of reply in the case by and large reasonable.

7.47 We also notice that in its replies to JPs, ImmD invariably mentioned how and what it had informed the complainants of the investigation results. CSD's practice is largely similar, while HA's information showed that the Authority sometimes mentioned in the annexes to its replies to JPs how and what it had informed the complainants. The case about SWD we selected was not complaint-related because JPs did not receive any complaints during visits to institutions under SWD in recent years.

7.48 In addition, we have scrutinised the Logbook completed by the JPs concerned in the cases. At present, all departments and organisations adopt a Logbook of the same format, which includes different parts such as "Evaluation on the general condition

²² Among those 24 cases, 10 involved CSD, 6 ImmD, 6 HA and 2 SWD.

of the institution facilities” and “Evaluation on the adequacy of services provided by the institution”. Each of these two parts contains tables for JPs to assess one by one the various kinds of facilities and services provided by the institution.

7.49 In the respective Logbooks used by CSD, ImmD and SWD, we notice that the “Facilities” column under “Evaluation on the general condition of the institution facilities” and the “Services” column under “Evaluation on the adequacy of services provided by the institution” already listed out the facilities and services to be assessed to facilitate JPs’ evaluation one by one. JPs can also fill in other items as they see fit. The following table shows some examples:

Table 18: Formats of the respective Logbooks of the relevant departments (extract)

Department	Items listed under the “Facilities” column	Items listed under the “Services” column
CSD	<ul style="list-style-type: none"> ● workshop ● kitchen/canteen ● hospital ● sports venues ● quarters/cells ● general condition of the buildings in the institution ● overall grade for the facilities 	<ul style="list-style-type: none"> ● prison industries ● medical treatment/nursing ● Persons in custody’ benefits (including book borrowing service) ● meals ● rehabilitation programmes ● overall grade for the services
ImmD	<ul style="list-style-type: none"> ● quarters ● sanitary facilities ● lighting ● ventilation system ● security system ● sports equipment ● general condition of the buildings in the institution ● overall grade for the facilities 	<ul style="list-style-type: none"> ● meal arrangements ● medical arrangements ● keeping of properties ● body and luggage search ● arrangement for communication with the outside ● monitoring regime for detention power ● providing detainees with information about their rights ● staff attitude ● complaint channels and complaint handling procedures ● management service ● overall grade for the services

Department	Items listed under the “Facilities” column	Items listed under the “Services” column
SWD	<ul style="list-style-type: none"> ● Training rooms/classrooms/ learning resource centre ● quarters ● activities room ● kitchen/canteen ● recreational facilities ● medical room ● general condition of the buildings in the institution ● overall grade for the facilities 	<ul style="list-style-type: none"> ● academic/pre-vocational training ● social work services ● meal arrangements ● healthcare and nursing services ● management service ● overall grade for the services

7.50 On the other hand, our case studies revealed that the Logbook templates used by the various psychiatric hospitals under HA are not completely the same. For instance, the “Facilities” column under “Evaluation on the general condition of the institution facilities” of the Logbook used by the Kowloon Psychiatric Observation Unit of Kowloon Hospital already listed items such as hospital beds, indoor garden, day activities room, observation room, lavatories and shower facilities; while the “Services” column under “Evaluation on the adequacy of services provided by the institution” already listed items such as ward management, patient care and environmental hygiene to facilitate assessment by JPs one by one.

7.51 In contrast, in the Logbooks respectively used by the Pamela Youde Nethersole Eastern Psychiatric Observation Unit of Pamela Youde Nethersole Eastern Hospital and the Kwai Chung Hospital, both the “Facilities” and “Services” columns are left blank without listing the facilities or services to be evaluated. Consequently, the following situation happened when JPs completed the Logbook:

- In one Logbook, JPs just filled in three items, namely a certain ward, facilities in the admission ward and lavatories under the “Facilities” column; and only one item, namely “Overall service”, under the “Services” column.
- In another Logbook, JPs just wrote down two items: “water temperature in the bathroom” and “wards” in the “Facilities” column; and “occupational therapy” and “referral to social worker” in the “Services” column. In fact, on the day of visit, a hospitalised person had complained to JPs about the water temperature in the bathroom of the ward; and another hospitalised person raised a request for occupational therapy and referral to social work service.
- In yet another Logbook, JPs wrote down a certain emergency ward, a geriatric ward and a paediatric ward in both the “Facilities” and “Services” columns.

8

COMMENTS AND RECOMMENDATIONS

OUR COMMENTS

8.1 The JP Visit Programme is a system for monitoring the management of the institutions and serves as a channel outside of other established mechanisms for persons in custody, detained or hospitalised to express their views and lodge complaints. The Government expects that the Programme can ensure that the complaints lodged by persons in custody, detained or hospitalised with JPs can be dealt with in a fair and transparent manner, and at the same time provide a platform for JPs to make comments and suggestions on ways to improve the facilities and services of the institutions. The above objectives can be achieved only if the Administrative Wing, CSD, ImmD, HA and SWD execute the various arrangements for the Programme conscientiously, and JPs discharge their statutory functions effectively.

8.2 Overall, The Ombudsman considers the operation of the JP Visit Programme smooth in general and recognises the contributions of JPs in this regard. Nevertheless, our findings in this investigation reveal the following areas for improvement with respect to the operational arrangements for the Programme by the departments and organisations concerned.

