

**For discussion on
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LEGCO PANEL ON WELFARE SERVICES

Hong Kong Human Rights Monitor's Report on the Correctional/Residential Homes run by the Social Welfare Department

PURPOSE

The purpose of this paper is to inform members of the Hong Kong Human Rights Monitor's (HKHRM) concerns raised in their Study Report on correctional/residential homes operated by the Social Welfare Department (SWD) and SWD's response to HKHRM's recommendations.

BACKGROUND

2. The HKHRM approached the Department in early 2000 to conduct a study on the correctional/residential homes operated by the Department with the purpose of reviewing the conditions in these homes and making recommendations for improvement, in accordance with the international human rights standards adopted by the United Nations.

THE STUDY

3. The study was carried out in eight SWD correctional/residential homes (see **Annex 1**) between March and July 2000. Throughout the study, the Department held an open and co-operative attitude and gave the HKHRM full assistance and support in the co-ordination and logistics arrangements. All the visits to the homes made by the HKHRM were arranged on an unannounced basis. HKHRM visitors were allowed to read through all records and documents of the homes except those containing personal data of residents and staff. Interviews with residents and staff of the homes by the visitors were conducted in private.

4. The Department had not been approached or updated by the HKHRM on this study since the completion of the visits. We received the draft report of the study from the HKHRM only in May 2001 and met the HKHRM to discuss their observations. The exchange of views on the findings was frank and constructive.

5. A summary of the main concerns of the HKHRM, as contained in their Report, is at **Annex 2**. A copy of the full HKHRM Report has been provided to the LegCo Secretariat for Members' reference.

CONSTRAINTS AND LIMITATIONS OF THE STUDY

6. The Department recognizes, as did the HKHRM, that there were certain limitations on HKHRM in conducting this study due to their time and manpower constraints. The Department is concerned that the data in the report has been collected from a small selected sample without verification, and hence, may not fully or accurately reflect the true situation. Some of the findings and

observations are out-of-date since the HKHRM conducted visits in mid 2000 and did not seek clarification from the Department in the intervening period, before publishing their report.

THE ADMINISTRATION'S RESPONSE

Nature and functions of the Homes

7. The findings and concerns of the report should be seen against the nature and functions of the homes under study and the constraints placed on SWD in operating these homes. The eight correctional/residential homes of SWD serve a variety of purposes. They cater for different types of residents. Some of them are juveniles with family or behavioural problems requiring short-term care or custody. Others are juvenile offenders requiring long-term residential training. Young illegal immigrants pending repatriation are also under the care of these homes. In view of the different nature and background of the residents, the duration of stay of the residents varies significantly from a few days to a continuous period of 18 months.

8. The physical environment of these homes also varies considerably with a few operating in purpose-built premises while others are accommodated in old non-purpose built premises.

9. In running this kind of residential service for children and juveniles as well as young offenders, the Department has to strike a balance between providing structured programmes to help them lead a more regular and meaningful life for subsequent re-integration into society and respecting the needs and wishes of the child.

Resources deployed to these homes

10. It is relevant to note that the operating expenses of these eight homes amount to about \$124 million a year. Because of the fluctuation in demand and generally low utilisation, concerns have been expressed from time to time about the high cost of this residential service, ranging from \$21,500 per resident per month in a probation hostel to \$75,000 per resident per month in a reformatory school. Indeed, the Director of Audit conducted a value for money report on these homes which was published in his Report No. 32. The Audit report expressed concern about the utilization of the Department's homes and the high unit cost of service. Thus, in managing this service, the Department has to strike a balance between continuous improvement to the residential service and the cost-effective use of public resources,

Department's reservations on some findings and observations of the HKHRM

11. There are a few observations in the report on which the Administration has reservations. Regarding the complaint of inadequate food for residents, more food is always available to meet the request of residents. There is no question of an inadequate supply. The menu is revised regularly under the advice of the Department of Health, with the most recent one conducted in October 2000 to provide more variety of food and fresh fruit to residents.

12. On the interaction between residents and their families, there is no limitation or restriction on the number of letters sent by residents to their families. The Department recognises that parents' support and co-operation are important variables to strengthen parent-child communication and it always encourages parent-child contacts. Over the past years, an increasing number

of family programmes have been organised to promote family-child relationships. For parents who cannot visit their children in normal visiting hours, special arrangements are made as a matter of regular practice.

13. We also find the complaint about “military style” operation unsubstantiated. The scheduled activities or programmes of the homes are necessary to help residents with behavioural problems / delinquent behaviour lead a regular and meaningful life. Good manner and politeness are always encouraged throughout the training of residents for their subsequent re-integration into society. As far as discipline in the homes is concerned, it is the Department’s responsibility to provide a safe environment for all residents.

