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Paper for the House Committee meeting on 8 December 2006

**Report of the Subcommittee on Six Items of Subsidiary Legislation
Relating to the Relocation of Juveniles
to the Tuen Mun Children and Juvenile Home**

Purpose

This paper reports on the deliberations of the Subcommittee on Six Items of Subsidiary Legislation Relating to the Relocation of Juveniles to Tuen Mun Children and Juvenile Home.

Background

2. Young offenders and mal-adjusted juveniles under statutory care and supervision ordered by the courts under the Protection of Children and Juveniles Ordinance (Cap. 213), the Juvenile Offenders Ordinance (Cap. 226), the Probation of Offenders Ordinance (Cap. 298), the Reformatory School Ordinance (Cap. 225) and the Immigration Ordinance (Cap. 115) are currently placed in six correctional/residential homes, namely, the Ma Tau Wai Girls' Home, the Pui Chi Boys' Home, the Begonia Road Juvenile Home, the Fanling Girls' Home, the Shatin Boys' Home and the O Pui Shan Boys' Home. These six correctional/residential homes operated by the Social Welfare Department (SWD) are listed in the subsidiary legislation made under the above five Ordinances as places of refuge, places of detention, reformatory schools and/or approved institutions.

3. In 2003, the Finance Committee approved a sum of \$330 million for the construction of a new residential training complex, namely, the Tuen Mun Children and Juvenile Home, to provide better rehabilitative service for young offenders and mal-adjusted juveniles under statutory care and supervision. The new complex will co-locate the above six existing correctional/residential homes.

4. L.N. 237 to L.N. 242 of 2006 make technical amendments to replace references to the six correctional/residential homes outlined in paragraph 2 above by the new Tuen Mun Children and Juvenile Home under the Protection of Children and Juveniles (Places of Refuge) Order, the Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order, the Remand Home Rules, the Probation of Offenders (Approved Institution) (Consolidation) Order, the Reformatory School (Establishment) (Consolidation) Order and the Immigration (Places of Detention) Order. The commencement date for the provisions for the listing of the new Tuen Mun Children and Juvenile Home is 30 November 2006 to tie in with its anticipated completion. The commencement date for the provisions for the removal of references to the six existing homes from the subsidiary legislation is 31 December 2007.

5. L.N. 241 of 2006 also removes references to two closed homes, namely, the Chuk Yuen Children's Reception Centre and the Pui Yin Juvenile Home provided in the Immigration (Places of Detention) Order.

The Subcommittee

6. At the meeting of the House Committee on 10 November 2006, members agreed that a Subcommittee should be formed to study the six items of subsidiary legislation relating to the relocation of juveniles to the Tuen Mun Children and Juvenile Home as set out in L.N. 237 to L.N. 242 of 2006.

7. Under the chairmanship of Hon Albert HO, the Subcommittee held two meetings with the Administration. The membership list of the Subcommittee is in the **Appendix**.

8. To allow more time for the Subcommittee to study the subsidiary legislation, the scrutiny period of L.N. 237 to L.N. 242 has been extended from 29 November 2006 to 20 December 2006 by a resolution of the Council.

Deliberations of the Subcommittee

Commencement dates of listing the Tuen Mun Children and Juvenile Home in the relevant subsidiary legislation and removal of references to the six existing homes from the subsidiary legislation

9. The Subcommittee notes that the construction of the Tuen Mun Children and Juvenile Home is scheduled to be completed by end November 2006. Following the completion, children and juveniles in six existing correctional/residential homes will be moved into the new Tuen Mun Children and Juvenile Home in phases, with the entire removal exercise to be completed by August 2007. In this connection, the commencement date for the

provisions for the listing of the new Tuen Mun Children and Juvenile Home is 30 November 2006 to tie in with its anticipated completion. To allow buffer for any unforeseen incidents resulting in delay in the removal exercise, the commencement date for the provisions for the removal of references to the six existing homes from the subsidiary legislation is 31 December 2007.

10. The Administration advises that as the relocation project will take place in phases, the six residential/correctional homes and the Tuen Mun Children and Juvenile Home will co-exist between 30 November 2006 and 31 December 2007. During the period, young offenders and mal-adjusted juveniles under statutory care and supervision ordered by the courts will be admitted to the new Home. The six correctional/residential homes will be closed in phases before 31 December 2007.

Management and operation of the new Home

11. While recognising that the co-location project will bring improvements to the physical setting and hardware of the existing correctional/residential homes and the flexible use of staffing resources, some members of the Subcommittee are concerned about the management and operation of the new Tuen Mun Children and Juvenile Home, and in particular how juveniles and young offenders admitted under different ordinances will be properly segregated. They point out that residents of the six existing homes have different social background and nationalities, notably offenders and non-offenders of both sexes, long-term and short-term stayers, as well as local residents and illegal immigrants. The opportunity of interaction among children and juveniles admitted under different ordinances may increase when they are co-located in the same complex, hence creating conflicts among residents and difficulties in management. Moreover, residents of a large institution are usually required to comply with numerous routines and regulations. This is not conducive to the proper development of the youth.