Key Areas on Checklists Prepared by Departments/Organisations May Go Unassessed

8.3 In relation to statutory JP visits, CSD, ImmD, HA and SWD have prepared their respective checklists highlighting the key areas that JPs may wish to heed when visiting their institutions (see **paras. 3.3, 4.4, 5.3 and 6.5**). The checklists are attached to the appointment letter issued to the JPs by the Administration Wing for their reference (see **para. 2.9**). The Administration Wing regularly invites departments and organisations to update their checklists so that JPs can have a better understanding of the aspects that warrant their attention during visits (see **para. 2.11**).

8.4 We notice that the key areas highlighted on the checklists prepared by the departments/organisations are quite comprehensive, covering such aspects as the

facilities, services and management of institutions, as well as the state and treatment of the persons in custody, detained or hospitalised. The checklists provide very useful reference materials for JPs and concise guidelines on how an institution should be assessed.

8.5 Nevertheless, our investigation found that in actual operation, some key areas on the checklists may go unassessed during JP visits. Currently, staff of institutions introduce the facilities, services and management of the institution to JPs in a briefing at the outset (see **paras. 3.7, 3.8, 4.8, 5.8, 5.9, 6.8 and 6.9**), explain the institution's operation along the way and answer JPs' queries (see **paras. 3.9, 4.9, 5.11 and 6.10**). Hence, in the course of the visit, staff will provide JPs with certain information related to the key areas on the checklists. During our site inspections, staff of the various institutions invariably indicated that they would provide information on the key areas on the checklist if JPs raise questions about them (see **paras. 7.7, 7.13, 7.27 and 7.36**). Yet, during our site inspections, none of the institution staff had ever taken the initiative to produce or mention to us relevant information relating to all the key areas on the checklists. We are of the view that since the institution staff generally do not provide the information about each key area on the checklists in a systematic manner during the briefing or inspection, in the event that JPs have not examined certain key areas on the checklist during the visit and at the same time the institution staff have not proactively provided relevant information, those areas may go unassessed. In fact, our investigation found that some key areas on the checklists had been omitted for a protracted period. For instance, ImmD staff admitted that for many years JPs had not taken the initiative to inspect the "properties room" or scrutinise the records of the body search procedures (see **para. 7.18**).

8.6 We understand that the scale of the institutions under the JP Visit Programme varies and that JPs may not have enough time to assess every aspect of those larger institutions during their visits. Besides, it is understandable for JPs to decide the focus and scope of a visit having regard to their experience or expertise. That said, we are of the view that the key areas on the checklists prepared by the departments and organisations are by and large essential and fundamental. For example, reports of physical injury and emotional harm sustained by persons in custody as a result of disciplinary action or treatment received in an institution (see **para. 3.3**), whether detainees can communicate with the outside world and meet visitors (see **para. 4.4**), the quality and standard of nursing care services (see **para. 5.3**), and the well-being of juvenile residents (see **para. 6.5**). To avoid omission of the key areas on the checklists from assessment, we recommend that the departments and organisations should pay attention. In case any key areas on the checklists are yet to be mentioned to JPs during the briefing or inspection, institution staff should proactively provide JPs with the information necessary for assessment of those areas. This will help JPs make a comprehensive assessment of the institution during each visit and achieve the purpose of the JP Visit Programme more effectively.

8.7 On the other hand, we notice that the Logbook used by all the departments and organisations is not designed in such a way that the items therein correspond to the

key areas on their respective checklists. It indeed does not facilitate recording by JPs of their assessment of various key areas on the checklists, resulting in possible omissions of certain areas in the assessment. Items highlighted on the departments' checklists but not found on any part of the Logbooks include CSD's "Report of physical and emotional harm sustained by persons in custody as a result of disciplinary action or treatment received in the institution"; ImmD's "Inspection on the recreational room of detainees"; and SWD's "Institution's liaison with outside parties", and so on. In addition, our case studies revealed that in the Logbook of some HA hospitals, the column concerning assessment of the hospital's facilities and services has been left blank without any description. Consequently, some JPs only recorded their observation rather briefly (see **para. 7.51**). In contrast, some other hospitals or even other departments have already listed out the assessment items under the respective columns in the Logbook (see **paras. 7.49, 7.50, and Table 18**). The latter is definitely of greater help to JPs in evaluation and recording of assessment.

8.8 In light of the above, we consider that departments and organisations should make better use of the Logbook as an assessment tool and, in conjunction with the Administration Wing²³, review and revise their respective template of the Logbook to incorporate the key areas on the checklist accordingly, so as to facilitate comprehensive assessments and records by JPs. Upon comparing the current Logbooks and checklist templates of the departments and organisations, we identified only a limited number of key areas requiring addition to the Logbooks. We believe that with a one-off revision to the Logbooks, JPs can be offered greater assistance without causing excessive administrative workload to the staff of the departments and organisations.

Lack of Elaboration on Some Key Areas on the Checklist

8.9 Given the varying nature and functions of the institutions, the key areas on the respective checklists of departments and organisations differ. We notice that the checklists prepared by CSD and ImmD not only list out the key areas that warrant JPs' attention during their visits at correctional institutions and detention centres, but also include a brief description of each item. Take CSD's checklist as an example. One of the key areas is "inspect special unit (cases of separate confinement/removal from association with other persons in custody)", which carries the elaboration "special attention to be paid to cases of separate confinement/removal from association with other persons in custody and the reasons behind the arrangement". On ImmD's checklist, one of the key areas is "report on the condition of the detention centre", which carries the elaboration "enquire about all aspects of the detention centre, including the buildings, hygiene, lighting and ventilation, as well as security system (including fire alarm system, radio communication system and internal alarm), and report any item in need of repair or retrofitting."

