

《入境 (越南移居者) (羁留中心) 规则》

(第 115 章，附属法例 M)

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IMMIGRATION (VIETNAMESE MIGRANTS)
(DETENTION CENTRES) RULES

(Cap. 115 sub. leg. M)

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《入境(越南移居者)(羁留中心)规则》

(第 115 章第 13H 条)

[1989 年 11 月 3 日]

编辑附注：

本规则的名称由《人民入境(越南移居者)(羁留中心)规则》修订为《入境(越南移居者)(羁留中心)规则》——见 1997 年第 80 号第 103 条。

1. (由 1992 年第 176 号法律公告废除)

2. 适用

本规则适用于附表所指明的羁留中心。

3. 释义

(1) 在本规则中，除文意另有所指外——(1992 年第 176 号法律公告)

“中心人员”(officer)指根据第 4 条获委派协助主管当局控制及管理羁留中心的人员；

“未成年人”(minor)指年龄不足 16 岁的人；

“主管当局”(Authority)指根据本条例第 13H 条获委派控制管理羁留中心的人；

“巡视中心太平绅士”(visiting justices)指总督根据《监狱条例》(第 234 章)第 23 条委任的太平绅士；

“被羁留者”(detainee)指根据本条例第 13D 条被羁留于羁留中心的人；

“监督”(Superintendent)指——

IMMIGRATION (VIETNAMESE MIGRANTS) (DETENTION CENTRES) RULES

(Cap. 115, section 13H)

[3 November 1989]

Editorial Note:

The title of these Rules was amended from “Immigration (Vietnamese Boat People) (Detention Centres) Rules” to “Immigration (Vietnamese Migrants) (Detention Centres) Rules” — see L.N. 176 of 1992.

1. (Repealed L.N. 176 of 1992)

2. Application

These rules apply to the detention centres specified in the Schedule.

3. Interpretation

(1) In these rules, unless the context otherwise requires—(L.N. 176 of 1992)

“Authority” (主管当局) means the person appointed to have control and management of a detention centre under section 13H;

“detainee” (被羁留者) means a person detained in a detention centre under section 13D;

“Medical Officer” (医生) means a Government medical officer assigned to a detention centre by the Director of Health or a doctor assigned to a detention centre by a voluntary agency as approved by the Secretary for Security;

“minor” (未成年人) means a person under the age of 16 years;

- (a) 根据第 4 条获委派主管羁留中心的人；或
- (b) 于其不在时 ——
 - (i) 如主管当局乃警务处处长，则为于羁留中心当值的最高级警务人员；
 - (ii) 如主管当局乃惩教署署长，则为于羁留中心当值的最高级惩教署人员；或
 - (iii) 如主管当局乃民众安全服务处总参事，则为于羁留中心当值的最高级民众安全服务处人员；
(1992 年第 176 号法律公告)

“医生”(Medical Officer) 指由卫生署署长派驻羁留中心的政府医生，或由保安局局长认可的志愿机构派驻羁留中心的医生。(1997 年第 362 号法律公告)

- (2) 在本规则中，“为好的因由”(for good cause) 指为保障羁留中心内的保安、秩序、卫生或道德，或概括而言为保障羁留中心内被羁留者的福利所必需者。(1992 年第 176 号法律公告)

一般条文

4. 监督及中心人员的委派

- (1) 获委派控制及管理羁留中心的主管当局，须委派 ——
 - (a) 一名监督主管该中心；及

“officer” (中心人员) means an officer appointed under rule 4 to assist the Authority in the control and management of a detention centre;

“Superintendent” (监督) means—

- (a) the person appointed under rule 4 to be in charge of a detention centre; or
- (b) in his absence—
 - (i) where the Authority is the Commissioner of Police, the most senior police officer on duty at the detention centre;
 - (ii) where the Authority is the Commissioner of Correctional Services, the most senior officer of the Correctional Services Department on duty at the detention centre; or
 - (iii) where the Authority is the Chief Staff Officer, Civil Aid Service, the most senior officer of the Civil Aid Service on duty at the detention centre;
(L.N. 176 of 1992; 58 of 1997 s. 34)

“visiting justices” (巡视中心太平绅士) means the justices of the peace appointed by the Governor under section 23 of the Prisons Ordinance (Cap. 234).

- (2) In these rules, the expression “for good cause” (为好的因由) means insofar as is necessary to protect security, order, health or morals in a detention centre or the well-being of the detainees in a detention centre generally. (L.N. 176 of 1992)

GENERAL PROVISIONS

4. Appointment of Superintendent and officers

- (1) The Authority appointed to have control and management of a detention centre shall appoint—

- (b) 其他中心人员协助主管当局控制及管理该中心。
- (2) 根据第 (1) 款获委派的监督及其他中心人员 ——
 - (a) 如主管当局为警务处处长，须为警务人员；
 - (b) 如主管当局为惩教署署长，须为惩教署人员；或
 - (c) 如主管当局为民众安全服务处总参事，须为众安全服务处人员。

