

Issues raised by the Bills Committee on the Rehabilitation Centres Bill

- A. *To explain the financial and staffing implications of the proposed short-term residential rehabilitation programme (proposed programme), e.g. the number of rehabilitation centres intended to be established and the estimated recurrent costs of running those centres, and how do the costs compared to that of other existing correctional institutions such as detention and training centres etc.*

Administration's Response

1. We are planning to set up four Rehabilitation Centres (RCs) to provide a total of 224 places (160 for phase I and 64 for phase II). To provide the required accommodation and minimize the resource implications, we will set aside certain parts of the existing penal facilities and carry out necessary refurbishment works (at an estimated cost of \$16 million). The details are as follows –
  - (i) 90 places at Sha Tsui Detention Centre on Lantau Island (phase I, male);
  - (ii) 70 places at Phoenix House at Lung Cheung Road, Wong Tai Sin (phase II, male);
  - (iii) 40 places at Chi Ma Wan Drug Addiction Treatment Centre on Lantau Island (phase I, female); and
  - (iv) 24 places at New Life House in Tai Lam, Tuen Mun (phase II, female).
2. As the proposed RCs will share the overhead costs of the existing penal facilities, we estimate that only 22 new posts at an annual cost of \$12.5 million will be required to implement the rehabilitation services, including individual and group counselling, vocational training, personal development and communication training programme, parent-inmate programme, etc. These include a clinical psychologist, 4 technical instructors, 12 disciplined officers and other miscellaneous staff.
3. In 1999 - 2000, the average annual recurrent expenses for a place in

Detention Centre (DC) and Training Centres (TC) are \$0.22 million and \$0.15 million respectively. As for the proposed RC programme, it is estimated that the annual recurrent expenses for a place would be about \$0.2 million.

- B. *To provide a comparison on the rules and regulations which detainees are required to observe under the proposed programme and other schemes administered by the Correctional Services Department (CSD) and Social Welfare Department (SWD).***

**Administration's Response**

4. Please see a chart on the rehabilitation process and comparison tables at Appendix.

- C. *To provide copies of the research report prepared by the City University of Hong Kong on rehabilitation programmes for young offenders operated by CSD and SWD and progress reports on the subject provided by the Administration to the LegCo Panel on Security.***

**Administration's Response**

5. The required materials were provided to the Bills Committee on 10 November 2000.

- D. *To explain how and to what extent the proposed programme has responded to the recommendations made in the City University's report.***

**Administration's Response**

6. The proposed RC programme itself will implement the recommendation for a new short-term residential rehabilitation programme for young male offenders who are physically unfit for the DC programme, and for young female offenders who are regarded as being in no moral danger. (See para. 516 – 520 of Summary Report.) In drawing up the proposed RC programme, we have addressed the various aspects of rehabilitation services as raised in the City University's Report. Examples are given in the following paragraphs.

**Education**

7. A wide spectrum of practical subjects will be taught to RC inmates.

These include computer and language courses, basic typing, commercial studies, economics courses etc. Inmates will also be encouraged to attend public examinations, in a bid to raise their academic qualifications and enhance their employability after discharge.

### Vocational Training

8. To help RC inmates to develop positive work habits and vocational skills, vocational training courses in practical subjects, including computer-aid design, office practices, metal machinery, hair beauty etc, will be provided. The training courses are to be taught in standard, well-equipped workshops by qualified professionals. Efforts will also be made to seek accreditation of the standards attained by inmates.

### Community reintegration programmes

9. Community reintegration programmes, with emphasis on personalised social service instead of simple manual work, will be organised, especially during phase II of the programme when inmates may go out for work, attend vocational training and educational programmes, and participate in community services programmes. This provides chances for inmates to try and test what they learn from the phase I training, such as the life and communication skills. We believe that inmates' participation in community based activities such as providing volunteer services to the needy groups would enhance their self development, social awareness and sense of responsibility, and facilitate their eventual reintegration into society.

### “Throughcare” approach

10. To enable young offenders to benefit fully from the RC programme, the “throughcare” approach presently applied in DC and TC programmes will also be adopted. Each inmate, upon admission into a RC, will be assigned to the care of an aftercare Officer of CSD who will provide the inmate with continuous support and guidance throughout the his detention and till the expiry of his one-year post-release supervision. The purpose is to facilitate the young offender to adapt to the institutional programme and prepare him to meet the challenges ahead. In the process, individual and group counselling will be conducted to help the young offenders to gain better insight into the problems arising from his personal inadequacies and to find solutions.