8.10 Some key areas on the checklists of HA and SWD also include a brief description. For example, "hospital and ward environment and facilities" and "quality and standard of nursing care services" on HA's checklist; and "overall management"

²³ The Template of the Logbook is compiled by the Administration Wing (see **para.2.15**).

and “juvenile residents” on SWD’s checklist.

8.11 We consider it a good practice to provide the above brief descriptions as they can assist JPs to understand the criteria or focus in assessing the key areas. While not every key area on the checklist warrants elaboration, some relatively abstract key areas, such as “policy, procedure and organisation pertaining to patient safety, risk management and patient data security” on HA’s checklist (see **para. 5.3**), are only given a general title without any explanation or suggestion on the assessment approach. They are of limited assistance to JPs.

8.12 We recommend that HA consider providing more elaboration on its checklists so that JPs can have a clearer idea about how to assess the facilities, services and management of an institution during a visit. We are glad that HA has accepted our recommendation. It has included explanatory notes and listed the key areas for the various items on its checklists (see **para. 5.25(4)**).

Some Institutions Do Not Notify All Institutionalised Persons Immediately that JPs Are Visiting

8.13 One of the main duties of JPs during visits is to listen to and handle the requests, enquiries and complaints lodged by persons in custody, detained or hospitalised. All JP visits are unannounced to ensure effective monitoring of institutions under the JP Visit Programme (see **para. 2.21**). Consequently, when JPs arrive at an institution for a surprise visit, institutionalised persons must be notified of the visit so that they can lodge requests, enquiries or complaints with the visiting JPs in person if they so wish.

8.14 At present, when visiting JPs arrive at a certain location of an institution under CSD, ImmD, HA and SWD, the duty officer will notify the institutionalised persons at that location that JPs are inspecting and they can raise complaints, requests or enquiries to the JPs on the spot (see **paras. 3.10, 4.10, 5.11 and 6.10**).

8.15 When JPs commence their visit at an institution under ImmD and SWD, the staff members receiving them will notify immediately other staff members at different locations of the institution, who will in turn notify immediately the persons detained or hospitalised that JPs have come to visit (see **paras. 4.8 and 6.8**). CSD’s practice is different: staff members stationed at a certain location of an institution will not be notified of the JP visit until the JPs are close to that particular location. CSD considered that this practice can ensure the confidentiality of the JP visit because in this way, the frontline staff will not know the exact date and time of visit (see **para. 3.12**). CSD also deemed it inappropriate to notify all persons in custody of the JP visit when the visit begins because persons in custody at different locations would then have different preparation time for lodging their complaints due to the inspection route. Some persons in custody may consider this unfair.

8.16 At the early stage of our investigation, HA indicated that due to time

constraints, visiting JPs practically cannot visit all the wards of some larger hospitals. As such, those hospitals would not notify hospitalised persons in the wards not chosen by JPs for the visit (see **paras. 5.9 and 5.10**). Take CPH as an example. It has 25 wards but JPs can only visit about 3 wards each time. As a result, the majority of wards are only visited by JPs twice, or even just once, a year (see **para. 7.31**). The actual number of visits for each ward is far lower than that required by the relevant legislation (i.e. at least once a month, see **para. 5.1**). As a result of not being notified of the JP visit, hospitalised persons in those wards not chosen by JPs will lose the chance to express their views, requests or complaints to the JPs in person. This is indeed inconsistent with the original intent of the JP Visit Programme. In our opinion, even if JPs cannot inspect the entire hospital because of time constraints, all hospitalised persons should have the right to know JPs are visiting and to meet them in person.

8.17 We are of the view that it is necessary for persons in custody, detained or hospitalised to know as early as possible that JPs are visiting such that those who wish to raise requests, enquiries or complaints to the JPs can make preparation. CSD and HA should consider using the public address system or other means to notify early all persons in custody or hospitalised at different locations of an institution that JPs are about to start a visit.

8.18 We are glad to learn that in the course of our investigation, HA has conducted a review and decided to implement improvement measures: its five psychiatric hospitals would arrange to announce to all hospitalised persons at the start of a JP visit so as to protect their right to raise complaints, requests or views to JPs (see **para. 5.25(2)**). As regards HA's concern about a possible increase in the number of hospitalised persons asking to meet JPs after implementing the new arrangement and that JPs may not have enough time to meet them all, this Office recommends that the hospitals keep watch on the actual operation. If any individual hospital has a need, HA should ask the Administration Wing to increase the frequency of JP visits²⁴.

8.19 Regarding CSD's consideration in adopting the current arrangement (see **para. 8.15**), we understand that the Department endeavours to preserve the "surprise" element of JP visits. CSD pointed out that it has been smeared from time to time by people with ulterior motives who vilify its staff for knowing in advance the dates and times of JP visits. We consider that the arrangements mentioned in **para. 2.21, 3.6 and 3.7** can sufficiently quell the queries about CSD staff having prior knowledge of JP visits and being able to make advance preparation. On the other hand, having regard to the day-to-day operation of an institution or the condition of individual persons in custody, some persons in custody indeed have to be taken to different locations of the institution (such as quarters, hospital, activities rooms and workshop) at different times on the day of the JP visit. Under the current arrangement, some persons in custody may just happen not to be at the same location as the visiting JPs at the same time, and are therefore not being notified of the ongoing JP visit. This Office reckons that making an announcement at the outset of a JP visit can ensure that no persons in custody in the institution will miss the opportunity to meet JPs as a result of not being notified of the

²⁴ Currently, the relevant legislation stipulates that visits be conducted at least once a month (see **para. 5.1**).

visit. This can also allow persons wishing to meet JPs more adequate time for preparation. As regards the concern that persons in custody at different locations would have a different preparation time for lodging complaints thereby causing grievance from unfair treatment, we understand that JPs normally meet persons in custody wishing to raise complaints or requests to them one by one after completing the entire inspection (see **para. 7.6**). As such, for persons in custody at different locations in the institution, the impact of JPs' inspection route on their preparation time for lodging complaints should be negligible. After weighing the pros and cons and in view of the fact that other departments/organisations have adopted or will adopt the same arrangement, we reckon that CSD should favourably consider making an early announcement to all persons in custody upon JPs' arrival that JPs are about to start a visit.

