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Panel on Security

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 13 March 2012**

**Latest development of rehabilitative services provided for persons in
custody and Review on the "Risks and Needs Assessment
Management Protocol for Offenders"**

Purpose

This paper provides background information on the provision of rehabilitative services for offenders under the custody of the Correctional Services Department ("CSD") and summarizes members' concerns on the subject.

Background

Rehabilitative services provided for persons in custody

2. According to the Administration, it has been the mission of CSD to provide a safe and humane environment for the detention of persons in custody and to facilitate their smooth reintegration into society through the provision of suitable rehabilitative services.

3. In view of the growing importance of the reformation of offenders, CSD established in January 1998 a new Rehabilitation Division for better coordination of rehabilitative policies and programme development. The Division has since then strived to strengthen CSD's rehabilitative services and programmes, and to cultivate community involvement in the provision of such services. The rehabilitative services provided by CSD include pre-sentence assessment services, person in custody's welfare and counselling services, psychological services, vocational training, supervision services, pre-release preparation services and community involvement.

Risks and Needs Assessment and Management Protocol for Offenders

4. CSD has implemented the Risks and Needs Assessment and Management Protocol for Offenders ("the Protocol") since October 2006. Through a step-by-step approach in the implementation of the Protocol, CSD aims to deliver rehabilitative programmes to offenders in a more targeted and effective approach.

Deliberations of the Panel on Security

5. The Panel on Security ("the Panel") discussed the provision of rehabilitative services by CSD at its meetings on 6 January 2000, 8 July 2003, 3 July 2007, 8 July 2008 and 5 May 2009. Members were generally in support of the work of CSD, although concerns were raised over a number of issues. The following paragraphs summarize members' concerns on the subject.

Feasibility of applying non-custodial sentencing options

6. Concern was raised about inadequate penal places in penal institutions. Some members took the view that the problem of prison overcrowding had side effects on rehabilitative services for offenders. The Administration was requested to consider introducing non-custodial sentencing options currently used in some overseas countries, such as home detention and electronic monitoring, since these options could resolve the overcrowding problem in penal institutions and better address the rehabilitative needs of offenders. There was a suggestion that non-custodial sentencing options could be applied to offenders sentenced to short-term imprisonment.

7. The Administration advised members that -

- (a) it had made reference to a number of overseas jurisdictions that had adopted home detention. According to overseas experiences, home detention was mainly applied to those offenders who had committed comparatively minor offences and imprisonment was considered not necessary. In the case of Hong Kong, a range of non-custodial penalties were already available to such offenders, e.g. the Police Superintendent Discretionary Scheme, probation, Community Service Order and suspended sentence. Overseas experience also served a note of caution as there had been precedent cases that offenders committed serious crimes (e.g. murder) when

they were under electronic monitoring;

- (b) there was no overcrowding problem in medium and minimum security institutions and the Administration did not anticipate such problem in the next few years. There was already a range of non-custodial penalties available in Hong Kong to those offenders who had committed comparatively minor offences. Hence, there was no need to introduce home detention solely for the purpose of relieving prison overcrowding in the foreseeable future;
- (c) home detention did not ensure the necessary condition or environment for offenders to lead a disciplined life whilst serving his sentence. Given the compact living environment in Hong Kong, an offender, even if made subject to electronic-monitoring device, could readily mingle with undesirable peers day in and day out. On the other hand, the parallel introduction of direct supervision and suitable rehabilitative programmes for individual offenders were best arranged in CSD institutions only; and
- (d) the rehabilitative programmes provided to offenders during their custody, such as re-offending risks and rehabilitative needs assessments, welfare and counselling services, education and vocational training, were contributory to offenders' successful re-integration into society. It would not be practical or cost-effective to truncate these integrated services for delivery to and at an offender's home setting.

Adequacy and quality of the vocational training provided for offenders

8. Another concern was about the adequacy and quality of vocational training provided for adult offenders. Members considered that the Administration should make its best endeavour to ensure that the training courses or programmes provided by CSD could help improve offenders' vocational skills and enhance their chance of securing gainful employment after release. Information was sought on the feedback of rehabilitated offenders on training courses currently available in penal institutions.

9. The Administration advised members that -

- (a) pre-release vocational training courses provided by CSD were targeted at adult local persons in custody who were due to be released in three to 24 months, with the aim of improving their vocational skills so as to help them find jobs and

reintegrate into the society as soon as possible after their release from penal institutions;