### Working with Family

11. Apart from providing services to young offenders, the aftercare Officers of CSD will develop rapport with their families. Parent-inmate activities will be organised to strengthen or rebuild the relationships between young offenders and their families.

### Overall

12. Unlike the DC programme, the proposed RC programme will place less emphasis on strenuous physical exercise and hard work, but more on positive training such as civic education and development of social and life skills. Unlike the TC programme which aims to rehabilitate offenders through a longer period of education and vocational training, the RC programme will seek to help the participants develop self-discipline, confidence and practical skills to cope with life situations and problems within a relatively shorter duration.

*E. To explain how CSD would supervise the two phases of the proposed programme having regard to the different programme content.*

### Administration's Response

13. In Phase I, the emphasis is on discipline training to help inmates to learn to exercise better self-control and develop a regular living pattern. Apart from the daily educational courses and vocational training, individual and group counselling programmes will be held extensively. Custodial staff with special training on dealing with young offenders will be posted to RCs to take care of the discipline and daily living of the inmates, whereas qualified teachers and technical instructors will be assigned to run the educational and vocational training programmes. Aftercare officers and clinical psychologists will help inmates tackle personal and family problems, make positive changes in behaviour, and prepare for future re-integration into society.
14. In Phase II, during their stay in the RCs with a half-way house setting, inmates may go out for work, attend classes and participate in community service activities during daytime. On-going individual or group counselling sessions will be arranged for them to consolidate their sense of self-discipline and positive work habits. Various in-house recreation, outdoor activities and community services will be organized to further cultivate a spirit of civic and moral awareness among the inmates. They

may also be granted home leave for family reunion. The supervising staff are equipped with the skills and knowledge to run the various programmes for the inmates.

15. Throughout the two phases, on-going assessment will be made on each inmate's progress, say in respect of improvement in behaviour, attitude, appearance, self-care ability, work performance, response towards counselling, etc. A Board of Review will carry out monthly review together with the inmate and shall, based on its assessment, make recommendations to the Commissioner of Correctional Services for his promotion to a higher grade and discharge.

***F. To explain why there is a difference in treatment in relation to the provision of rehabilitative services for young male and female offenders involved in vice-related offences.***

**Administration's Response**

16. The mention of young female offenders who are not involved in vice-related offences serves to illustrate one group of offenders who may benefit from the proposed RC programme, rather than to define or restrict the admission of certain types of offenders. The idea in fact originates from a recommendation in the City University's Report. According to research, some young female offenders who at one time or another are also the 'victims' of criminalization need long-term structural correction and social training in order to change their moral values. They may benefit from the current TC programme, which provides the maximum detention period of 36 months. However, for those female offenders who are regarded as being in no moral danger, a short-term residential rehabilitation programme should suffice and this is the service gap the proposed RC programme seeks to fill.
17. Sentencing is a matter exclusively for the Court in accordance with judicial principles, statutory provisions and other rules of law. The Court would have regard to, among other things, factors such as the nature and seriousness of the offences, offenders' background, available sentencing options, as well as the pre-sentence reports of individual offenders (e.g. social enquiry reports prepared by SWD, suitability reports prepared by CSD, and Young Offender Assessment Panel Reports jointly prepared by the two departments). As far as the Bill is concerned, it contains no provisions to exclude offenders of certain offences, irrespective of sex, from the proposed RC programme. As a matter of

principle, the Court would not discriminate between male offenders and female offenders.

- G. *To explain 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 against a maximum period of six months recommended by the City University's report.***

**Administration's Response**

19. In response to the recommendations made by the City University, an inter-departmental working group involving Security Bureau, Correctional Services Department, Social Welfare Department, Department of Justice and Judiciary Administrator has been set up to work out the detailed proposal for a short-term residential programme. It has examined the objective and potential clientele of the proposed programme and worked out the two-phase design and programme content. As regards the length of detention, the considerations are as follows -
- (a) With a comparatively softer regime than the DC programme, the proposed RC programme should attract a period of detention longer than that of DC (which lasts from one to six months for young offenders) to maintain a considerable deterrent impact. Too short a detention period would not have the rehabilitative effect intended.
  - (b) On the other hand, as an intermediate sentencing option between non-custodial sentence and the TC programme, the proposed RC programme should have a detention period shorter than that of TC (which is between six and 36 months).
  - (c) In 1999, the average length of detention of young offenders in DC was 4.8 months and the average period of stay in Phoenix House (a half-way house for young offenders discharged from CSD's custodial institutions) was two months, thus making a total of 6.8 months. Given the two phases of the proposed RC programme, i.e. a period of disciplinary training and subsequent mandatory residency in a "half-way house", a detention period from three to nine months is considered appropriate.
- H. *To address the concern raised by a member of the Bills Committee that previous probationers, if subject to a detention order in a rehabilitation center under the proposed programme, may have bad influence on***