Some Institutions Do Not Inform Institutionalised Persons that They Can Request to Meet JPs in Private

8.20 In the interest of privacy, visiting JPs may choose to meet persons in custody, detained or hospitalised in private. In such circumstances, the institution management will make necessary arrangements to facilitate the interview in private and render necessary assistance to the JPs (see **para. 2.39**). All correctional institutions under CSD and CIC under ImmD have put up notices at conspicuous places to remind inmates or detainees that they can request to meet JPs individually (see **paras. 3.2 and 4.3**). After considering the risk involved, JPs may choose to meet the persons concerned in private at a place arranged by the institution (see **paras. 3.11 and 4.10**).

8.21 In the past, MTKDC under ImmD and TMCJH and WL Workshop under SWD did not inform the persons detained or institutionalised that they could ask to meet JPs in private (see **paras. 4.3 and 6.11**). Fortunately, upon our intervention, MTKDC has revised its notice, while TMCJH and WL Workshop have agreed to inform the institutionalised persons of this right via the admission notice or other appropriate documents.

8.22 As for the five psychiatric hospitals under HA, hospitalised persons can request to meet JPs in private. JPs will decide whether to accede to the request taking into account the risks involved and the staff's clinical assessment of the person concerned. However, the institutions normally will not inform the hospitalised persons that they can raise such a request (see **paras. 7.26 and 7.35**). Considering the possible impact on the emotion and clinical treatment of the hospitalised person if a private meeting cannot be arranged ultimately, HA considers it inappropriate to specify that hospitalised persons can request to meet JPs in private (see **paras. 5.13 and 5.14**).

8.23 We appreciate HA's consideration from the perspective of clinical treatment of hospitalised persons. Nevertheless, to safeguard the privacy and right to know of hospitalised persons, the hospitals should inform them of their right to request a private meeting with JPs. If possible negative impact on hospitalised persons caused by an expectation gap with the actual arrangement is a concern, HA may specify in appropriate

documents (such as Admission Notes) that hospitalised persons can ask to meet JPs in private, but whether such a meeting can be arranged depends on the JPs' decision. This should help to manage the expectation of the hospitalised persons. We are pleased that HA has accepted our recommendation.

Some Institutions Do Not Inform Persons Temporarily Away from an Institution that JPs Have Come to Visit

8.24 On the day of JP visit, some persons in custody, detained or hospitalised may not be in the institution for certain reasons (e.g. medical appointment at a hospital outside the institution or court attendance). CSD and ImmD will inform such persons of the JP visit upon their return to the institution. Arrangements will be made if those persons wish to file requests or complaints with the JPs (see **paras. 3.14** and **4.11**). CSD will even issue to the persons in custody a written notice on the above arrangements to make sure that they learn of the JP visit and their right to file complaints. On the other hand, HA and SWD have not put in place similar arrangements (see **paras. 5.12, 6.12** and **7.28**).

8.25 We are of the view that the above practice of CSD and ImmD can help ensure that persons temporarily away from the institution have knowledge of the JP visit and that HA and SWD should learn from it. HA, upon review, has agreed to do the same in the future and inform hospitalised persons temporarily away from a ward that JPs have visited the institution (see **para. 5.25(3)**). We also urge SWD to adopt similar arrangements. We are pleased that SWD has accepted our recommendation.

Mere Verbal Information by Staff on Whether JPs Have Seen All Institutionalised Persons Not Objective or Complete

8.26 The Administration Wing stated that under the current arrangement, JPs can ask the institution staff during a visit to confirm whether they have seen all persons in custody, detained or hospitalised. If not, the staff should provide reasons; for instance, they should explain whether any persons in custody, detained or hospitalised have been temporarily escorted to other locations on reasonable grounds (e.g. medical appointment at a hospital outside of the institution or court attendance) on the day of visit. The visiting JPs have to confirm the above in the Logbook (see **para. 2.16**). This procedure is adopted by CSD, ImmD, HA and SWD alike.

8.27 We consider that the JP Visit Programme serves as an independent channel for persons in custody, detained or hospitalised to express their views and lodge complaints (see **para. 8.1**). Whether JPs have seen all persons in custody, detained or hospitalised during their visits is crucial to the attainment of the objective of the Programme. Our site inspections revealed that each institution contains one or several buildings, and houses hundreds of persons in custody, detained or hospitalised. It is impracticable to ask JPs to personally verify whether they have seen every one in the institution. As such, a more pragmatic approach is for institution staff to provide information on whether JPs have seen all persons in custody, detained or hospitalised.

Nevertheless, mere verbal confirmation of that fact by institution staff may not be seen to be objective or complete. The departments and organisations should explore other feasible and objective means or tools to help JPs confirm whether they have seen all institutionalised persons during a visit.

