

立法會
Legislative Council

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**Legislative Council
Bills Committee on Rehabilitation Centres Bill**

**Minutes of the first meeting
held on Thursday, 2 November 2000 at 4:30 am
in Conference Room B of the Legislative Council Building**

Members Present : Hon CHOY So-yuk (Chairman)
Hon Cyd HO Sau-lan
Hon Eric LI Ka-cheung, JP
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon YEUNG Yiu-chung
Hon Mrs Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, JP
Hon Henry WU King-cheong, BBS
Hon WONG Sing-chi

Member Absent : Hon LAU Kong-wah

Public Officers Attending : Mr David WONG
Principal Assistant Secretary for Security

Miss Bonnie WONG
Assistant Commissioner of
Correctional Services (Rehabilitation)

Miss Miranda NG
Senior Assistant Law Draftsman

Miss Stoney POON
Assistant Secretary for Security

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Mr Paul WOO
Senior Assistant Secretary (2)3

I. Election of Chairman

Miss CHOY So-yuk was elected Chairman of the Bills Committee.

II. Introduction of the Bill

(The Bill; Legislative Council Brief issued by the Security Bureau)

2. Principal Assistant Secretary for Security (PAS/S) briefed members on the background and content of the Rehabilitation Centres Bill (the Bill). He said that in 1996, the Standing Committee on Young Offenders (SCOYO) of the Fight Crime Committee (FCC) commissioned the City University of Hong Kong (City University) to conduct a research into the effectiveness of rehabilitation programmes for young offenders operated by the Correctional Services Department (CSD) and the Social Welfare Department (SWD). The research noted that there was a service gap in providing rehabilitative services for young male offenders who were physically unfit to attend the Detention Centre (DC) programme, and for young female offenders who were not involved in vice-related offences. As a result, the court had no alternative but to sentence these young offenders to Training Centres (TC) run by CSD, which might be too harsh in terms of the length of detention, or put them on probation under the supervision of SWD, which might be too lenient. To fill this service gap, the research suggested, inter alia, that a new short-term residential rehabilitation programme (the proposed programme) should be introduced as an intermediate sanction between the existing TC programme and non-custodial measures. The proposal to develop the said programme was subsequently endorsed by FCC in March 1998 when the FCC adopted an action plan to implement the recommendations of the research.

3. PAS/S advised that the proposed programme aimed at the reformation and training of offenders of or over 14 and under 21 years of age, who did not have a long string of previous convictions and whose offences were not serious in nature. The programme, to be operated in institutions named as Rehabilitation Centres (RCs), would compose of two phases. In short, the

first phase provided two to five months' training in a correctional facility which focused on discipline training. During the second phase, young offenders would be accommodated in a hostel with a half-way house setting for a period of one to four months on a mandatory basis. They might go out for work, attend vocational training and educational courses, and participate in community service programmes. They would also be encouraged and assisted to maintain contacts with their family members and friends. The total period of detention in a RC would range from a minimum of three months to a maximum of nine months.

4. PAS/S added that the Bill, which served to provide for enabling legislation to implement the proposed programme, had the support of the Judiciary.

III. Points raised by members

Establishment of RCs

5. In reply to an enquiry raised by Mr YEUNG Yiu-chung, PAS/S said that for the purpose of the first phase of the proposed programme, it was planned to set aside a section of Sha Tsui DC and a section of Chi Ma Wan Drug Addiction Treatment Centre for male and female offenders respectively. For the second phase, two RCs would be established in the half-way houses at Phoenix House and New Life House for male and female offenders respectively. In order to fully utilize resources and minimize administrative costs, it was intended that the RCs would as far as possible make use of some of the facilities available at the existing institutions for their operation.

6. Some members said that detainees in DCs were generally offenders who had committed more serious offences and therefore were subject to a more rigorous correctional programme. They expressed concern that setting up a RC at the Sha Tsui DC might undesirably cause people to have a bad impression about the inmates of the new RC because people would tend to associate them with those detained in the Sha Tsui DC. Mrs Miriam LAU enquired whether RCs could be set up in other locations such as near the existing TCs.