5. 住所

被羁留者须住在羁留中心内监督所指定的住所。

6. 巡视中心太平绅士

- (1) 两名巡视中心太平绅士，须最少每月一次及在其他有需要的日子巡视每个羁留中心，并且尽可能一起巡视。警务司司长须将巡视中心太平绅士的姓名提供给每个羁留中心的主管当局，而在他们巡视期间，每个羁留中心均须在一切合理时间开放让他们巡视。(2000 年第 271 号法律公告)
- (2) 巡视中心太平绅士不得在涉及羁留中心的任何合约中有任何利害关系。
- (3) 巡视中心太平绅士负有下述关于羁留中心的职责 ——
 - (a) 每次巡视完毕离开羁留中心之前，在专设的簿册上记录任何建议、提议或其他意见；
 - (b) 与主管当局合作，促进羁留中心的良好管理；

- (a) a Superintendent to be in charge of the centre; and
- (b) such other officers to assist the Authority in the control and management of the centre.
- (2) The Superintendent and other officers appointed under subrule (1) shall be—
 - (a) where the Authority is the Commissioner of Police, police officers;
 - (b) where the Authority is the Commissioner of Correctional Services, officers of the Correctional Services Department; or
 - (c) where the Authority is the Chief Staff Officer, Civil Aid Service, officers of the Civil Aid Service. (58 of 1997 s. 34)

5. Accommodation

Detainees shall occupy accommodation within a detention centre as directed by the Superintendent.

6. Visiting justices

- (1) Two visiting justices shall, together if possible, visit every detention centre at least once a month and on such other days as they may be required. Their names shall be furnished by the Chief Secretary for Administration to the Authority of every detention centre and every detention centre shall be open to them at all reasonable times during their tour of duty. (L.N. 362 of 1997; L.N. 271 of 2000)
- (2) Visiting justices shall not have any interest in any contract made in respect of any detention centre.
- (3) Visiting justices shall have the following duties in relation to a detention centre—

- (c) 确保他们所获悉的一切与羁留中心有关的弊端，立即受到主管当局的注意；
- (d) 聆讯及调查被羁留者意欲向他们作出的投诉；
- (e) 特别关注护理室内及遭隔离拘禁的被羁留者；
- (f) 处理他们收到一切有关被羁留者因纪律处分或所获待遇而相当可能造成身心受伤害的报告，并将其意见告知主管当局；
- (g) 检视被羁留者的膳食，如认为所供应的食物与建议膳食标准不符，即将有关情况向主管当局报告；
- (h) 确保住所的标准及被羁留者的待遇可获他们信纳已达到保安局局长所厘定的认可水平；(1992 年第 176 号法律公告)
- (i) 探查建筑物的情况，并就他们觉得需要的修葺或增建向总督报告；及
- (j) 执行总督所指派予他们的其他任务。

(1997 年第 362 号法律公告)

7. 羁留中心访客

- (a) at the termination of every visit and before they leave the detention centre to record in a book provided for the purpose any recommendations, suggestions or other remarks;
- (b) to co-operate with the Authority in promoting the good management of the detention centre;
- (c) to ensure that all abuses in connection with the detention centre which come to their knowledge are brought to the notice of the Authority immediately;
- (d) to hear and investigate any complaint which any detainee may desire to make to them;
- (e) to pay special attention to detainees in the sick bay and separately confined;
- (f) to attend to all reports received by them as to the mind or body of any detainee being likely to be injured by discipline or treatment to which he is subjected and communicate their opinion to the Authority;
- (g) to inspect the diets of the detainees and if they consider the food supplied does not conform to the recommended diet scale, report the circumstances to the Authority;
- (h) to satisfy themselves that the standards of accommodation and treatment of the detainees are of an approved level as determined by the Secretary for Security; (L.N. 176 of 1992)
- (i) to inquire into the state of buildings and report to the Governor with respect to any repairs or additions which may appear to them to be necessary; and
- (j) to discharge such other duties as may be assigned to them by the Governor.

7. Detention centre visitors

- (1) 主管当局可不时委任关心其羁留中心内被羁留者的福利的人为羁留中心访客。
- (2) 羁留中心访客须在监督行使酌情决定权下获准接触被羁留者。
- (3) 羁留中心访客在羁留中心内时须遵守监督的指示。
- (4) 羁留中心访客须在合理切实可行范围内，尽快将其获悉的关于羁留中心内的弊端、不法活动或不当行为告知监督。

8. 羁留中心访客须遵守规则

- (1) 未得监督准许，任何人不得进入羁留中心。
- (2) 每个获监督准许进入羁留中心的人，均须遵守本规则以及涉及羁留中心的概括命令及指示，惟所须遵守的规则、概括命令及指示，以与该人有关者为限。
- (3) 监督可拒绝不愿遵守上述规定的人进入羁留中心，亦可指示将不遵守上述规定或行为不当的人遣送离开羁留中心，而为达此目的，可使用或授权使用所需的武力。

9. 讯问及搜查

- (1) 所有进出羁留中心的人，均可为好的因由而被讯问及搜查，而进出羁留中心的所有车辆、船只及直升机，亦可为好的因由而被检查及搜查。(1992 年第 176 号法律公告)

- (1) An Authority may, from time to time, appoint persons interested in the welfare of detainees of his detention centre to be detention centre visitors.
- (2) Detention centre visitors shall be permitted access to detainees at the discretion of the Superintendent.
- (3) Detention centre visitors shall while in a detention centre comply with the instructions of the Superintendent.
- (4) Detention centre visitors shall as soon as reasonably practicable inform the Superintendent of any abuse, unlawful activity or impropriety in a detention centre which may come to their knowledge.

