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

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper summarises past discussions on the proposal of re-location and co-location of six existing correctional/residential homes to the new Tuen Mun Children and Juvenile Home.

Background

2. At present, the Social Welfare Department (SWD) operates six correctional/residential homes for mal-adjusted juveniles and young offenders, namely –

- (a) Ma Tau Wai Girls' Home;
- (b) Pui Chi Boys' Home;
- (c) Begonia Road Juvenile Home;
- (d) Fanling Girls' Home;
- (e) Shatin Boys' Home; and
- (f) O Pui Shan Boys' Home.

These homes are listed in the subsidiary legislation made under five Ordinances, namely, the Protection of Children and Juveniles Ordinance, Juvenile Offenders Ordinance, Probation of Offenders Ordinance, Reformatory School Ordinance and Immigration Ordinance, as places of refuge, places of detention, reformatory schools and/or approved institutions. A summary of the legal provision and functions of these homes is in the **Appendix**.

3. The Finance Committee approved on 18 July 2003 a sum of \$330 million to construct a new residential training complex, 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 abovementioned six correctional/residential homes operated by SWD.

The legislative proposal

4. In connection with the impending co-location exercise, the Administration seeks to –

- (a) make technical amendments to replace references to the six existing homes by the new complex under the Protection of Children and Juveniles (Places of Refuge) Order, Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order, Remand Home Rules, Probation of Offenders (Approved Institution) (Consolidation) Order and Reformatory School (Establishment) (Consolidation) Order; and
- (b) remove 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.

5. According to the Administration, construction of the new complex is scheduled to be completed by end November 2006. Following the completion, juveniles in the six existing homes will be moved into the new complex in phases, with the entire removal exercise estimated 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 Administration has proposed the commencement date for the provisions for the removal of references to the six existing homes from the subsidiary legislation to be 31 December 2007.

Past discussions on the re-location of juveniles to the new complex

Relevant meetings

6. The Panel on Welfare Services discussed the Administration's proposal to re-locate and co-locate six correctional/residential homes to a new residential training complex for juveniles in Tuen Mun at its meeting on 12 May 2003. The funding proposal to construct the new complex was endorsed by the Public Works

Subcommittee on 25 June 2003 and approved by the Finance Committee on 18 July 2003.

7. According to the Administration, the co-location project proposal would –
- (a) bring significant improvement in the physical setting and hardware of the existing correctional/residential homes;
 - (b) facilitate enhancement to the quality of service for young offenders and mal-adjusted juveniles through the adoption of a new and integrated service management approach; and
 - (c) enable SWD to make flexible use of staffing resources with a view to enhancing the supervision and care of residents.
8. While members did not raise objection to the proposed residential training complex in Tuen Mun, members expressed concern about the consultation, management of the new complex, operating cost of probation service and future land use of the vacant sites. The deliberations are summarised in the following paragraphs.

Consultation on the proposed project

9. Some members expressed concern that residents in the neighbourhood might raise objection to the project in view of the large size and capacity of the new complex.
10. The Administration explained that the project had been discussed by the Social Services Committee of the Tuen Mun District Council and the Social Welfare Advisory Committee. Both committees supported the project.

Management of the new complex

11. Some members were concerned that the co-location of six homes in the same complex might give rise to management difficulties. Moreover, for such a large institution, the management was prone to set numerous routines and regulations for young offenders to follow. This would not be conducive to the social rehabilitation of the youth.
12. The Administration assured members that the design would ensure that juveniles admitted under different ordinances would be adequately segregated and receive different services at different facilities in the complex.

Operating cost of probation service

13. Some members raised concern about the high operating cost of correctional/residential homes for young offenders. The Administration explained that it had taken measures to tackle the issue of cost in recent years, such as the closing down of the Castle Peak Boys' Home and the Pui Yin Juvenile Home. The design capacity of the proposed new complex in Tuen Mun was 388 places, which was calculated on the basis of the highest demand for the various services for young offenders in the past few years. There would be 248 places for male offenders and 140 places for female offenders in the new complex. The Administration pointed out that the co-location of homes would reduce considerably the operating cost of the probation services, resulting in annual savings of about \$20 million, which was about 20% of the resources deployed.