Continuous service improvements

14. Despite the above limitations and our reservations on some findings, the Department notes the suggestions and advice given by the HKHRM. In fact, the Department has introduced various improvements in recent years and will continue to do so based on the studies described in paragraphs 15-17 below. We will continue to follow up on these areas of work to ensure that a quality service is provided to residents in our homes.

Research on the Effectiveness of Rehabilitation Programmes for Young Offenders

15. The Research was commissioned by the Standing Committee on Young Offenders of the Fight Crime Committee and conducted by the City University of Hong Kong in 1997. It aimed to review the service for young offenders run by the Department and the Correctional Services Department. The recommendations including enhancement of family involvement, provision

of updating pre-vocational training courses and IT facilities etc. have been followed through.

16. In the latest progress report submitted to the Standing Committee on Young Offenders of the Fight Crime Committee, the Committee noted that the Department had invited discharged residents and their parents to give feedback on the offenders' behavioural changes upon discharge. Data collected for the period from April to September 2000 indicated that 80% of parents and 70% of discharged residents commented that the residential service received had had positive changes on the behaviour of residents.

Review on Management and Operation of the Homes

17. Arising from a value for money study by the Director of Audit, another review with the aim of improving the management and operation of homes was conducted by the Management Services Agency (MSA) in 1998 and completed in 1999. Recommendations including the organizational structure, use of funds, procedures and guidelines, facilities of the homes and the issue of the custody of illegal immigrants have been adopted and implemented to enhance service quality. The relevant measures are reported regularly to the Public Accounts Committee.

Service rationalization

18. Given the information and recommendations made in these studies, the Department has taken the initiative to introduce the following measures to rationalize the residential service in order to maximize service quality with the resources available --

- (a) adjusted the capacities of the homes and achieved a reduction of 142 residential places;
- (b) adjusted the provision of teaching staff in accordance with the revised capacities and made use of the savings obtained to introduce graduate teachers in the homes, as from September 2001;
- (c) relocated the girls' remand section of the Begonia Road Juvenile Home to merge with the Ma Tau Wai Girls' Home in May 2001 to maximize the deployment of human resources, e.g. teaching staff

Actions taken / to be taken by the Department to improve the service quality

19. Looking ahead, the Department plans to introduce the following improvements:

- (a) Education
From September 2001, the education service will be strengthened in all homes, including those for the short-term stay. The Department will upgrade some of the teacher posts to graduate level and provide additional teaching posts to short-term homes.
- (b) Staff Training
 - (i) Seminars on human rights related issues have been and will continue to be organized regularly to enhance staff's knowledge on human rights.
 - (ii) The Department has extended an invitation to an overseas expert to visit Hong Kong later this year to conduct training for

staff to better equip them with the skills in taking care of children and juveniles with emotional and behavioural problems.

(c) Protection of Children's Rights

Under the Department's recently promulgated Service Quality Standards, residents are informed of their right to complain, access to information and protection from abuse etc. through regular dormitory meetings with residents, briefing session upon their admission and displaying notices throughout the homes.

(d) The Issues of Illegal Immigrants (IIs)

The Department has taken steps to ascertain the age of IIs so that over-aged cases are immediately referred to the appropriate institutions under the operation of Correctional Services Department or the Immigration Department for custody or care.

(i) Additional staff have been deployed to the homes accommodating IIs.

(ii) An age assessment panel has been set up between the Department and the Immigration Department to review the age of IIs who are suspected to be over-aged.

(iii) The Department has maintained close co-operation with the police and Court prosecutors to bring suspected over-aged cases to the attention of the Court.

(e) Physical Environment of the Homes

(i) To improve the home environment, major renovations have been carried out in Pui Chi Boys' Home and Ma Tau Wai Girls' Home in the previous year.

(ii) the Department's Architectural Section is conducting a study on the future development and further improvement of the physical facilities of the homes.

(f) Operation of the Homes

(i) With the implementation of the Service Performance Monitoring System (SPMS), a better case management system to enhance the formulation of residents' welfare plans (such as entry and exit case conference, monthly or quarterly case review) has been implemented.

(ii) The Manual of Procedures for the Correctional/Residential Homes has been revised to stipulate more specific guidelines on the operation of the homes taking into account the standard of human rights.

CONCLUSION

20. The Department has facilitated the study of the HKHRM with an open mind. To meet the varied needs of children and juveniles in these homes, the Department has put in place over the years different kinds of educational, developmental and therapeutic activities to keep the residents meaningfully occupied during their stay in preparation for their reintegration into the community. The Department will continue to review and assess the service provided taking account of the stay of the children and juveniles in the homes. In this regard, we will also take into account, where appropriate, the observations and recommendations in the HKHRM report.