8. Detention centre visitors to conform to rules

- (1) No person shall enter a detention centre without the permission of the Superintendent.
- (2) Every person who, with the permission of the Superintendent, enters any detention centre shall conform to these rules and to the general orders and instructions affecting the detention centre in so far as those rules, general orders and instructions concern him.
- (3) The Superintendent may refuse to admit to a detention centre any person who is not willing to conform as aforesaid and may direct the removal from a detention centre of any person who does not so conform or whose conduct is improper, and for that purpose may use or authorize the use of such force as may be necessary.

9. Examination and search

- (1) All persons, vehicles, vessels and helicopters entering or leaving a detention centre may, for good cause, be examined and searched. (L.N. 176 of 1992)

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第 10 条

- (2) 不愿接受讯问及搜查的人，监督可拒绝让其进入羁留中心。
- (3) 中心人员如怀疑某人未获监督准许而将任何物件带进或带出羁留中心，可截停和羁留该人，并须立刻将此事通知监督，而监督可下令讯问及搜查该人。
- (4) 监督可指示将羁留中心内不愿接受讯问或搜查，或行为不当的人遣送离开羁留中心。
- (5) 根据本条而对任何人搜查时，须在适当顾及体统及自尊下进行，并须以符合足以发现隐藏物品的适当方式进行。
- (6) 任何人均不得由异性的中心人员搜查，亦不得在异性的中心人员在场的情况下被搜查。

10. 护理室

每个羁留中心均须设立收容患病的被羁留者的护理室或适当地方。

被羁留者的一般待遇**11. 被羁留者的收纳**

凡被羁留者被指示羁留于某羁留中心，该中心的监督即须作出安排，将之收纳。

12. 没有人陪同的未成年人

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Rule 10

- (2) The Superintendent may refuse admission to a detention centre of a person who is unwilling to be examined and searched.
- (3) A person suspected by an officer of bringing into or carrying out of a detention centre any article without the permission of the Superintendent may be stopped and detained by that officer and immediate notice thereof shall be given to the Superintendent who may order that he shall be examined and searched.
- (4) The Superintendent may direct the removal from a detention centre of a person who while in a detention centre is unwilling to be examined or searched or whose conduct is improper.
- (5) The searching of any person under this rule shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed articles.
- (6) No person shall be searched by, or in the presence of, an officer of the opposite sex.

10. Sick bay

In every detention centre a sick bay or proper place for the reception of sick detainees shall be provided.

GENERAL TREATMENT OF DETAINEES**11. Admission of detainees**

The Superintendent of a detention centre to which a detainee has been directed to be detained shall make arrangements for the admission of the detainee.

12. Unaccompanied minors

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第 13 条

被羁留者如属无父母陪同或无其他合法监护人陪同的未成年人，则监督对他的管束须如父母一样。

(1992 年第 176 号法律公告)

13. 搜查

- (1) 每名被羁留者在收入羁留中心时均须被搜查，并且可于任何其他时候，为好的因由而在监督作出指示时被搜查，而凡属被羁留者未获准管有的物品，均须从该被羁留者身上取去。(1992 年第 176 号法律公告)
- (2) 搜查被羁留者须在适当顾及体统及自尊下进行，并须以符合足以发现隐藏物品的适当方式进行。
- (3) 任何被羁留者均不得由异性的中心人员搜查，亦不得在异性的中心人员在场的情况下被搜查。

14. 被羁留者的财产

- (1) 被羁留者的金钱及其他财物均可由监督保管，而监督须安排备存该等金钱及其他财物的清单一份。该清单则须由有关的被羁留者签署核证其属准确无误。
- (2) 除第 (3) 款另有规定外，被羁留者获释时，上述金钱及财物均须退还给他，并且须由他在清单上签署作为收据。
- (3) 属于被羁留者的任何武器、烈酒、危险药物以及易毁消的、易燃的或危险的物品或物质，均可由监督没收及处置。

15. 未获授权而管有物品

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Rule 13

Where a detainee is a minor unaccompanied by any parent or other lawful guardian, the Superintendent shall have the like control over him as a parent.

(L.N. 176 of 1992)

13. Searching

- (1) Every detainee shall be searched by an officer on admission to a detention centre and may be searched at any other time, for good cause, at the direction of the Superintendent, and all articles for the possession of which no permission has been given shall be taken from him. (L.N. 176 of 1992)
- (2) The searching of a detainee shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed articles.
- (3) No detainee shall be searched by, or in the presence of, an officer of the opposite sex.

14. Detainees' property

- (1) Money and other effects belonging to a detainee may be placed in the custody of the Superintendent, who shall cause an inventory thereof to be kept. Such inventory shall be signed by the detainee concerned certifying its correctness.
- (2) Subject to subrule (3), all such money and effects shall be returned to a detainee on his release from detention and he shall sign the inventory as a receipt.
- (3) Any weapon, intoxicating liquor, dangerous drug, perishable, inflammable or dangerous article or substance belonging to a detainee may be confiscated and disposed of by the Superintendent.