7. In response, Assistant Commissioner of Correctional Services (Rehabilitation) (ACCS) said that the Administration had considered the option of establishing RCs in some other locations such as in the proximity of the Cape Collinson Correctional Institution or the Lai King TC. However, the possibilities were ruled out due to absence of sufficient space there. PAS/S added that the proposed RC programme was a new scheme distinct from the DC programme. Detainees in the new RC and Sha Tsui DC would be physically segregated and effectively supervised. Hence, young offenders

Action
Column

under the proposed programme would have no opportunity to mingle with detainees in the Sha Tsui DC.

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8. Mrs Miriam LAU opined that if ultimately a RC had to be established at Sha Tsui DC, the Administration should give the RC a distinct name so as to disassociate it from the Sha Tsui DC. The Administration noted her suggestion.

Financial implications

9. Mr Eric LI enquired about the financial implications of the proposed programme.

10. PAS/S replied that as mentioned in the Legislative Council Brief, CSD would require 22 additional posts at a cost of \$12.5 million to implement the proposed programme, including counselling, vocational training and programme administration etc. This additional recurrent resource requirement would be absorbed from within the global allocation of the Security Bureau's policy area.

11. ACCS advised that according to the results of a survey on the young offenders remanded under CSD custody for suitability reports between 1995 to 1997, it was estimated that about 300 male offenders and 80 female offenders would be potential inmates for the proposed programme each year. The demand for the new type of rehabilitative services, and hence the cost implications, would ultimately depend on the actual number of young offenders whom the court would sentence to undergo rehabilitation under the proposed programme.

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12. Mr Eric LI requested the Administration to provide a detailed written explanation on the financial and staffing implications of the proposed programme, e.g. the number of RCs likely to be established and the estimated recurrent costs of running the centres, and how did the costs compared to that of other existing correctional institutions such as DCs and TCs etc.

Programme content

13. Mr WONG Sing-chi and Mrs Miriam LAU asked how young offenders under the proposed programme would be assisted in re-establishing family relationship and social re-integration.

14. ACCS replied that an important feature of the proposed rehabilitation programme was the strong emphasis placed on enlisting family support for and involvement in the programme. To this end, counselling service would be provided to both the detainees and their parents on a personalized basis in order to identify problems and solutions, strengthen communication and mutual

Action
Column

understanding between the young offenders and their family members. Apart from encouraging family members to pay frequent visits to the detainees, various kinds of parent-inmate activities that could help speed up progress in the correction and rehabilitation of the young offenders would be arranged.

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15. Mrs Miriam LAU suggested that, for the purpose of achieving re-integration into the family, consideration should be given to allow the young offenders to spend weekends with their family members outside the RC as they progressed into the second phase of the proposed programme. The Administration noted her suggestion.

16. Referring to the second phase of the proposed programme during which the young offenders would be allowed to go outside the RC to undertake approved activities such as attending school or taking up vocational training or employment etc, Mr WONG Sing-chi asked what measures would be available to protect them from any undesirable "labelling" effect while undertaking such activities.

17. ACCS responded that the background of the participants in the proposed programme would not be divulged to any person unless in absolutely necessary circumstances. She said that the CSD had maintained close contact with a substantial number of employers who were willing and prepared to offer employment to discharged offenders. In case a discharged offender could not secure a proper job by himself or his family/personal network, he might be referred to have a job interview with such employers.

18. In response to Ms Cyd HO, the Administration advised that CSD would be responsible for providing the correctional and rehabilitative services under the proposed programme. CSD officers were professionally trained in acquiring the necessary skills and expertise to enable them to do the job satisfactorily.

Adm

19. Ms Cyd HO asked the Administration to explain how CSD would ensure effective supervision of the two phases of the proposed programme having regard to the different programme content. She also requested the Administration to provide a comparison of the rules and regulations which detainees were required to observe under the proposed programme with other schemes administered by CSD and SWD.

Potential inmates of the proposed programme

20. Mr Eric LI asked whether the proposed programme would also cover illegal immigrants (IIs).

21. PAS/S replied in the negative. He said that under existing policy, IIs, on being detected, would be removed from Hong Kong at the earliest possible

opportunity. ACCS said that as the proposed programme would include a period of rehabilitation where the offenders would be allowed to go outside a RC to work or attend school or other approved activities, as well as a further period of aftercare supervision, the proposed programme was obviously not suitable for IIs. She added that at present, correctional institutions like DCs, TCs and drug addiction treatment centres etc were not meant to cater for IIs.

22. Mr Andrew WONG enquired about the rationale for setting the age criterion at the range of between 14 to 20 years. He expressed concern that it might be difficult for those aged over 18, as compared to their younger counterparts, to benefit effectively from the proposed programme.