8.28 We recommend that institutions should, on the day of JP visit or within a week afterwards, provide JPs with a name list of persons temporarily away from the institution during their visit, including the reasons for their absence. This can facilitate JPs' accurate completion of the Logbook and can serve as supplementary record of the visit attached to the Logbook. The JPs visiting the same institution next time can refer to the list and enquire about the whereabouts of those persons on the list for monitoring their condition. If a person in custody, detained or hospitalised has been absent from two consecutive JP visits, JPs may, when necessary, enquire with the institution whether those persons have any special circumstances that warrant attention. If individual institutions record a relatively high number of institutionalised persons being temporarily away such that providing reasons for their absence will bring about administrative burden, the institutions may provide the names of those persons without setting out the reasons one by one. Yet, the institutions still need to highlight on the list those institutionalised persons who have been absent from two consecutive JP visits and provide reasons for their absence for the respective visits for JPs' monitoring. At the same time, Administration Wing should issue relevant guidelines to the executive departments and organisations (including CSD, ImmD, HA and SWD), notify all JPs of the procedure and revise the template of the Logbook to facilitate records by JPs.

8.29 While acknowledging that the above recommendation may cause extra administrative work to the institution staff, we consider, as mentioned above, that it is indeed necessary to assist JPs to determine whether or not they have met all institutionalised persons during a visit and to make objective record of it, as well as monitor the condition of those institutionalised persons temporarily away from the institutions. Even though the institutions have implemented other measures to let persons temporarily away from the institutions know that they can write to JPs or complain to them in person at the next JP visit (see **para. 3.14**), under the current practice it is difficult for JPs to obtain objective information for monitoring.

8.30 In actual operation, since institutionalised persons keep coming and going, institutions may use a certain point of time on the day of JP visit as the basis of counting when compiling the name list. In view of their operational needs and to allow a reasonable time for compiling the information, the institutions may, on the day of JP visit or within a week afterwards, provide JPs with the name list. Furthermore, considering the large scale of certain institutions and their high number of persons temporarily away from the institutions, the recommended list to be prepared by these institutions may be more concise. We believe the above recommendation can strike an appropriate balance between effective monitoring by JPs and the operational needs of institutions.

Written Replies to JPs Do Not Mention What and How Investigation Findings Are Related to Complainants

8.31 Upon completion of the processing of a complaint lodged with JPs by a person in custody, detained or hospitalised, CSD, ImmD, HA and SWD will inform the JPs in writing of their follow-up action and the investigation result (see **paras. 3.25, 4.15, 5.20 and 6.16**). ImmD pointed out that in its written replies to JPs, it will mention how the Department has related the investigation results (in writing or verbally) to the complainants in detention (see **para. 4.16**). Our examination of randomly selected cases confirmed this to be the case, and that CSD similarly mentioned in its written replies to JPs what and how investigation findings were related to the complainants (see **para. 7.47**). On the other hand, HA and SWD have not formulated similar procedures.

8.32 In our view, what and how investigation findings are related to the complainants are essential parts of complaint handling. JPs should be provided with this information in order to understand whether the complaint handling process of the institution is fair and proper, thereby ensuring effective monitoring. At the same time, consistent adoption of such better practice among the executive departments and organisations of the JP Visit Programme can enhance the overall management of the Programme.

8.33 We are glad that HA and SWD have accepted our recommendation to include in their future replies to JPs information about what and how investigation findings have been related to complainants, their families or guardians. Relevant guidelines will also be updated.

Some Institutions Have Not Formulated Procedures to Issue Written Replies to Complainants upon Request

8.34 Regarding complaints lodged with JPs by persons in custody, detained or hospitalised, institutions under CSD, ImmD and HA normally inform the complainants verbally of the result upon completion of investigation. If a complaint is handled by CIU of CSD, the Unit is required to inform the complainant of the investigation result in writing. Both ImmD and HA stated that if the complainant requests a written reply, the institution concerned will make arrangements accordingly (see **paras. 3.26, 4.16 and 5.21**). Meanwhile, all institutions under SWD issue written replies to complainants as a standing practice (see **para. 6.18**).

8.35 Regarding how CSD, ImmD, and HA had replied to complaints received through JPs between 2019 and 2021, statistics reveal:

- a rising trend in the percentage of complaint cases in which CSD issued a written reply to complainants, from 29% in 2019 to 68% in 2021 (see **Table 15**). The number of cases in which a written reply was issued was the same as the number of cases received by CIU via visiting JPs

in the respective years (see **Table 7**);

- that ImmD gave verbal replies to complainants in all cases (see **Table 16**); and
- that HA issued written replies to complainants in most cases (see **Table 17**).

As for SWD, JPs did not receive any complaints while visiting the institutions under the Department between 2019 and 2021 (see **para. 6.17**).

8.36 We consider it understandable that an institution decides how to reply to complainants taking into account its operational needs, manpower resource and nature of the complaints. Undoubtedly, verbal replies can alleviate administrative work and enhance mutual communication (see **paras. 3.26 and 5.21**). In this light, we agree that the institutions can issue either verbal or written replies to complainants, unless otherwise specified by the complainants.

8.37 That said, we understand that for certain reasons (such as for facilitating appeals in the future or even lodging complaints with other departments), some complainants may want a written reply from the department or institution. If a complainant specifically asks for a written reply, the department or institution concerned should accede to the request as far as possible having regard to good administrative principles.