Future land use of vacant sites

14. As regards the concern about future land use of three urban sites occupied by the Ma Tau Wai Girls' Home, Begonia Road Juvenile Home and Pui Chi Boys' Home, the Administration advised that two of the three sites were reserved for residential development. Rationalisation of the land use of these sites was only one of the considerations underlying the proposal for co-locating the six homes in a new complex.

Relevant papers

15. Members may also wish to refer to the following papers for reference –
- (a) the Administration's paper provided to the Panel on Welfare Services for its meeting held on 12 May 2003 (LC Paper No. CB(2)2015/02-03(05));
 - (b) minutes of meeting of Panel on Welfare Services held on 12 May 2003 (LC Paper No. CB(2)2335/02-03);
 - (c) the Administration's paper provided to the Public Works Subcommittee for its meeting held on 25 June 2003 (PWSC (2003-04)34); and
 - (d) minutes of meeting of Public Works Subcommittee held on 25 June 2003 (LC Paper No. PWSC164/02-03).

Appendix

Correctional / Residential Homes under Social Welfare Department

Name of Home	Capacity	Ordinance / Types of Residents
<i>Places of Refuge / Place of Detention</i>		
Pui Chi Boys' Home	40	<p>i) Protection of Children and Juvenile Ordinance (Capt 213)</p> <ul style="list-style-type: none"> - boys aged 8 to 18 in need of care or protection - physically disabled but ambulant boys aged 8 to under 18 in need of care or protection - boys, including physically disabled but ambulant, aged 8 to under 18 pending court proceedings and disposals <p>ii) Immigration Ordinance (Cap. 115)</p> <ul style="list-style-type: none"> - male illegal immigrants aged 8 to under 18 pending investigation of immigration officers or repatriation - physically disabled but ambulant male illegal immigrants aged 8 to under 18 pending investigation of immigration officers or repatriation
Ma Tau Wai Girls' Home	80	<p>i) Protection of Children and Juvenile Ordinance (Capt 213)</p> <ul style="list-style-type: none"> - girls aged 8 to under 18 in need of care or protection - girls aged 8 to 18 pending court proceedings and disposals <p>ii) Immigration Ordinance (Cap. 115)</p> <ul style="list-style-type: none"> - female illegal immigrants aged 8 to under 18 pending investigation of immigration officers or repatriation - disabled male and female illegal immigrants aged 8 to under 18 pending investigation of immigration officers or repatriation

Name of Home	Capacity	Ordinance / Types of Residents
<i>Remand Home</i>		
Begonia Road Juvenile Home	50	Juvenile Offenders Ordinance (Cap 226) <ul style="list-style-type: none"> - boys aged 7 to under 16 not released on bail after arrest - boys aged 7 to under 16 detained for police investigation or pending court disposal - boys aged 7 to under 16 put under the detention order
Ma Tau Wai Girls' Home	20	Juvenile Offenders Ordinance (Cap 226) <ul style="list-style-type: none"> - girls aged 7 to under 16 not released on bail after arrest - girls aged 7 to under 16 detained for police investigation or pending court disposal - girls aged 7 to under 16 put under the detention order
<i>Approved Institution (Probation Home)</i>		
Sha Tin Boys' Home	100	Probation Of Offenders Ordinance (Cap 298) <ul style="list-style-type: none"> - male probationers aged 7 to under 16
Fanling Girls' Home	30	Probation Of Offenders Ordinance (Cap 298) <ul style="list-style-type: none"> - female probationers aged 7 to under 16
<i>Reformatory School</i>		
O Pui Shan Boys' Home	60	Reformatory Schools Ordinance (Cap 225) <ul style="list-style-type: none"> - boys aged 7 to under 16 put under the school order