23. PAS/S and ACCS advised that generally speaking, the age of 21 was used as the dividing line distinguishing between young offenders and adult offenders for the purpose of rehabilitation. Young offenders were further divided into "Junior Section" for those aged 14 and below 17, and "Senior Section" for those aged 17 and below 21. In order that participants could reap the best advantage out of the proposed programme, different training programmes would be provided to different age groups in order to meet their common developmental needs/tasks taking into consideration the individual differences/ability. A young offender would be assigned to a training/vocational programme in accordance with his age, developmental tasks, experience and ability etc.

24. Mr Andrew WONG opined that the importance of a penal element in a custodial correctional or rehabilitation setting should not be overlooked in designing the content of the proposed RC programme.

25. Mr YEUNG Yiu-chung enquired why there was a difference in treatment in the proposed programme in respect of male offenders and female offenders involved in vice-related offences.

26. PAS/S said that young female offenders who committed vice-related offences could be involved in prostitution in vice establishments. According to the views expressed in the City University's research report, such young female offenders were victims of criminalization who needed a longer-term structural correction and social training in a TC setting in order to change their moral values. Yet, for those young female offenders who were in no moral danger, a short-term residential rehabilitation programme would suffice. He added that the Bill did not seek to exclude offenders committing certain offences, irrespective of their sex, from the proposed programme. Before making a decision as to the appropriate sentencing option, the court would have regard, among others, to factors such as the nature and seriousness of the offence as well as the pre-sentence reports and assessments made by CSD and SWD on the offender in question.

Action
Column

27. Mrs Miriam LAU pointed out that according to the Administration's proposal, it was possible for the court to sentence a young male offender involved in a vice-related offence, such as causing or procuring another person to become a prostitute, to undergo the proposed RC programme. But the court might not necessarily make the same sentence in respect of a young female involved in the offence. She was concerned that this arrangement could be subject to criticism of being sexually discriminative.

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28. The Administration was requested to provide a written response to address the above concern.

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29. Mr WONG Sing-chi said that young offenders of the proposed programme might include ex-probationers who were blatant offenders. He opined that their presence in a RC could have bad influence on those undergoing rehabilitation in the RC. He requested the Administration to explain what safeguards were in place to deal with this.

30. Ms Cyd HO enquired whether a young offender who had previously been discharged from a RC could be sentenced again to detention in a RC on the commission of a new relevant offence. The Administration replied that a detention order for the purpose of the proposed programme could be made against a young offender for more than once, as could be seen from the provisions stipulated in clause 4(2)(c) and 8(1)(a) of the Bill respectively.

Period of detention

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31. The Chairman asked the Administration to revert in writing on the rationale for setting the total period of detention under the proposed programme from a minimum of three months to a maximum of nine months, as opposed to a maximum period of six months recommended by the City University's report.

The City University's report

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32. At the request of Ms Cyd HO, the Administration agreed to provide copies of the City University's research report for the Bills Committee's reference. Ms Cyd HO also requested the Administration to elaborate in writing on how and to what extent the proposed programme had responded to the recommendations made in the report.

Adm

33. PAS/S informed members that the City University's report had previously been considered by the Legislative Council's Panel on Security. Since the adoption of the report by FCC, SCOYO had been monitoring the progress of implementation of the recommendations made in the report on a half-yearly basis. He agreed to provide the progress reports for members' reference.

Action
Column

Visit to young offenders institutions operated by CSD and SWD

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34. At the suggestion of Ms Cyd HO, PAS/S undertook to make arrangements for members to visit the Sha Tsui DC and Lai King TC before the next meeting to familiarize members with the correctional programmes and facilities provided at the centres. He would also liaise with SWD to arrange a visit or briefing on the rehabilitation programmes for young offenders operated by SWD. Members would be notified of the arrangements in due course.

(Post-meeting note : Members of the Bills Committee visited O Pui Shan Boys' Home, Lai King Training Centre and Sha Tsui Detention Centre in the morning of 30 November 2000)

IV. Next meeting

35. The next meeting was tentatively scheduled for 7 December 2000 at 4:30 pm.

(Post-meeting note : The next meeting has been subsequently rescheduled for 5 December 2000 at 4:30 pm.)

36. The meeting ended at 6:00 pm.

Legislative Council Secretariat

12 December 2000