15. Possession of articles without authority

- (1) 任何被羁留者均不得管有未获监督准许管有的物品 (除为好的因由外不得拒绝给予准许), 任何发现由被羁留者所管有的未获授权管有物品, 均可由监督没收及处置。
(1992 年第 176 号法律公告)
- (2) 任何人未获监督准许, 不得将任何金钱、食物、饮料或烟草、信件或任何其他物品, 传递入或抛掷入或放置在羁留中心内, 或传递给任何被羁留者。如此传递、抛掷或放置的物品均可由监督没收及处置。

16. 新收纳者的隔离

首次收入羁留中心的被羁留者, 可为好的因由而按监督所指示的地点及期间, 以隔离于其他被羁留者的形式被拘禁。

(1992 年第 176 号法律公告)

17. 医疗检验

被羁留者须在收入羁留中心当日, 或其后在合理切实可行范围内尽快由医生检验, 而该医生须记录被羁留者的健康状况及他认为需要记录的其他详情。

18. 面谈并记录详情

被羁留者收入羁留中心后, 监督或中心人员须在切实可行范围内尽快与他面谈 (单独或分批), 并由监督或中心人员记录其认为有需要记录的被羁留者的详情。

19. 衣服

被羁留者可穿着自己的衣服。

- (1) No detainee may have any article in his possession without the permission of the Superintendent (which shall not be withheld except for good cause) and any unauthorized article found in his possession may be confiscated and disposed of by the Superintendent. (*L.N. 176 of 1992*)
- (2) No person shall, without the permission of the Superintendent, convey or throw into, or deposit in, any detention centre, or convey to any detainee, any money, food, drink or tobacco, letter or other article whatsoever. Any such article so conveyed, thrown or deposited may be confiscated and disposed of by the Superintendent.

16. Segregation of new admissions

A detainee on first admission to a detention centre may, for good cause, be confined separately from other detainees in such place and for such periods as the Superintendent may direct.

(*L.N. 176 of 1992*)

17. Medical examination

A detainee shall, on the day of his admission to a detention centre or as soon as reasonably practicable thereafter, be examined by the Medical Officer, who shall record the state of health of the detainee and such other particulars as he considers necessary.

18. Interview and recording of particulars

A detainee shall, as soon as practicable after his admission to a detention centre, be interviewed (either individually or in a group) by the Superintendent or an officer, who shall record such particulars of the detainee as he considers necessary.

19. Clothing

Every detainee may wear his own clothes.

20. 毛毡

- (1) 每名被羁留者得由监督酌情决定获供应毛毡最多 4 张。
- (2) 在特殊情况下，经医生建议可额外发给毛毡。

21. 膳食

每名被羁留者得按照卫生署署长所建议的标准而获供应食物。

22. 有关食物的投诉

被羁留者如对所供应的食物有任何投诉，须在接过食物之后，在合理切实可行范围内尽快向中心人员投诉。

23. 服从有关清洁的指示

每名被羁留者均须服从监督为好的因由而作出的有关洗涤、沐浴、剃面及剪发的指示。

(1992 年第 176 号法律公告)

24. 保持宿舍等地方清洁的责任

每名被羁留者均须按照监督为好的因由而作出的指示，保持其宿舍、浴室及厕所清洁，以及保持其器皿、衣物及寝具整洁。

(1992 年第 176 号法律公告)

25. 雇用工作

- (1) 被羁留者可在羁留中心内从事监督按照主管当局所发指示而准许的任何职业或雇用工作。 *(1992 年第 176 号法*

20. Blankets

- (1) Every detainee shall be supplied with up to 4 blankets at the discretion of the Superintendent.
- (2) Additional blankets may be issued in special circumstances on the recommendation of the Medical Officer.

21. Diet

Every detainee shall be provided with food in accordance with scales recommended by the Director of Health.

22. Complaints as to food

Every detainee who has any complaint to make regarding the food supplied to him shall make his complaint to an officer as soon as reasonably practicable after his food is handed to him.

23. Obedience to directions as to cleanliness

Every detainee shall obey such directions as regards washing, bathing, shaving and hair cutting as may, for good cause, be given by the Superintendent.

(L.N. 176 of 1992)

24. Duty to keep dormitory etc. clean

Every detainee shall keep his dormitory, bathroom and toilet clean, and his utensils, clothing and bedding clean and neatly arranged, in accordance with such direction as may, for good cause, be given by the Superintendent.