Social Welfare Department

July 2001

Name of Home	Capacity	Ordinance/ Age of population
Places of Refuge (收容所)		
Fai Chi Boys' Home 輝基男童院	48	i) Protection of Children and Juvenile Ordinance (Cap. 213, S.34E) 保護兒童及少年條例(香港條例第213章第34E條) -boys aged 8 to under 18 -physically disabled but ambulant; boys aged 9 to under 18 ii) Immigration Ordinance (Cap: 115, S.26 & 32) 入境條例(香港條例第115章第26及32條) -boys aged 8 to under 18
Ma Tau Wai Girls' Home 馬頭圍女童院	90	i) Protection of Children and Juvenile Ordinance (Cap: 213, S.34E) 保護兒童及少年條例(香港條例第213章第34E條) -girls aged 8 to under 18 ii) Immigration Ordinance (Cap: 115, S.26 & 32) 入境條例(香港條例第115章第26及32條) -girls aged 8 to under 18

Remand Home (留宿院)

Bagonia Road Juvenile Home 柏道路兒童院	* Girls' Section: 20 -Boys' Section: 50	Juvenile Offenders Ordinance (Cap: 226) 少年犯條例(香港條例第226章) - boys aged 7 to under 16 (including detention order)
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**Approved Institution (認可院舍)
(Probation Homes) (感化院舍)**

Shau Boys' Home 沙田男童院	100	Probation Of Offenders Ordinance (Cap: 298, S.3(3)) 罪犯感化條例(香港條例第298章第3(3)條) -boy probationers aged 7 to under 16
Panling Girls' Home 粉嶺女童院	58	Probation Of Offenders Ordinance (Cap: 298, S.3(3)) 罪犯感化條例(香港條例第298章第3(3)條) -girl probationers aged 7 to under 16

**Approved Institution (認可院舍)
(Probation Hostel) (感化宿舍)**

Kwan Tong Hostel 觀塘宿舍	60	Probation Of Offenders Ordinance (Caps: 298, S.3(3)) 罪犯感化條例(香港條例第298章第3(3)條) -boy probationers aged 15 to under 21
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Reformatory School (感化院)

O Pui Shan Boys' Home 沙坪山男童院	80	Reformatory Schools Ordinance (Cap.225 S.17(1)) 感化院條例(香港條例第225章第17(1)條) -boys aged 7 to under 16
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Residential Home (宿務院舍)

Wai Yee Hostel 惠德宿舍	100	Protection of Children and Juvenile Ordinance (Cap: 213, S.34(1)(b)) 保護兒童及少年條例(香港條例第213章第34(1)(b)條) -girls aged 7 to under 18
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* The Girls' Remand Section was transferred to The Ma Tau Wai Girls' Homes on 23.5.2001.

MAIN CONCERNS OF THE HKHRM

The main concerns of the HKHRM are set out as follows:

(a) Educational provision

The HKHRM commented that the adequacy of educational provision varied greatly between homes. While the provision of educational service was generally good in long-term homes, the HKHRM viewed that the provision for short-term homes should be improved. They also commented that there was an absence of teacher for the girls' section of the Begonia Road Juvenile Home.

(b) The Daily Schedule and the Reward and Punishment System

While appreciating that some of the homes demonstrated efforts in encouraging juveniles to make decision or taking up responsibilities in the daily activities, the HKHRM observed that the daily schedule of the homes were generally rigid. Under the present reward and punishment system adopted by the homes, the residents would have difficulties to obtain merits for reward. They also pointed out that they were dissatisfied with the management of the short-term homes which adopts a military-style of control.

(c) Food Provision

The HKHRM stated that there were complaints from the residents that they were not provided with enough food to eat and urged the Department to conduct further investigation on these allegations.

(d) Communication with Parents

The HKHRM commented that the Department had made insufficient effort to facilitate family contact with residents. The Department was considered to be too restrictive on the arrangement of making phone calls and sending letters. The Monitor also suggested that special arrangement for guardians who cannot visit their children during normal visiting hours should be made.

(e) Knowledge of International Human Rights Standard

The HKHRM stated that both the staff and the residents had limited knowledge of the international human rights standard regarding the treatment of prisoners, the administration of juvenile justice and the protection against torture. Efforts should be made to enhance the residents and staff's knowledge in this aspect.

(f) Issues related to illegal immigrants (IIs)

The HKHRM was concerned about the problem of the admission of over-aged IIs to the juvenile homes. They were dissatisfied with the little effort of the homes in particular the Begonia Road Juvenile Home in ascertaining the age of IIs admitted. Effective

steps, wrist X-ray if necessary, should be taken by the home to prevent the admission of over-aged IIs.

(g) General Comments on Individual Homes

In general, the HKHRM considered the O Pui Shan Boys' Home and the Kwun Tong Hostel to be well-run while the Fanling Girls' Home and the Wai Yee Hostel fell into a middle category. In view of resource and time limitation, the HKHRM considered that the Shatin Boys' Home presented well but it had not been able to conduct a full evaluation of the home. On the other hand, the standard of care, daily activities, the educational provision and the extreme discipline of the Begonia Road Boys' Home, Ma Tau Wai Girls' Home and Pui Chi Boys' Home were considered to be not acceptable.