

SBCR 1/5091/95 Pt.16

16 August 2005

Clerk to Panel
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong
(Attn: Mr Raymond LAM)

Dear Mr Lam,

Employment service support for rehabilitated offenders

In discussing the captioned subject at the Panel meeting on 3 May 2005, Members requested the Administration to follow up on a number of issues. Having consulted the Civil Service Bureau on civil service appointment policy and the Home Affairs Bureau on personal data protection policy, we set out the Administration's response as follows –

(a) Information on the computer facilities in penal institutions, the computer courses provided to inmates and the number of such courses

The Correctional Services Department(CSD) provides young prisoners under the age of 21 and young inmates sentenced to Training Centres, Rehabilitation Centres and Drug Addiction Treatment Centres with half-day compulsory education programmes and half-day compulsory vocational training to facilitate their smooth reintegration into society after discharge. CSD runs computer courses for young prisoners/inmates under both the education and vocational training programmes. Details of the computer facilities in

institutions for young prisoners/inmates and computer courses provided to them in 2005-06 are set out in Annex A.

As to adult prisoners, unless physically unfit, all of them are required to engage in useful work. CSD encourages adult prisoners to pursue academic and cultural interests after their work. In this connection, CSD arranges computer courses to be organised for them from time to time by volunteers and non-government organisations. Details of the computer facilities in adult prisoners' institutions and the computer courses provided to adult offenders in April and May 2005 are set out at Annex B.

(b) The suggestion that employers should, for the purpose of privacy, not require a job applicant to indicate whether he had any criminal convictions

The Personal Data (Privacy) Ordinance is of a generic nature. It regulates the handling of personal data irrespective of contexts and identities of data subjects. As far as collection of personal data is concerned, the Ordinance sets out the principles for compliance by data users, but does not prescribe what categories of personal data may or may not be collected.

One of the personal data protection principles specifies that a data user may only collect personal data that are necessary and adequate but not excessive in relation to the lawful purpose concerned. What is necessary and adequate but not excessive would have to be judged with reference to the relevant circumstances. According to the Code of Practice on Human Resource Management issued by the Privacy Commissioner for Personal Data in September 2000, “[i]n determining which data are regarded as relevant, an employer should be mindful of the need to demonstrate that the prescribed personal data are indeed directly relevant to the purpose of identifying suitable candidates.....Generally, these may include work experience, job skills, competencies, academic/professional qualifications, good character and other attributes required for the job.” The onus is on the prospective employer to justify the data collection scope

he/she has set. As a data user, a prospective employer is required to inform a job-seeker of the purpose of collecting his/her personal data, whether the provision of the data is obligatory or voluntary and the consequence for the applicant if he/she fails to provide the data which are obligatory. If a prospective employer were found to have collected excessive personal data in recruitment, he/she would be liable to enforcement actions by the Privacy Commissioner. These include warnings and serving of enforcement notices.

The Government thinks that a balance should be struck between the respect for a job-seeker's privacy and the right to know of a prospective employer, in particular if the exercise of such right is necessary for the latter to fulfill his/her responsibility of safeguarding his/her stakeholders' legitimate interests. The prevailing regulatory framework on data collection embodies the notions of lawfulness, reasonableness and proportionality. It is a more flexible, realistic and equitable approach than imposing an absolute ban on collection of a particular category of personal data irrespective of the circumstances.

(c) Information on the number of rehabilitated offenders employed in government departments

The Civil Service Bureau has ceased to keep statistics on the employment of rehabilitated offenders in the civil service since 1997/98. Once an applicant for a government job is offered appointment, no distinction should be made as to whether he/she is a rehabilitated offender. Apart from protecting his/her privacy, this approach helps ensure that he/she will receive fair treatment during his/her employment with the Government. If different government departments were to compile statistics on the employment of rehabilitated offenders now, they would have to dig up the information considered in past recruitment exercises. During the process, the relevant officers' past criminal records would be unnecessarily disclosed, and this would be inappropriate.