(L.N. 176 of 1992)

25. Employment

- (1) A detainee may undertake within a detention centre any occupation or employment permitted by the Superintendent

律公告)

(1A) 除为好的因由外, 监督不得拒绝准许被羁留者从事他有资格从事并在羁留中心内提供的职业或雇佣工作。(1992 年第 176 号法律公告)

- (2) 在羁留中心内受雇于厨房或担任家务或其他服务工作的被羁留者, 须按照主管当局或雇用他的志愿机构(视属何情况而定)所厘定的工资率获给予工酬。

26. 邮件

- (1) 除监督为好的因由而另作决定外, 每名被羁留者均可获准收发邮件, 并可获监督供应合理所需的纸张及书写物料。
- (2) 除通过监督外, 任何被羁留者均不得收发邮件。
- (3) 被羁留者所发出或寄予被羁留者的每件邮件, 均可由监督或由监督为此目的所委派的人为好的因由而开启及检查。

(1992 年第 176 号法律公告)

27. 探访

- (1) 除本规则另有规定外, 每名被羁留者均可获准由监督所指示的人按监督所指示的方式探访。
- (2) 除为好的因由或因被羁留者本人提出要求外, 任何人希望探访某名被羁留者, 监督均不得拒绝给予准许。

(1992 年第 176 号法律公告)

in accordance with instructions issued by the Authority.
(L.N. 176 of 1992)

- (1A) Except for good cause the Superintendent shall not refuse permission to a detainee to undertake any occupation or employment for which he is qualified and which is made available at the detention centre. (L.N. 176 of 1992)
- (2) A detainee employed in a kitchen or in domestic or other service within a detention centre shall be paid in accordance with rates fixed by the Authority or the voluntary agency which employs him, as the case may be.

26. Postal articles

- (1) Every detainer may, unless the Superintendent, for good cause, decides otherwise, be permitted to send and receive postal articles, and shall be supplied by the Superintendent with such paper and writing materials as may be reasonably required.
- (2) No detainee may send or receive postal articles except through the Superintendent.
- (3) Every postal article sent by or intended for a detainee may, for good cause, be opened and its contents examined by the Superintendent or some person appointed by him for the purpose.

(L.N. 176 of 1992)

27. Visits

- (1) Subject to these rules, every detainee shall be permitted to be visited by such persons and in such manner as the Superintendent may direct.
- (2) Except for good cause, or at the request of the detainee, the Superintendent shall not refuse permission to any person wishing to visit a detainee.

28. 获准离开

- (1) 监督如认为适合,可准许一名被羁留者按监督所指明的目的、期限及条件离开羁留中心。
- (2) 被羁留者如根据第(1)款获准离开羁留中心,在离开期间,须被当作仍在监督的合法羁押之下。

29. 遣送被羁留者到医院等处

- (1) 监督如信纳某被羁留者须接受内科、外科或牙科治疗,该被羁留者可由监督指示或根据监督的指示被遣送往医院或其他适合地点治疗,并以同样的方式被带回羁留中心。
- (2) 在任何此等情况下,被羁留者离开羁留中心期间,均须被当作仍在监督的合法羁押之下。

30. 禁止使用机械束缚器具

- (1) 除在下列情况外,不得使用机械束缚器具——
 - (a) 为防止被羁留者伤害自己或他人,或破坏财产,或制造骚乱;
 - (b) 为确保被羁留者在遭遣送离开羁留中心期间被安全羁押(其时可使用手铐);或
 - (c) 根据医生的指示。

*(L.N. 176 of 1992)***28. Permitted absences**

- (1) The Superintendent may, if he sees fit, permit a detainee to be absent from the detention centre for such purpose, during such period and on such terms as the Superintendent may specify.
- (2) If a detainee is permitted under subrule (1) to be absent from the detention centre, he shall, while he is so absent, be deemed to continue to be in the legal custody of the Superintendent.

29. Removal of detainee to hospital etc.

- (1) Where the Superintendent is satisfied that any detainee requires medical, surgical or dental treatment, such detainee may be removed by or under the direction of the Superintendent to a hospital or other suitable place for the purpose of treatment and may in like manner be taken back to the detention centre.
- (2) In any such case the detainee shall be deemed to continue to be in the legal custody of the Superintendent while he is absent from the detention centre.

30. Prohibition of use of mechanical restraints

- (1) Mechanical restraints shall not be used except—
 - (a) to prevent a detainee from injuring himself or others, or damaging property, or creating a disturbance;
 - (b) to ensure the safe custody of a detainee during removal from a detention centre, when handcuffs may be used; or
 - (c) under the instructions of the Medical Officer.

- (2) 如监督觉得基于第 (1)(a) 款所指明的任何一项理由，须对被羁留者施以机械束缚，则监督可下令将该人如此束缚，并且须将此事通知其中一名巡视中心太平绅士及医生。
- (3) 医生接到此项通知后，须通知监督其是否同意该项命令；如医生不同意，则监督须按照医生的建议行事。
- (4) 任何被羁留者均不得被机械束缚超过所需的时间，而除非有其中一名巡视中心太平绅士的书面命令，否则不得对被羁留者施以机械束缚超过 24 小时。该命令须指明该项束缚的因由及对被羁留者束缚的时限，该命令并须由监督保存，作为手令。
- (5) 每宗机械束缚个案的详情，监督均须记入其日志之内。
- (6) 任何机械束缚器具，除非属主管当局所批准的式样，并按主管当局所批准的方式及条件使用，否则不得使用。

31. 暂时拘禁

监督可为好的因由而下令将难于控制或使用暴力的被羁留者暂时拘禁于囚室或房间内。

(1989 年第制定。1992 年第 176 号法律公告)