12. The Subcommittee notes that the construction of the Tuen Mun Children and Juvenile Home adopts the Design and Build approach. Significant time and efforts have been put on both the hardware and software design of the new Home. Recognising the need for proper segregation arrangements, the Administration points out that the provision of space and design of the new Home will enable SWD to segregate different groups of juveniles admitted under different ordinances and provide them with appropriate services at different facilities in the new Home. The residents in the new Home will broadly be segregated into different groups according to gender, offenders and non-offenders, local residents and illegal immigrants. They can be further grouped into clusters according to their social background and needs for rehabilitative service and education and vocational training.

13. As far as the residential facilities are concerned, the Administration points out that the design of the residential buildings gives SWD the flexibility to house children and juvenile groups in different clusters while maintaining proper segregation and security. Boys and girls will be arranged to live in different blocks. Illegal immigrants and those requiring temporary care pending admission to the dormitories will be accommodated in the multi-service block. Having regard to the fluctuating number of juveniles admitted in each category, the dormitory rooms have been specially designed such that they can be grouped into clusters of four to seven bedrooms with gates and security control points installed in between and accessible through different passages and entrances. This design allows easy segregation of residents into different groups.

14. The Administration has stressed that the site of the Tuen Mun Children and Juvenile Home is large enough to accommodate the various facilities (such as dining facilities, open space for outdoor and recreational activities, and educational/vocational and training facilities) for different children and juvenile groups of both sexes admitted under different ordinances without mixing the offenders and non-offenders. These facilities are designed with a view to providing flexibility to facilitate separation and management. Through appropriate scheduling, SWD will also ensure that different juvenile groups will not interact unnecessarily. The Administration has assured members that under no circumstances will the children and juveniles be left unattended.

15. The Administration has pointed out that cost-savings is not the primary consideration for the relocation project. The manning ratio of social work staff to residents in the Tuen Mun Children and Juvenile Home will be 1:12. Although it is estimated that the project will give rise to surplus staff in SWD, these staff members will be deployed to other service initiatives within the department.

Staff consultation

16. Dr Hon Fernando CHEUNG has drawn the Subcommittee's attention to some concern expressed by some frontline social work staff serving in the existing residential/correctional homes in respect of the removal plan, detailed operational arrangements and facilities in the new Home. Despite the first phase of the removal exercise being scheduled for January/February 2007, the affected staff have not yet been informed of the latest development of the removal exercise. Nor have they been informed about the details in the mode of operation in the new Home, staff deployment and duty roster.

17. The Administration advises that it is fully aware of the concern raised by the frontline staff as they have been consulted regularly through various channels, e.g. working groups comprising Superintendents and staff of the six existing homes. A total of 14 staff consultation forums have so far been held

to explain and answer questions on the relocation project. The issues of concern raised by staff have been addressed or are under consideration. To further allay staff's concern, the Administration has already arranged on-site technical training and will continue to organise orientation visits for social work staff of the six existing homes to familiarise them with the facilities in the new Home. The Administration points out that as a result of the co-location of six existing correctional/residential homes, there will be some process re-engineering of the mode of operation in the new Home. Moreover, the removal plan of three phases starting from January/February 2007 is a tentative time frame, not a deadline in the schedule of planning. SWD will exercise great care in finalising the operational arrangements to ensure smooth operation of the new Home. Details of the specific arrangements will be promulgated once finalised.

Capacity of the Tuen Mun Children and Juvenile Home

18. Regarding members' concern about the capacity of the new Tuen Mun Children and Juvenile Home, the Administration advises that the design capacity of the new Home is 388 places, and has been calculated on the basis of the highest demand for the various services of young offenders and juveniles in the past few years. The average enrolment of residents in the six existing homes over the past few years is in the region of 220 to 250. As such, the capacity of the new Home will be able to cope with the existing and future demand for various services of young offenders and juveniles.

19. The Subcommittee raises no objection to the six items of subsidiary legislation relating to the relocation of children and juveniles to the Tuen Mun Children and Juvenile Home.

Advice sought

20. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 2

Legislative Council Secretariat

6 December 2006

Appendix

Subcommittee on Six Items of Subsidiary Legislation Relating to the Relocation of Juveniles to the Tuen Mun Children and Juvenile Home

Membership List

Chairman Hon Albert HO Chun-yan

Members Hon TAM Yiu-chung, GBS, JP

Hon Audrey EU Yuet-mee, SC, JP

Dr Hon Fernando CHEUNG Chiu-hung

Hon CHEUNG Hok-ming, SBS, JP

(Total : 5 Members)

Clerk Miss Betty MA

Legal adviser Miss Kitty CHENG

Date 20 November 2006