(d) The suggestion that integrity checking should not be required for some posts in government departments

The Government sets a high standard of integrity for the civil service. As part of the recruitment procedures for all civil service posts, the recruiting department/grade will arrange integrity checking for candidates whom they initially consider to be suitable for appointment. This is to ensure that appointees to civil service posts are of good character and high integrity. If a rehabilitated offender meets the entry requirements for a job and is shortlisted for appointment, he/she will not be disqualified for appointment solely because of his/her past criminal record. The recruiting department will assess whether the candidate should be appointed, having regard to the nature and seriousness of the offence, its relevance to the duties of the post and the operational needs of the post. Each case will be considered on its own merits. The above policy and arrangement strike a balance between helping ensure the integrity of the civil service and providing employment avenue to rehabilitated offenders.

As for government positions to be filled by non-civil service contract staff, as they are of a short-term or temporary nature, the recruiting departments have the discretion to decide whether integrity checking should be conducted for selected candidates having regard to the nature and operational needs of the jobs.

Yours sincerely,

(Kenneth Cheng)
for Secretary for Security

**Computer Facilities in Young Offenders Institutions and Computer Courses for Young Inmates
(1.4.2005 to 31.3.2006)**

| Institution | Computer Facilities | Computer courses provided to/planned for young inmates in 2005-06 | | |
|---|--|---|-----------------|----------------------------|
| | | Course Name | Course duration | No. of courses run/planned |
| Cape Collinson Correctional Institution | - Computer Room cum Language Laboratory (22 computers) | Computer Literacy | 1 year | 1* |
| | | Others : | | |
| | | 1. Word Processing & Business Communication (HKCEE) | 1 year | 1 |
| | | 2. Chinese Word Processing (Elementary to Intermediate Levels) (Pitman) | 6 months | 2 |
| | | 3. Practical Word Processing (Pitman) | 6 months | 2 |
| | | 4. Practical Data Processing (Pitman) | 6 months | 2 |
| | 5. Chinese Spreadsheet Processing (Pitman) | 6 months | 2 | |
| | - Computer-aided Drafting Room (9 computers) | 6. Computer-aided Drafting | 6 months | 4 |

| Institution | Computer Facilities | Computer courses provided to/planned for young inmates in 2005-06 | | |
|--|--|---|--|----------------------------|
| | | Course Name | Course duration | No. of courses run/planned |
| Tai Tam Gap Correctional Institution & Chi Lan Rehabilitation Centre | - Computer Room | Computer Literacy | 1 year | 1* |
| | - Multi-media Learning Centre (38 computers) | Others : 1. Chinese Word Processing (Elementary to Intermediate Levels) (Pitman) 2. Word Processing (Essential to Advanced Levels) (Pitman) 3. Chinese Inputting Speed Test (Pitman) 4. Software Applications | 6 months 6 months 6 months 6 months | 2 3 2 4 |
| | - Office Skills Training Workshop (8 computers) | | | |
| Hei Ling Addiction Treatment Centre (Annex) | - Computer Room (15 computers) | Computer Literacy | 1 year | 1* |

| Institution | Computer Facilities | Computer courses provided to/planned for young inmates in 2005-06 | | |
|-------------------------------|--|---|-----------------|----------------------------|
| | | Course Name | Course duration | No. of courses run/planned |
| Lai Chi Rehabilitation Centre | - Computer Room (16 computers) | Computer Literacy | 1 year | 1* |
| | - Computer-aided Drafting Room (15 computers) | Others : 1. Computer-aided Drafting | 4 months | 6 |
| | - Office Skills Training Workshop (15 computers) | 2. Software Applications | 4 months | 6 |
| Lai King Training Centre | - Computer Room | Computer Literacy | 1 year | 1* |
| | - Multi-media Learning Centre (44 computers) | Others : 1. Chinese Word Processing (Elementary to Intermediate Levels) (Pitman) | 3 months | 20 |
| | | 2. Word Processing Techniques (Essential) (Pitman) | 3 months | 12 |
| | | 3. Spreadsheet Processing Techniques (Essential) (Pitman) | 3 months | 1 |
| | | 4. Chinese Spreadsheet Processing (Pitman) | 3 months | 12 |
| | - Computer-aided Drafting Room (11 computers) | 5. Computer-aided Drafting | 6 months | 4 |