8.38 If a department or organisation, upon assessing the actual circumstances of a case and operation of the institution in question, considers it inappropriate to issue a written reply pursuant to the complainant's request, it should make a record of the request and mention in its written reply to JPs on the case progress such a request together with the department or organisation's specific reason for not acceding to the request. The JPs can then make further recommendations where necessary.

Departments and Organisations Are Not Required to Issue Interim Replies to JPs for Cases that Take Time to Process

8.39 The Administration Wing indicated that given the varied nature and complexity of cases, it is hard to tell how long it will take the departments and organisations to handle the complaints, enquiries or requests received by the visiting JPs, and their suggestions or comments. As such, the Administration Wing has not set any timeframe with respect to case handling and issuance of substantive replies to JPs by the departments and organisations (see **paras. 2.46 and 2.51**). Statistics between 2019 and 2021 provided by the Administration Wing show that departments/organisations could complete processing the majority of the complaints received by JPs and their recommendations and comments within one month (see **Tables 8 and 10**), and complete processing almost all the enquiries or requests received by JPs within one month (see **Table 9**). The cases that took several months or even longer to complete

had their own special circumstances (see **Table 14**).

8.40 Based on the time taken for issuing written replies to JPs, in 2019, departments and organisations could still issue substantive replies within one month with respect to most complaints, enquiries or requests, as well as JPs' recommendations or comments (see **Tables 11, 12, 13 and para. 2.49**). In 2020 and 2021, however, cases in which a reply was issued to the JPs after more than one month increased, with the change being the most evident with ImmD. In 2021, ImmD took more than one month to process and issue a reply to JPs in all cases. The Administration Wing attributed the change to the epidemic and the work-from-home arrangement. We accept the Department's explanation.

8.41 To sum up our observations as mentioned in **paras. 8.39 and 8.40**, departments and organisations in general could handle cases and reply to JPs in a timely manner. Our case studies also support this observation (see **para. 7.45**). Yet, for cases requiring a longer processing time, the Administration Wing currently does not require departments and organisations to send interim replies to JPs regularly to report the case progress (see **para. 2.51**). This calls for improvement, as we consider it necessary to keep JPs informed of the case progress regularly for monitoring purposes. On this, the Administration Wing had consulted the departments and organisations. CSD indicated that cases which are more complicated (including complaint cases being investigated by CIU and those already referred to other law enforcement agencies for follow-up) usually take six months or longer to process. It would issue a written reply to JPs in due course upon completion of investigation. CSD considered that the current practice already allows effective monitoring of the case progress by JPs. Setting a timeframe for issuing interim replies to JPs for progress update was, therefore, unnecessary. In light of CSD's views, the Administration Wing has reservations on our recommendation.

8.42 In our view, six months is quite a long time. If a case takes six months or longer to process and the departments or organisations do not issue any interim replies or report the progress to JPs, there is no way JPs can monitor the case progress in the absence of information. As such, we hope the Administration Wing can favourably consider our recommendation with a view to raising the administrative standard of departments and organisations in handling those cases. In fact, when handling cases from members of the public requiring a longer time for issuance of substantive replies, government departments normally issue interim replies to explain the case progress. This is also an effective and good administrative arrangement. We do not see any reasonable grounds for the departments to adopt a different arrangement in handling replies to JPs.

Inconsistent Time of Publishing Annual Reports on Justices of the Peace Visits and Failure to Inform the Public

8.43 Every year, the Administration Wing publishes an Annual Report on Justices of the Peace Visits ("Annual Report"), giving a detailed account of JP visits and the

follow-up actions of departments and organisations in the past year (see **para. 2.33**). The Administration Wing has not set any specific timeframe for publishing the Annual Report. **Table 5** shows that the Administration Wing usually took 5 to 8 months to compile the Annual Report in 2012 and the years before, and 8 to 12 months since 2013. The time of publication varied greatly from one year to another.

8.44 As the primary source of information for the public to understand the JP Visit Programme, the importance of the Annual Report speaks for itself. The public naturally has legitimate expectation as to the time of its publication. In certain years in the past, it took the Administration Wing 12 months to publish the Annual Report of the previous year, which is undoubtedly undesirable. We recommend that the Administration Wing devise a timetable for publishing the Annual Report to ensure its publication within a specified period every year. We note that statutory organisations, under their respective ordinances, are normally required to complete compilation of their annual reports and submit the same to the specified authority and/or organisation²⁵ within six to nine months after the end of a financial year. The Administration Wing may take this as a reference.

8.45 On the other hand, currently, upon publishing an Annual Report on its website and the JP website, the Administration Wing does not issue any press release to inform the public that the latest Report is available online for viewing. We consider issuing a press release useful in raising public awareness of the JP Visit Programme, and enhancing public understanding of the work of JPs and the departments and organisations and their effectiveness in the past year, thereby boosting public confidence in the Programme. We recommend that the Administration Wing issue a press release in tandem with the publication of an Annual Report in the future. We are pleased that the Administration Wing has accepted our two recommendations above.

²⁵ For example:

- Section 4(4) of Schedule 2 to the Personal Data (Privacy) Ordinance (Cap. 486) and Section 18(4) of Schedule 6 to the Sex Discrimination Ordinance (Cap. 480) stipulate that the Office of the Privacy Commissioner for Personal Data and the Equal Opportunities Commission shall, in any case not later than 9 months after the expiry of a financial year, (or such further period as the Chief Secretary for Administration allows), furnish a report of that year to the Chief Secretary for Administration who shall cause the same to be tabled in the Legislative Council.
- Sections 11(2) and 11(4) of the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) stipulate that the signed statement of the accounts of the Hong Kong Examinations and Assessment Authority (“the Authority”) shall be submitted to an auditor appointed by the Authority not later than 6 months following the end of the financial year or by such later date as the Chief Executive may allow. A copy of the signed and audited statement of accounts, together with a report by the Authority on its activities during that financial year, shall be submitted to the Chief Executive and laid on the table of the Legislative Council within 3 months of the receipt by the Authority of the signed and audited statement of accounts.
- Section 3(4) of Schedule 1A to the Ombudsman Ordinance (Cap. 397) provides that The Ombudsman shall within 6 months after the end of a financial year furnish a report for the year to the Chief Executive who shall cause them to be tabled in the Legislative Council.