*those undergoing rehabilitation in the centre.*

**Administration's Response**

20. The proposed RC programme is intended for young offenders who do not have a long string of previous convictions. These may include young offenders who have been subject to Probation Orders previously as they may benefit from the proposed RC programme. If an RC inmate is found to be incorrigible, or exercising a bad influence on other inmates in the RC, clause 10 of the Bill provides for his or her transfer to a TC or a prison if the case so warrants.

## Correctional Services Department's Rehabilitation Programmes for Young Offenders

|   | <b>Detention Centre (DC)</b>   | <b>Rehabilitation Centre (RC)</b>  | <b>Training Centre (TC)</b>   | <b>Drug Addiction Treatment Centre (DATC)</b>  | <b>Prison for young offenders</b>  |
|---|--|--|---|--|--|
| <b>Covering Ordinance</b>                   | DC Ord., Cap 239   | RC Bill  | TC Ord., Cap 280  | DATC Ord., Cap 244   | Criminal Procedures Ord., Cap 221 (s.109AA-s.109AC)  |
| <b>Date of Enactment</b>                    | 16.6.1972  | --   | 6.3.1953  | 17.1.1969  | 30.4.1980  |
| <b>Target Age Group and Sex</b>             | From 14 to under 21, M (Young Offender Section)  | From 14 to below 21, M/F   | From 14 to under 21, M/F  | From 14 to under 21, M/F (Young Inmate Section)  | Between 14 and less than 21 on admission, and under 25 on discharge, M/F   |
| <b>Detention Period</b>                     | <ul style="list-style-type: none"> <li>◇ 1-6 months;</li> <li>◇ Indeterminate sentence, discharge depends on individual progress in performance</li> </ul>   | <ul style="list-style-type: none"> <li>◇ Phase I : 2-5 months;</li> <li>◇ Phase II : 1-4 months;</li> <li>◇ Indeterminate sentence, discharge depends on individual progress in performance</li> </ul>                                     | <ul style="list-style-type: none"> <li>◇ 6-36 months;</li> <li>◇ Indeterminate sentence, discharge depends on individual progress in performance</li> </ul>   | <ul style="list-style-type: none"> <li>◇ 2-12 months;</li> <li>◇ Indeterminate sentence, discharge depends on individual progress in performance</li> </ul>                                | <ul style="list-style-type: none"> <li>◇ 3 months' imprisonment or above (not subject to deportation upon discharge);</li> <li>◇ Determinate sentence as fixed by court</li> </ul>   |
| <b>Supervision Period</b>                   | 1 year (after release)   | 1 year (after release)   | 3 year (after release)  | 1 year (after release)   | 1 year (after release)   |
| <b>Consequence of Breach of Supervision</b> | <ul style="list-style-type: none"> <li>◇ Liable to recall, or</li> <li>◇ A fine of \$5000 and 12 months' imprisonment upon conviction of "Breach of Supervision Order" in court</li> </ul>   | <ul style="list-style-type: none"> <li>◇ Liable to recall, or</li> <li>◇ A fine at level 2 (i.e. \$2001-\$5000) and 12 months' imprisonment upon conviction of "Breach of Supervision Order" in court</li> </ul>                           | <ul style="list-style-type: none"> <li>◇ Liable to recall, or</li> <li>◇ A fine of \$5000 and 12 months' imprisonment upon conviction of "Breach of Supervision Order" in court</li> </ul>  | <ul style="list-style-type: none"> <li>◇ Liable to recall, or</li> <li>◇ A fine of \$5000 and 12 months' imprisonment upon conviction of "Breach of Supervision Order" in court</li> </ul> | <ul style="list-style-type: none"> <li>◇ Liable to recall, or</li> <li>◇ A fine of \$5000 and 12 months' imprisonment upon conviction of "Breach of Supervision Order" in court</li> </ul>                                   |
| <b>Main Features</b>                        | <p>Emphasis on strenuous physical exercise and hard work.</p> <p>3 S (short, shock &amp; sharp) approach adopted.</p> <p>Offenders must be certified as physically fit to take part in vigorous physical exercise and mentally sound</p> | <p>Discipline training in Phase I followed by a period of residency in a half-way house setting in Phase II. Such arrangement enable the RC inmates to try out and test in the community what they have been taught in the first phase</p> | <p>Emphasis on character reformation and vocational training.</p> <p>Offenders who are found unsuitable for DC (i.e. have previous penal experience, or are assessed as being intellectually below average or physically incapable of undergoing vigorous exercise, or because of criminal sophistication requiring a longer period of comprehensive corrective training)</p> | <p>Drug abstinence programme</p>   | <p>Prison routine, a comprehensive correctional programme including vocational training, education classes etc.</p> <p>Prison sentence is ordered only when no other method of dealing with the offender is appropriate.</p> |