| Institution | Computer Facilities | Computer courses provided to/planned for young inmates in 2005-06 | | |
|--|--|---|-----------------|----------------------------|
| | | Course Name | Course duration | No. of courses run/planned |
| Lai Sun Correctional Institution | - Multi-media Learning Centre (18 computers) | Computer Literacy | 1 year | 1* |
| | | Others : | | |
| | 1. Chinese Word Processing (Elementary) (Pitman) | 6 months | 3 | |
| | 2. Practical Word Processing (Pitman) | 6 months | 1 | |
| | 3. Chinese Inputting Speed Test (Pitman) | 6 months | 2 | |
| - Computer-aided Drafting Room (8 computers) | 4. Computer-aided Drafting | 6 months | 4 | |
| - Computer Room (12 computers) | 5. Desktop Publishing | 6 months | 4 | |

| Institution | Computer Facilities | Computer courses provided to/planned for young inmates in 2005-06 | | |
|---|---|---|-----------------|----------------------------|
| | | Course Name | Course duration | No. of courses run/planned |
| Pik Uk Correctional Institution | - Computer Room | Computer Literacy | 1 year | 1* |
| | - Multi-media Learning Centre (48 computers) | Others : | | |
| | | 1. Computer and Information Technology (HKCEE) | 1 year | 1 |
| | | 2. Word Processing & Business Communication (HKCEE) | 1 year | 1 |
| | | 3. Chinese Word Processing (Elementary to Intermediate Levels) (Pitman) | 6 months | 4 |
| | | | 6 months | 4 |
| | | 4. Word Processing Techniques (Essential) (Pitman) | 6 months | 4 |
| | | 5. Chinese Spreadsheet Processing (Essential to Intermediate Levels) (Pitman) | | |
| | - Computer Serving Workshop (11 computers) | 6. Information Processing | 6 months | 4 |
| - Computer-aided Drafting Room (5 computers) | 7. Computer-aided Drafting | 6 months | 4 | |
| - Office Skills Training Workshop (11 computers) | 8. Software Applications | 6 months | 4 | |
| - Printing Workshop (7 computers) | 9. Desktop Publishing | 6 months | 4 | |
| Total :- | 313 computers | | | 136 |

* Computer Literacy is a year round course (comprising 12 modules) for all young prisoners/inmates in the institution.

Annex B**Computer Facilities in Adult Offenders Institutions and
Computer Courses Provided to Adult Offenders in April and May 2005**

| Institution | Computer facilities | <u>Computer Course run</u> | Course duration | No. of courses run |
|--|--|--------------------------------------|------------------------|---------------------------|
| Chi Ma Wan Correctional Institution | Classroom (7 computers) | Word | 2 months | 1 |
| Chi Sun Correctional Institution | Computer Room (8 computers) | Word, Excel | 2 months | 1 |
| Hei Ling Correctional Institution | Computer Room (5 computers) | Word, Excel | 2 months | 1 |
| Hei Ling Chau Addiction Treatment Centre | Computer Room (7 computers) | Chinese input method | 1 month | 2 |
| Hei Ling Chau Addiction Treatment Centre (Annex) | Computer Room (7 computers) | Graphic design, Chinese input method | 2 months | 3 |
| Pak Sha Wan Correctional Institution | Multi-Media Learning Centre (20 computers) | Word, Powerpoint | 2 months | 5 |
| Shek Pik Prison | Multi-Media Learning Centre (25 computers) | Word, Excel | 2 months | 1 |
| Stanley Prison | Language Lab (19 computers) | Word, Excel, Chinese input method | 2 months | 2 |
| | Computer Room (10 computers) | Word, Excel, Chinese input method | 2 months | 1 |

| Institution | Computer facilities | <u>Computer Course run</u> | Course duration | No. of courses run |
|-----------------------------------|--|--------------------------------------|------------------------|---------------------------|
| Tai Lam Centre for Woman | Computer Room (12 computers) | Graphic design, Chinese input method | 2 months | 3 |
| Tung Tau Correctional Institution | Multi-Media Language Centre (18 computers) | Word, Excel, MS Application | 2 months | 3 |
| Total | 138 computers | | | 23 |

Note : Computer courses will be organised for offenders in the above institutions in June 2005 and onwards subject to the availability of volunteer tutors.