Content and Function of “Justices of the Peace Zone” on JP Website Limited

8.46 The JP website operated by the Administration Wing includes a “Justices of the Peace Zone” (“JP Zone”) accessible only to JPs. They can find all the previous issues of the “JP Newsletter” and detailed information about all the institutions covered by the JP Visit Programme, such as introduction to the institutions and the checklists prepared by the departments or organisations (see **para. 2.37**).

8.47 As we see it, the JP Zone only provides reference materials to JPs and its content is rather limited and repetitive. The majority of the information therein, such as the JP Newsletter, introduction to the institutions and the checklists prepared by the departments or organisations have already been provided by the Administration Wing to JPs separately (see **paras. 2.8 and 2.35**). In this light, the JP Zone is of limited function and reference value.

8.48 The Chief Executive’s 2022 Policy Address puts forward a vision of building a “smart government” and an aim to turn all government services online in two years. In this light, we recommend that the Administration Wing consider seeking JPs’ views on strengthening digital support for the Programme; for example, whether it is necessary to optimise the JP Zone via information technology in order to provide useful information to JPs more conveniently, to collect their views through more diversified channels and to facilitate the exchange and sharing of visiting experience among them. We believe that these digitalisation measures have the double benefits of bolstering the support for JP visits and in the long run alleviating the administrative work of the Administration Wing and the executive departments and organisations. We hope that the Administration Wing can favourably consider implementing the aforesaid measures subject to JPs’ views in this regard.

OUR RECOMMENDATIONS

8.49 We have made the following recommendations to the Administration Wing, CSD, ImmD, HA and SWD:

The Administration Wing

- (1) issue guidelines to the departments and organisations requiring institutions to provide visiting JPs with a name list of the persons temporarily away from the institution (including the reasons for their absence if practicable), notify all JPs of the procedure and revise the template of the Logbook to facilitate records by JPs (see **para. 8.28**);
- (2) in respect of complaints, requests, enquiries, suggestions or comments requiring a longer processing time, set a timeframe within which the departments and organisations should issue interim replies and report on the progress to JPs to facilitate their monitoring (see **para. 8.41**);

- (3) devise a timetable for publishing the Annual Report to ensure its publication within a specified period every year (see **para. 8.44**);
- (4) issue a press release in tandem with the publication of an Annual Report to inform the public that the latest Report is available online for viewing (see **para. 8.45**);
- (5) consider seeking JPs' views on strengthening digital support for the Programme; for example, whether it is necessary to optimise the JP Zone on the JP website via information technology in order to provide useful information to JPs more conveniently, to collect their views through more diversified channels and to facilitate the exchange and sharing of visiting experience among them (see **para. 8.48**);

CSD, ImmD, HA and SWD

- (6) in conjunction with the Administration Wing, review and revise their respective templates of the Logbook to incorporate the key areas on the checklist accordingly; in case any key areas are yet to be mentioned during the briefing or the inspection, institution staff should proactively provide JPs with related information for assessment of those areas, so that they can make comprehensive assessments and records of the institution (see **paras. 8.6 and 8.8**);
- (7) on the day of visit or within one week afterwards, provide visiting JPs with a name list of the persons temporarily away from an institution (including the reasons for their absence if practicable) and attach it to the Logbook, so as to help the JPs assess whether they have seen all institutionalised persons during their visit and check whether any persons have been absent from two consecutive JP visits. The institution should highlight on the name list those who were absent from two consecutive JP visits and provide the reasons for their absence for the respective visits (see **para. 8.28**);
- (8) if, upon assessment of the actual circumstances of a case and operation of the institution in question, it is conceivably inappropriate to issue a written reply pursuant to the complainant's request, make a record of the request and mention in their written reply to JPs such a request together with the department or organisation's specific reason for not acceding to the request (see **para. 8.38**);
- (9) **CSD** and **HA** favourably consider using the public address system or other means to notify early all inmates or hospitalised persons at different locations of an institution that JPs are about to start a visit (see **para. 8.17**);

- (10) **HA** and **SWD** inform institutionalised persons returning to a ward or an institution after temporary absence that JPs have made a visit so as to safeguard their right to know (see **para. 8.25**).
- (11) **HA** and **SWD** mention in their written replies to JPs what and how investigation findings were related to the complainants, so as to facilitate JPs' understanding of whether the complaint handling process of the institution is fair and proper (see **para. 8.33**);
- (12) **HA** and **SWD** inform institutionalised persons through appropriate documents that they can ask to meet JPs in private; **HA** may specify in the documents whether a private meeting can be arranged depends on the JPs' decision (see **paras. 8.21 and 8.23**); and
- (13) **HA** provide more elaboration on how JPs should assess the key areas on the checklist (see **para. 8.12**).

ACKNOWLEDGEMENTS

8.50 The Ombudsman thanks the Administration Wing, CSD, ImmD, HA and SWD for their cooperation in the course of this investigation. We are also grateful for the views provided by relevant organisations and members of the public who are concerned about the topic.