被羁留者的纪律及控制

32. 举报违反纪律罪行的责任

一切违反纪律罪行，均须向监督举报，而监督则有责任在合理切实可行范围内，尽快就此等举报作出调查。

- (2) When it appears to the Superintendent that it is necessary to place a detainee under mechanical restraint for any of the reasons specified in subrule (1)(a), the Superintendent may order him to be so placed, and notice thereof shall be given to one of the visiting justices and to the Medical Officer.
- (3) The Medical Officer on receipt of such notice shall inform the Superintendent whether he concurs in the order, and if he does not, the Superintendent shall act in accordance with any recommendations which he makes.
- (4) No detainee shall be kept under mechanical restraint longer than is necessary, or for a longer period than 24 hours unless upon the written order of one of the visiting justices. Such order shall specify the cause thereof and the time during which the detainee is to be so kept, and shall be preserved by the Superintendent as his warrant.
- (5) Particulars of every case of mechanical restraint shall be entered by the Superintendent in his journal.
- (6) No mechanical means of restraint shall be used except of such patterns and in such manner and under such conditions as may be approved by the Authority.

31. Temporary confinement

The Superintendent may, for good cause, order any refractory or violent detainee to be temporarily confined in a cell or room.

(L.N. 176 of 1992)

DISCIPLINE AND CONTROL OF DETAINEES

32. Duty to report offences against discipline

All offences against discipline shall be reported to the Superintendent and it shall be the duty of the Superintendent to investigate such reports as soon as reasonably practicable.

33. 对被举报的被羁留者的隔离

被举报犯违反纪律罪行的被羁留者，可为好的因由而与其他被羁留者隔离，以候裁决。

(1992 年第 176 号法律公告)

34. 监督在纪律方面拥有的权力

- (1) 监督可就所指控的违反纪律罪行查问任何人。
- (2) 监督在听取被指控的犯罪者所愿提供或作出的证据或申述后，须就所指控的罪行作出裁决，如监督信纳该罪行已获证实，则须据此而惩罚该犯罪者。
- (3) 如所指控的罪行直接关乎监督，则监督不得就该罪行进行裁决，但须要求主管当局另派公职人员进行裁决。

(1992 年第 176 号法律公告)

35. 违反纪律罪行

被羁留者如有下述情况，即犯违反纪律罪行——

- (a) 不服从监督或任何其他中心人员的命令；
- (b) 违反或没有遵守本规则的任何条文(第 39 至 43 条除外)；
- (c)-(d) *(由 1992 年第 176 号法律公告废除)*
- (e) 袭击他人；
- (f) 故意毁损、破坏或毁掉羁留中心任何部分、任何政府财产或任何不属于其本人的财产，或非法挪用任何此等财产；

33. Segregation of detainee against whom report made

A detainee who has been reported for an offence against discipline may, for good cause, be kept apart from other detainees pending adjudication.

(L.N. 176 of 1992)

34. Power of Superintendent as to discipline

- (1) The Superintendent may question any person regarding an alleged offence against discipline.
- (2) The Superintendent, after hearing any evidence or representation which the alleged offender wishes to give or make, shall adjudicate upon the alleged offence and if satisfied that it is proved shall punish the offender accordingly.
- (3) Where the alleged offence directly concerns the Superintendent, the Superintendent shall not adjudicate upon that offence but shall ask the Authority to appoint some other public officer to do so.

(L.N. 176 of 1992)

35. Offences against discipline

A detainee commits an offence against discipline if he—

- (a) disobeys any order of the Superintendent or of any other officer;
- (b) contravenes or fails to comply with any of these rules other than rules 39 to 43 inclusive;
- (c)-(d) *(Repealed L.N. 176 of 1992)*
- (e) commits any assault;
- (f) wilfully disfigures, damages, destroys any part of the detention centre, any Government property or any

- (g) 制造任何滋扰；
- (h) 未得监督准许而 ——
 - (i) 管有；或
 - (ii) 企图管有，
须获监督准许方可管有的物品；
- (i) 从羁留中心或在合法羁押下逃走，或协助或试图协助任何被羁留者逃走，不论逃走是否实在发生；
- (j)-(l) *(由 1992 年第 176 号法律公告废除)*
- (m) 其行为方式对羁留中心的保安、秩序、卫生或道德构成威胁，或概括而言对其他被羁留者的福利构成威胁。*(1992 年第 176 号法律公告)*

36. 警告及纪录

- (1) 监督就所指控的违反纪律罪行作出裁决后，如认为根据第 37 条施行惩罚并不适当，可对犯罪者作出警告。
- (2) 根据本条作出的警告，均须记录在案。
(1992 年第 176 号法律公告)

37. 监督可施加的惩罚

- (1) 监督可下令将他信纳已犯违反纪律罪行的被羁留者处以下述一项或多于一项的惩罚 —— *(1992 年第 176 号法律公告)*
 - (a) 隔离拘禁不超过 28 天；

