

**Bills Committee on
Juvenile Offenders (Amendment) Bill 2001**

Probation Service and Reformatory School Service

Purpose

This paper provides Members with information on the existing probation service and reformatory school service, and how the proposal to raise the minimum age of criminal responsibility will impact on the two services.

Background

2. At the first Bills Committee meeting held on 17 July 2002, Members requested the Administration to provide information on the possible impact on the provision of probation service and reformatory school services, if the age of criminal responsibility was raised to 10.

Probation Service

3. Probation is a community-based programme, whereby an offender is placed under statutory supervision of a probation officer for a period of 1 to 3 years in accordance with the Probation of Offenders Ordinance (Cap 298). The ultimate goal of probation service is to assist offenders to re-integrate into the community as law-abiding citizens. The Social Welfare Department (SWD) is responsible for making recommendation to the court on the suitability of an offender to be put on probation supervision.

4. The objectives of probation service are –
- (a) to implement the court's directives on the treatment and rehabilitation of those put under probation supervision;
 - (b) to assist them in making positive changes in their attitude and behaviour;
 - (c) to enhance their life coping skills to avoid re-offending;
 - (d) to strengthen the family support in the process of rehabilitation if applicable;
 - (e) to inform the court when the probationers fail to comply with the probation order; and
 - (f) to utilize community resources to meet the needs of offenders referred by court and, where necessary, those of their family members.

5. A probation order can be made by a court to a person tried for an offence and is subsequently convicted, including an offender less than 14 years of age. The target group of probation service is offenders who are ordered by court to be under probation supervision, and those who have completed the probation order but are willing to receive voluntary supervision up to three months.

6. Services provided for the probationers under a probation order include statutory supervision, personal guidance and family counseling through regular home visits, interviews and other activities during their probation period. On-going case monitoring is also conducted in accordance with the Probation of Offenders Ordinance and the relevant Manual of Procedures.

7. Where appropriate, offenders, probationers and their family

members are referred to approved institutions run by the Social Welfare Department or residential homes for children and youth with emotional/behavioral problems run by non-governmental organizations, related units or agencies for psychological treatment, welfare services and other services such as Volunteer Scheme for Probationers and Community Support Services Centre.

8. The number of young persons aged below 18 placed under probation supervision in the past three years is as follows –

Year	Aged 7 to under 10	Aged 10 to under 14	Aged 14 to under 16	Aged 16 to under 18
Mar 1999 – Apr 2000	0	225	1,183	1,758
Mar 2000 – Apr 2001	0	295	1,178	1,495
Mar 2001 – Apr 2002	0	291	1,309	1,616

Implications on Probation Services

9. At present, probation order can be made to children aged from seven to under ten years, amongst others, if they are convicted of an offence. After the minimum age of criminal responsibility has been raised from seven to ten, those aged below ten could no longer be placed under a probation order. The actual effect of the proposed change in the minimum age of criminal responsibility on probation service should be minimal as no offender aged under 10 has been put on probation in the

past three years. In fact, offenders aged under 10 would mostly be recommended to be put under care or protection order instead of probation order due to their tender age.

Reformatory School Service

10. Reformatory School is a gazetted home under the Reformatory Schools Ordinance (Cap 225), to provide long-term residential training to young offenders aged 7 to under 16 years. The young offenders under the Reformatory School Order is required to receive 12 to 18 months' residential training followed by 18 months' aftercare service or until such offender attains the age of 18.

11. The objective of the reformatory school service is to help the residents to change their behaviour and social attitude through the employment of social work approach so that they are better equipped to live as law-abiding members of the community upon discharge.

12. Services provided in the Reformatory School include –

(a) School Training

- academic and pre-vocational training, e.g. languages, social studies, computer programmes and applications, workshop training, etc.;

(b) Social Work Programmes

- Casework Counselling – counseling on individual needs to help the residents formulating discharge plans;
- Developmental and Therapeutic Groups – to meet the

developmental needs, the home organized various kind of developmental groups like self-understanding, temper management, sex education, etc.. Therapeutic groups geared to the residents' behavioural problem are also arranged regularly;

- Community Service Project – to help the residents develop a sense of responsibility and to help them reintegrate into the society through serving the community;
- Recreational Activities – various interest groups, outdoor activities and mass programmes are organized to develop the potentials and cultivate healthy life of the residents;
- Parent's Liaison - parent's groups and workshops are organized to strengthen the parent-child relationship and enhance the parent's parenting skills;
- Aftercare service – to assist the residents on placement leave to have satisfactory conduct and progress in the community until the expiry of the order. Guidance on study and employment are given.

(c) Medical Care

- The residents' general health is looked after by the nurses of the home and the Visiting Medical Officer. Nursing staff in the home also provide health talks and medical check-up to the residents.

13. The number of young persons newly admitted to Reformatory School in the past three years is as follows –

Year	Aged 7 to under 10	Aged 10 to under 14	Aged 14 to under 16
Mar 1999 – Apr 2000	0	4	23
Mar 2000 – Apr 2001	0	6	20
Mar 2001 – Apr 2002	0	7	38

Implications on Reformatory School Services

14. At present, the sentencing option of admission to Reformatory School applies to young persons aged 7 and under 16 who are convicted of offences. Its applicability will be changed to young offenders aged 10 and under 16 after the Bill is passed by the Legislative Council since children below ten years old can then no longer be convicted of an offence.

15. According to the record that can be traced since 1967, no offender under the age of 10 has ever been sent to Reformatory School in these past years. Therefore, the change in the minimum age of criminal responsibility will pose minimal impact on the provision of Reformatory School services. In case a child under 10 is admitted to Reformatory School, the Reformatory Schools Ordinance has existing provisions which provide for alternative arrangements to grant any youthful offender (including those under the age of 10) leave of absence from the school for a prescribed period and require such offender to reside at the address directed by the manager of the Reformatory School during his leave. Children below the age 10, given their tender age, may be dealt with by

way of these alternative arrangements.

Security Bureau

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