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APPENDIX

Appendix

List of Institutions under JP Visit Programme

In view of the development of the COVID-19 pandemic and public health considerations, JP visits to the institutions concerned* have been temporarily suspended since late January 2020.

No.	Name of Institution	Frequency of JP visit	Responsible department/organisation
A. Prisons/correctional institutions/half-way house for adults offenders			
1.	Custodial Ward of Queen Elizabeth Hospital ^{(1)*}	Fortnightly	CSD
2.	Custodial Ward of Queen Mary Hospital ^{(2)*}	Fortnightly	CSD
3.	Hei Ling Chau Correctional Institution ⁽³⁾	Fortnightly	CSD
4.	Lai Chi Kok Reception Centre	Fortnightly	CSD
5.	Lo Wu Correctional Institution	Fortnightly	CSD
6.	Pak Sha Wan Correctional Institution ⁽²⁾	Fortnightly	CSD
7.	Pelican House ⁽⁴⁾	Monthly	CSD
8.	Pik Uk Prison	Fortnightly	CSD
9.	Shek Pik Prison	Fortnightly	CSD
10.	Siu Lam Psychiatric Centre	Fortnightly	CSD
11.	Stanley Prison	Fortnightly	CSD
12.	Tai Lam Centre for Women ⁽⁵⁾	Fortnightly	CSD
13.	Tai Lam Correctional Institution	Fortnightly	CSD
14.	Tai Tam Gap Correctional Institution ⁽⁶⁾	Fortnightly	CSD
15.	Tong Fuk Correctional Institution	Fortnightly	CSD
16.	Tung Tau Correctional Institution	Fortnightly	CSD
B. Correctional institutions/half-way houses for young offenders			
17.	Bauhinia House ⁽⁵⁾	Fortnightly	CSD
18.	Lai King Correctional Institution ⁽¹⁾	Fortnightly	CSD

No.	Name of Institution	Frequency of JP visit	Responsible department/organisation
19.	Phoenix House ⁽⁴⁾	Monthly	CSD
20.	Pik Uk Correctional Institution	Fortnightly	CSD
21.	Sha Tsui Correctional Institution ⁽⁷⁾	Fortnightly	CSD
C. Correctional institutions for drug addicts			
22.	Hei Ling Chau Addiction Treatment Centre ⁽⁸⁾	Fortnightly	CSD
23.	Lai Sun Correctional Institution ⁽⁸⁾	Fortnightly	CSD
24.	Nei Kwu Correctional Institution ⁽³⁾	Fortnightly	CSD
D. Rehabilitation centres			
25.	Chi Lan Rehabilitation Centre ⁽¹⁾	Fortnightly	CSD
26.	Lai Chi Rehabilitation Centre ⁽⁷⁾	Fortnightly	CSD
27.	Lai Hang Rehabilitation Centre ⁽⁴⁾	Monthly	CSD
28.	Wai Lan Rehabilitation Centre ⁽⁵⁾	Fortnightly	CSD
E. Detention centres of ICAC and ImmD			
29.	Castle Peak Bay Immigration Centre	Fortnightly	ImmD
30.	Independent Commission Against Corruption Detention Centre	Fortnightly	ICAC
31.	Ma Tau Kok Detention Centre	Quarterly	ImmD
F. Psychiatric hospitals*			
32.	Castle Peak Hospital	Monthly	HA
33.	Kowloon Psychiatric Observation Unit of Kowloon Hospital	Monthly	HA
34.	Kwai Chung Hospital	Monthly	HA
35.	New Territories East Psychiatric Observation Unit of Tai Po Hospital	Monthly	HA
36.	Pamela Youde Nethersole Eastern Psychiatric Observation Unit of the Pamela Youde Nethersole Eastern Hospital	Monthly	HA

No.	Name of institution	Frequency of JP visit	Responsible department/organisation
G. Remand home, places of refuge, probation home and reformatory school of SWD			
37.	Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel	Quarterly	SWD
38.	Tuen Mun Children and Juvenile Home	Monthly	SWD

Notes:

- (1) Custodial Ward of Queen Elizabeth Hospital (No. 1), Lai King Correctional Institution (No. 18) and Chi Lan Rehabilitation Centre (No. 25) are to be jointly visited.
- (2) Custodial Ward of Queen Mary Hospital (No. 2) and Pak Sha Wan Correctional Institution (No. 6) are to be jointly visited.
- (3) Hei Ling Chau Correctional Institution (No. 3) and Nei Kwu Correctional Institution (No. 24) are to be jointly visited.
- (4) Pelican House (No. 7), Phoenix House (No. 19) and Lai Hang Rehabilitation Centre (No. 27) are to be jointly visited.
- (5) Tai Lam Centre for Women (No. 12), Bauhinia House (No. 17) and Wai Lan Rehabilitation Centre (No. 28) are to be jointly visited.
- (6) Tai Tam Gap Correctional Institution (No. 14) has been reopened for JP visits since June 2021.
- (7) Sha Tsui Correctional Institution (No. 21) and Lai Chi Rehabilitation Centre (No. 26) are to be jointly visited.
- (8) Hei Ling Chau Addiction Treatment Centre (No. 22) and Lai Sun Correctional Institution (No. 23) are to be jointly visited.

Key :

- CSD – Correctional Services Department
 HA – Hospital Authority
 ImmD – Immigration Department
 ICAC – Independent Commission Against Corruption
 SWD – Social Welfare Department