- property which is not his own or converts any such property;
- (g) commits any nuisance;
- (h) without the permission of the Superintendent—
- (i) has in his possession; or
- (ii) attempts to obtain possession of,
any article for the possession of which the permission of the Superintendent is required;
- (i) escapes from the detention centre or from legal custody, or aids or endeavours to aid the escape of any detainee, whether the escape is actually effected or not;
- (j)-(l) *(Repealed L.N. 176 of 1992)*
- (m) behaves in such a way as to constitute a threat to security, order, health or morals in the detention centre or to the well-being of other detainees generally.
(L.N. 176 of 1992)

36. Warning and records

- (1) Where the Superintendent, having adjudicated upon an alleged offence against discipline, considers that punishment under rule 37 is not appropriate, he may give a warning to the offender.
- (2) Any warning given under this rule shall be kept on record.
(L.N. 176 of 1992)

37. Punishments which may be imposed by Superintendent

- (1) The Superintendent may order a detainee whom he is satisfied has committed an offence against discipline to be punished by one or more of the following punishments— *(L.N. 176 of 1992)*

- (b) 丧失特惠不超过 3 个月；
- (c) 罚款不超过 \$500 (1992 年第 176 号法律公告)
- (2) 任何被羁留者，如因监督根据本条发出的命令感到受屈，可在命令发出后 48 小时内通知监督，表明他意欲向主管当局上诉，以便反对该项命令，而监督须随即相应地通知主管当局，在等候上诉聆讯期间，监督并须停止执行该命令。
- (3) 主管当局在聆讯被羁留者亲身或以书面作出的上诉后，须就上诉作出裁决，并可撤销、更改或维持上诉所反对的命令，亦可以监督根据第 (1) 款及第 36 条有权发出的其他命令代替。(1992 年第 176 号法律公告)

38. 武力的使用

- (1) 任何中心人员，在对待被羁留者时均不得使用不必要的武力，如需对被羁留者使用武力，亦不得使用超乎所需的武力。
- (2) 任何中心人员，均不得蓄意作出刻意激怒被羁留者的作为。

罪行

39. 将未获授权的物品引进羁留中心

除非获主管羁留中心的主管当局授权，否则任何人如将枪械、弹药、武器、工具、烈酒、鸦片或其他毒品、烟草、金钱或任何其他物品带进、抛进或以任何方式引进羁留中心，或传递

- (a) separate confinement for any period not exceeding 28 days;
- (b) forfeiture of privileges for a period not exceeding 3 months; (L.N. 176 of 1992)
- (c) a fine not exceeding \$500. (L.N. 176 of 1992)
- (2) Any detainee who considers himself aggrieved by any order made by the Superintendent under this rule may, within 48 hours after the issue of such order, notify the Superintendent that he wishes to appeal to the Authority against such order, and the Superintendent shall forthwith notify the Authority accordingly and shall stay execution of the order pending the hearing of the appeal.
- (3) Upon hearing the appeal, whether made by the detainee in person or in writing, the Authority shall determine the appeal and may cancel, vary or confirm the order against which the appeal is made or may substitute therefor any other order which the Superintendent was competent to make under subrule (1) and rule 36. (L.N. 176 of 1992)

38. Use of force

- (1) No officer in dealing with detainees shall use force unnecessarily and, when the application of force to a detainee is necessary, no more force than is necessary shall be used.
- (2) No officer shall deliberately act in a manner calculated to provoke a detainee.

OFFENCES

39. Introduction of unauthorized article into detention centre

Any Person who brings, throws or in any manner introduces into any detention centre, or conveys to any detainee while in legal custody outside a detention centre, any arms, ammunition, weapon,

给在羁留中心外被合法羁押的被羁留者，即属犯罪，可处罚款 \$5,000 及监禁 6 个月。

(1992 年第 176 号法律公告)

40. 向被羁留者供应未获授权的物品

任何人如 ——

- (a) 未获羁留中心监督准许而在中心内售卖烈酒、鸦片或其他毒品、烟草或其他物品；或
- (b) 身为受雇于羁留中心工作的人，未获监督的准许而擅自准许在羁留中心内售卖任何物品，

即属犯罪，可处罚款 \$5,000 及监禁 6 个月。

(1992 年第 176 号法律公告)

41. 逃走

任何被羁留者如逃离羁留中心或在合法羁押下逃走，即属犯罪，可处罚款 \$5,000 及监禁 6 个月。

(1992 年第 176 号法律公告)

42. 协助逃离羁留中心

任何人如协助被羁留者逃离羁留中心或在合法羁押下逃走，即属犯罪，可处罚款 \$5,000 及监禁 6 个月。

43. 非法进入羁留中心

instrument, intoxicating liquor, opium or other drug, tobacco, money or any other article, unless authorized to do so by the Authority in charge of that detention centre, commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

(L.N. 176 of 1992)

40. Supplying unauthorized articles to detainees

Any person—

- (a) who without the permission of the Superintendent of a detention centre sells any intoxicating liquor, opium or other drug, tobacco or other article, in the detention centre; or
- (b) being a person employed in a detention centre, who permits any article to be sold in a detention centre without the permission of the Superintendent,

commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

(L.N. 176 of 1992)

41. Escape

Any detainee who escapes from a detention centre or from legal custody commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

(L.N. 176 of 1992)