## Social Welfare Department's Rehabilitation Programmes for Young Offenders

|   | Community Services Order  | Probation Order  | Probation Order with Residential Requirement – Probation Home   | Probation Order with Residential Requirement – Probation Hostel   | Reformatory School   | Remand Home   |
|---|---|--|---|---|--|---|
| <b>Covering Ordinance</b>                   | Community Service Orders Ordinance, Cap. 378  | Probation of Offenders Ordinance, Cap. 298   | Probation of Offenders Ordinance, Cap. 298  | Probation of Offenders Ordinance, Cap. 298  | Reformatory Schools Ordinance, Cap. 225  | Juvenile Offenders Ordinance, Cap. 226  |
| <b>Date of Enactment</b>                    | 23.11.1984  | 7.12.1956  | 7.12.1956   | 7.12.1956   | 20.11.1933   | 20.11.1933  |
| <b>Target Age Group and sex</b>             | 14 or above, M/F  | 7 or above, M/F  | 7 – under 16, M/F   | 15 – under 21, M  | 7 – under 16, M  | 7 - under 16, M/F   |
| <b>Residential Period</b>                   | N.A.<br>Non-custodial   | N.A.<br>Non-custodial  | <ul style="list-style-type: none"> <li>✧ not extend beyond 12 months from the date of the order</li> <li>✧ period of residential training specified in the probation order</li> </ul> | <ul style="list-style-type: none"> <li>✧ not extend beyond 12 months from the date of the order</li> <li>✧ period of residential training specified in the probation order</li> </ul> | <ul style="list-style-type: none"> <li>✧ not less than 1 year and not more than 3 year or not longer than until such offenders attains the age of 18 years</li> <li>✧ discharge depends on individual progress in performance</li> </ul> | <ul style="list-style-type: none"> <li>✧ not exceeding 6 months</li> <li>✧ discharge depends on individual progress in performance</li> </ul> |
| <b>Supervision/Aftercare Period</b>         | not exceeding 240 hours of unpaid work within a period of 12 months   | 1 – 3 years  | 1 – 3 years   | 1 – 3 years   | Until the expiration of the school order or until the offenders attains the age of 18 years.   | for a period from the date of the release of the offender until the expiration of 6 months from the date of the detention order.              |
| <b>Consequence of Breach of Supervision</b> | <ul style="list-style-type: none"> <li>✧ a fine not exceeding \$1,000</li> <li>✧ original offence to be dealt with</li> </ul>             | <ul style="list-style-type: none"> <li>✧ liable to court caution</li> <li>✧ a fine not exceeding \$500</li> <li>✧ original offence to be dealt with</li> </ul> | <ul style="list-style-type: none"> <li>✧ liable to court caution</li> <li>✧ a fine not exceeding \$500</li> <li>✧ original offence to be dealt with</li> </ul>                        | <ul style="list-style-type: none"> <li>✧ liable to court caution</li> <li>✧ a fine not exceeding \$500</li> <li>✧ original offence to be dealt with</li> </ul>                        | Liable to recall   | Liable to recall  |
| <b>Main Features</b>                        | Community based treatment through unpaid work of benefit to the community under supervision of probation officers who are social workers. | Community based treatment with emphasis on counselling rendered by probation officers and other supportive services through social work approach               | Provide residential training to help the offenders change their behaviour and social attitude through the employment of social work methods   | Provide an open setting for the offenders to help them change their behaviour and attitude while maintain their contact with the society through day-release employment or schooling  | Provide a community-like setting similar to boarding school to bring about character change of the offenders   | Provide short-term custodial care and training to help the offenders develop a more regular and self-disciplinary life pattern                |

Rehabilitation Process

