

LEGISLATIVE COUNCIL BRIEF

Probation of Offenders Ordinance
(Chapter 298)

Probation of Offenders (Approved Institution) (Amendment) Order 2004

INTRODUCTION

At the meeting of the Executive Council on 11 May 2004, the Council ADVISED and the Chief Executive ORDERED that the Probation of Offenders (Approved Institution) (Amendment) Order 2004, at Annex A, should be made under section 11 of the Probation of Offenders Ordinance (the Ordinance)(Cap.298) to remove the Kwun Tong Probation Hostel (KTPH) from the list of approved institutions.

JUSTIFICATIONS

Probation of Offenders Ordinance

2. Section 3(1) of the Ordinance provides that a probation order may be made by the Court to require a convicted person to be under the supervision of a probation officer for a period of one to three years. Section 3(3) of the Ordinance further provides that an offender may be required by a probation order to reside in an 'approved institution' for a period of not more than 12 months from the date of the order.

3. Under section 11 of the Ordinance, the Chief Executive may by order approve premises for the reception of persons who may be required to reside therein by a probation order, and 'approved institutions' is defined in section 2 to mean such premises. Three premises are currently designated as approved institutions under the Probation of Offenders (Approved Institution)(Consolidation) Order (the Order) (Cap.298 sub. leg. B). They are KTPH, Fanling Girls' Home and Shatin Boys' Home.

Kwun Tong Probation Hostel

4. KTPH, operated by the Social Welfare Department (SWD) with 21 staff, has a capacity of 60 places for male probationers aged 15 to under 21. It provides residential services to the probationers with daily living care and supervision, employment guidance and emotional support in social rehabilitation. It is an "open" hostel whereby

probationers are allowed to go outside to work or study during the daytime.

5. KTPH has an average enrolment rate of 80% over the past four years¹. The majority of residents are unemployed working youth aged between 16 and 18. Given their young age and lack of work skills or experience, coupled with the recent economic restructuring, the young offenders face much difficulty in securing steady job placements. With a view to assisting their re-integration into the society upon discharge, it is important to give them practical assistance by strengthening their job-related skills and helping them overcome the limitations in starting and maintaining a work life. However, due to physical limitations, it is not feasible to provide more comprehensive services in KTPH for enriching the probationers' job-related skills. SWD is not best placed to secure job opportunities for them either.

6. The percentage of cases which had satisfactorily completed the periods of residential training stipulated by the Court in KTPH were 72%, 67% and 79% respectively for 1999-00, 2000-01 and 2001-02. The rate, however, fell to as low as 58% in 2002-03. Of those who had satisfactorily completed the period of residence, a rising percentage of them (from 3% in 1999-2000 to 17% in 2002-03²) were unable to secure school or job placement upon discharge. The results are less than satisfactory and necessitate a review on the effectiveness of KTPH's services.

Review on the Service Provision of KTPH

7. After a critical review of the effectiveness of KTPH, SWD considers that KTPH's services should be dispersed to the non-governmental sector, which is providing residential services and employment assistance to young offenders similar to those of KTPH. Having carefully assessed the individual merits of all existing non-governmental organizations (NGOs) providing residential services for young male with behavioural or emotional problems, it is considered that Youth Outreach (YO) is best placed to take over the service of KTPH. YO has already in place a series of comprehensive employment programmes to provide employment support and actual job opportunities to the young probationers. It possesses the necessary experience and facilities for service expansion, and they would be able to enhance the services for the relevant probationers.

¹ The enrolment rates for the previous four years were :

1999-00	62%
2000-01	84%
2001-02	94%
2002-03	84%

² The re-integration rate of discharged cases of KTPH (which is defined as the ratio of the discharged residents who are able to secure school placements, training courses or job placements upon discharge to the total number of residents who have completed the training programmes in KTPH) in recent years were :

1999-00	97%
2000-01	95%
2001-02	93%
2002-03	83%

8. In the light of the above and having sought the agreement of YO to absorb KTPH's services with net recurrent savings on SWD, we have ceased new admission to KTPH since January 2004 with a view to closing the hostel by end June 2004.

Proposal

9. With the planned closure of KTPH, we would need to introduce legislative amendments to remove it from the list of approved institutions under the Ordinance.