42. Aiding escape from detention centre

Any person who aids any detainee in escaping from a detention centre or from legal custody commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

43. Illegal entry into detention centre

任何人如未获监督准许及无合理辩解而进入羁留中心或留在羁留中心，即属犯罪，可处罚款 \$5,000 及监禁 6 个月。

(1992 年第 176 号法律公告；1997 年第 80 号第 88 条)

44. 法律顾问的探访

- (1) 被羁留者的法律顾问须获提供合理设施，以便就被羁留者的法律事宜与被羁留者面谈。
- (2) 根据第 (1) 款进行的面谈，须在中心人员视线所及但不能听闻的情况下进行。
- (3) 根据第 (1) 款进行面谈时，法律顾问可携同一名文员或传译员，亦可同时携同一名文员及一名传译员。
- (4) 法律顾问的文员 (如有需要可携同一名传译员)，在出示法律顾问的授权书后，可为施行本条而在法律顾问不在场的情况下与被羁留者面谈。

(1992 年第 176 号法律公告)

Any person who enters any detention centre or remains in any detention centre without the permission of the Superintendent and without reasonable excuse commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

(L.N. 176 of 1992)

44. Visits by legal adviser

- (1) Reasonable facilities shall be provided for the legal adviser of a detainee to interview the detainee for the purpose of any legal business of the detainee.
- (2) An interview under subrule (1) shall be conducted in the sight but not in the hearing of an officer.
- (3) At an interview conducted under subrule (1) a legal adviser may be accompanied by a clerk or interpreter or both.
- (4) Upon production of written authority from a legal adviser, the clerk to that legal adviser, accompanied by an interpreter if necessary, may for the purposes of this rule interview the detainee in the absence of the adviser.

(L.N. 176 of 1992)

S-1
第 115M 章附表
第 1 条SCHEDULE
Rule 1S-2
Cap. 115M

附表

[第 2 条]

SCHEDULE

[rule 2]

1. (由 1996 年第 533 号法律公告废除)
2. (由 1993 年第 377 号法律公告废除)
3. (由 1990 年第 132 号法律公告废除)
4. 西贡高希马羁留中心
5. 青洲接待中心
6. 白石羁留中心
7. (由 1992 年第 142 号法律公告废除)
8. 海港羁留中心，即香港油蔴地小轮有限公司旗下命名为“民天”、“民华”、“民锦”、“民泰”、“民丰”号的船只
9. 罗湖羁留中心

1. *(Repealed L.N. 533 of 1996)*
2. *(Repealed L.N. 377 of 1993)*
3. *(Repealed L.N. 132 of 1990)*
4. Erskine Detention Centre
5. Green Island Reception Centre
6. Whitehead Detention Centre
7. *(Repealed L.N. 142 of 1992)*
8. Harbour Detention Centres, i.e. the vessels known as HYF “Man Tin”, HYF “Man Wah”, HYF “Man Kam”, HYF “Man Tai” and HYF “Man Foon”
9. Lo Wu Detention Centre

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第 115M 章附表
第 10 条SCHEDULE
Rule 10S-4
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10. (由 1993 年第 265 号法律公告废除)

10. (Repealed L.N. 265 of 1993)

11. (由 1991 年第 35 号法律公告废除)

11. (Repealed L.N. 35 of 1991)

12. 丰力楼

12. Phoenix House

13. (由 1993 年第 365 号法律公告废除)

13. (Repealed L.N. 365 of 1993)

14. 万宜羁留中心

14. High Island Detention Centre

15. (由 1994 年第 179 号法律公告废除)

15. (Repealed L.N. 179 of 1994)

16. 域多利监狱

16. Victoria Prison

17. 赤柱监狱 (1990 年第 6 号法律公告)

17. Stanley Prison (L.N. 6 of 1990)

18. (由 1991 年第 232 号法律公告废除)

18. (Repealed L.N. 232 of 1991)

19. 壁屋监狱 (1990 年第 144 号法律公告)

19. Pik Uk Prison (L.N. 144 of 1990)

20. Pik Uk Correctional Institution (L.N. 153 of 1990)

《入境 (越南移居者) (羁留中心) 规则》

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第 115M 章

附表
第 20 条

20. 壁屋惩教所 (1990 年第 153 号法律公告)
21. 启德越南船民转解中心 (1992 年第 141 号法律公告)
22. 由惩教署控制的玛丽医院羁留病房，但不包括该病房内由警方控制的部分 (1992 年第 258 号法律公告)
23. 由惩教署控制的伊利沙伯医院羁留病房，但不包括该病房内由警方控制的部分 (1992 年第 258 号法律公告)

IMMIGRATION (VIETNAMESE MIGRANTS) (DETENTION CENTRES) RULES

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21. Kai Tak Vietnamese Migrant Transit Centre (*L.N. 141 of 1992*)
22. Custodial ward of Queen Mary Hospital under the control of the Correctional Services Department, except that part of the ward located therein controlled by the police (*L.N. 258 of 1992*)
23. Custodial ward of Queen Elizabeth Hospital under the control of the Correctional Services Department, except that part of the ward located therein controlled by the police (*L.N. 258 of 1992*)