THE ORDER

10. Probation of Offenders (Approved Institution) (Amendment) Order 2004 at Annex A seeks to remove KTPH from the list of approved institutions specified for the purposes of the Ordinance.

11. The current version of the Order is at Annex B.

LEGISLATIVE TIMETABLE

12. The legislative timetable will be as follows –

Publication in the Gazette	21 May 2004
Tabling at Legislative Council	2 June 2004

IMPLICATIONS OF THE PROPOSAL

13. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, productivity or environmental implications. A full sustainability assessment is considered not applicable as the proposed Amendment Order is technical in nature. The proposal would not affect the current binding effect of the Probation of Offenders Ordinance and its subsidiary legislation.

14. The financial and civil service implications of the closure of KTPH are set out at Annex C.

PUBLIC CONSULTATION

15. As the proposal will enhance the services to young probationers, we do not consider it necessary to consult the public on the proposal.

PUBLICITY

16. A press release will be issued on 19 May 2004. A spokesman will also be

available to answer media enquiries.

ENQUIRIES

17. For enquiries, please contact Ms Wendy CHEUNG, Assistant Secretary (Welfare) of the Health, Welfare and Food Bureau at 2973 8127.

Health, Welfare and Food Bureau
19 May 2004

**Probation of Offenders (Approved Institution)
(Amendment) Order 2004**

Annexes

Annex A - Probation of Offenders (Approved Institution) (Amendment) Order 2004

Annex B - Existing Probation of Offenders (Approved Institution)(Consolidation)
Order

Annex C - Financial and Civil Service Implications

**PROBATION OF OFFENDERS (APPROVED INSTITUTION)
(AMENDMENT) ORDER 2004**

(Made under section 11 of the Probation of Offenders Ordinance (Cap. 298) after consultation with the Executive Council)

(a) Commencement

This Order shall come into operation on 30 June 2004.

(b) Schedule amended

The Schedule to the Probation of Offenders (Approved Institution) (Consolidation) Order (Cap. 298 sub. leg. B) is amended by repealing –

“The Kwun Tong Probation Hostel”.

Chief Executive

2004

Explanatory Note

This Order deletes The Kwun Tong Probation Hostel from the Schedule to the Probation of Offenders (Approved Institution) (Consolidation) Order (Cap. 298 sub. leg. B), so that the Hostel will cease to be an approved institution for the reception of persons who may be required to reside in the institution by a probation order with effect from 30 June 2004.

PROBATION OF OFFENDERS (APPROVED INSTITUTION) (CONSOLIDATION) ORDER

[附屬法例]

[Subsidiary]

罪犯感化 (核准院舍) (綜合) 令

**PROBATION OF OFFENDERS (APPROVED
INSTITUTION) (CONSOLIDATION)
ORDER**

(第 298 章第 11 條)

(Cap. 298, section 11)

[1963 年 4 月 11 日]

[11 April 1963]

1. 引稱

本命令可引稱為《罪犯感化 (核准院舍) (綜合) 令》

1. Citation

This order may be cited as the Probation of Offenders (Approved Institution) (Consolidation) Order.

2. 院舍的核准

現核准附表所指明的處所作爲收納感化令規定入住其間者之用。

2. Approval of institutions

The premises specified in the Schedule are hereby approved for the reception of persons who may be required to reside therein by a probation order.

附表

SCHEDULE

觀塘感化宿舍 (1996 年第 66 號法律公告)
粉嶺女童院 (1996 年第 146 號法律公告)
沙田男童院 (1996 年第 25 號法律公告)

The Kwun Tong Probation Hostel (*L.N. 66 of 1996*)
Fanling Girls' Home (*L.N. 146 of 1996*)
Shatin Boys' Home (*L.N. 25 of 1999*)

(1999 年第 25 號法律公告)

(*L.N. 25 of 1999*)

Financial and Civil Service Implications

The closure of KTPH would result in estimated recurrent savings of \$6.86 million, to be offset by an increased annual subvention of \$1.25 million to YO to absorb the services of KTPH. The proposal to remove KTPH from the list of approved institutions under the Probation of Offenders Ordinance would not incur additional expenditure.

2. There is no staff redundancy as all staff originally working in KTPH will be redeployed to other service units to perform other duties as required by the department. Hence, some staff cost savings cannot be realized immediately.