- (b) there were a total of 4 900 adult local persons in custody serving their sentences at various penal institutions as at May 2009. 2 600 to 2 700 of them had a remaining sentence of three to 24 months. In 2009, about 630 part-time and 200 full-time vocational training places would be provided for eligible adult persons in custody. This represented a 14% increase in the number of training places as compared with that of 2008;
- (c) based on past enrolment experience, CSD expected most of the adult persons in custody who applied for such training courses and fulfilled the relevant criteria would be given an offer. Taking note of the shortfall of about 100 vocational training places in 2008, CSD would keep up its efforts in reviewing the adequacy of the vocational training provided for offenders in the coming years;
- (d) all participating persons in custody were requested to complete an evaluation form upon completion of vocational training. The evaluation results showed that more than 95% of the participants considered the training programmes useful in facilitating their rehabilitation, as the courses were graded either as "very satisfactory" or "satisfactory". The Administration reviewed from time to time the usefulness and quality of vocational training provided for offenders in order to enhance their employability after discharge. In providing accredited and market-oriented vocational training for offenders, CSD regularly reviewed the content of the training programmes having regard to the manpower projection in Hong Kong and the employment statistics of discharged offenders; and
- (e) to provide better support services for rehabilitated persons after their discharge from penal institutions, CSD had, since October 2006, engaged the Society of Rehabilitation and Crime Prevention, Hong Kong ("SRACP") to provide follow-up employment services for rehabilitated offenders who had completed pre-release vocational training provided by CSD. Statistics provided by SRACP showed that from October 2006 to March 2009, 722 (i.e. 77.9%) of those 927 rehabilitated persons who had completed pre-release vocational training courses before leaving the penal

institutions accepted follow-up employment service provided by SRACP, and 82.7% of these people were able to find a job within three months after release.

10. Members noted with concern that only a small number of adult persons in custody were provided with a chance to receive full-time or part-time market-oriented vocational training in penal institutions. Members considered that CSD should strengthen its provision of pre-release vocational training for rehabilitated offenders to enhance their employability after discharge and facilitate their reintegration into the society. They also suggested that the Administration should make it a compulsory requirement for persons in custody to attend vocational training courses.

11. According to the Administration, attending vocational training courses could not be made a compulsory requirement for adult persons in custody. Besides, workshops in the correctional institutions for adult persons in custody to engage in work, pre-release vocational training was provided for adult local persons in custody with remaining sentences from three to 24 months for enrollment on a voluntary basis. CSD had plans to introduce new or enhanced market-oriented vocational training courses in such trades as food and beverage services, print production, desktop publishing, and fashion and clothing design for adult offenders. The purpose of vocational training was to prepare them to meet market needs at the time of release. CSD had secured the support of a number of non-governmental organizations ("NGOs") and agencies in providing part-time vocational training for adult persons in custody, and rehabilitated persons could continue to seek assistance from SRACP and other NGOs after release, if necessary. It was hoped that these services could enhance offenders' employability after discharge and facilitate their smooth reintegration into the society.

Education programmes for young offenders

12. Regarding education programmes for young offenders, the Administration advised members that CSD provided half-day compulsory education and half-day vocational training to young offenders who were under the age of 21, with an aim to improving their academic standards and enhance their opportunities of gainful employment on release. On education, young offenders were assigned to educational classes according to their academic levels. Apart from general subjects such as Chinese Language, English Language and Mathematics, practical courses such as computer-related and commercial subjects were also offered. On vocational training, courses covering building decoration, electrical and mechanical services, business services, food and beverage services, etc

were provided. The majority of these vocational training courses provided a viable means for young offenders to obtain vocational accreditation.

13. Concern was raised as to whether the implementation of 12-year free education and the New Senior Secondary ("NSS") academic structure from September 2009 onwards would have impact on CSD's provision of compulsory education programmes for young offenders.

14. According to the Administration, with the implementation of NSS, young offenders in penal institutions, like their counterparts in ordinary schools, would receive six years of secondary education. CSD would adopt the new academic structure and curriculum for senior secondary education with effect from the 2009-2010 school year, to ensure that its education programmes for young offenders were in line with the new curriculum framework. CSD would increase the number of teachers with degree qualifications by upgrading 11 non-graduate teaching posts to graduate posts by the 2012-2013 school year.

Computer training for offenders

15. Members had sought information on the provision of computer training and facilities for offenders. The Administration advised members that CSD strived to promote computer literacy of persons in custody through the provision of computer facilities and computer training courses. There were currently 267 computers for young offenders and 370 computers for adult offenders at various penal institutions. Young offenders, i.e. those under the age of 21, received half-day compulsory education which included computer study as a core subject. Depending on whether they had enrolled in public examination on computer-related subjects, young offenders used computer and received computer training for around four to six hours per week on average. For adult persons in custody, they were required to engage in useful work in accordance with the Prison Rules (Cap. 234A) unless excused on medical grounds. Computer training for adult persons in custody was mainly offered in the form of hobby classes with volunteers serving as instructors and persons under custody joining on a voluntary basis after work. In 2009, in addition to those 830 part-time and full-time vocational training places which could be taken up by adult local persons in custody with remaining sentences of three to 24 months on a voluntary basis, and 160 computer training places offered by the Employees Retraining Board for local adult offenders, more than 900 training places on computer courses would be provided for all adult offenders at various institutions. Compared with the number of adult persons in custody who had received computer training in 2006 (i.e. 675), the number of computer training places had

substantially increased over the years.

Rehabilitative services for ethnic minorities offenders

16. Members noted that non-local offenders were not provided with a chance to receive pre-release vocational training. Concern was raised as to whether CSD was contravening the law in failing to prohibit discriminatory practices on grounds of race, colour, descent, or national or ethnic origin.

17. The Administration advised members that -

- (a) it had sought advice from the Department of Justice on the matter, and was advised that CSD's policy to provide vocational training only for adult local persons in custody who were permanent Hong Kong residents did not contravene the provisions of the Race Discrimination Ordinance (Cap. 602);
- (b) in determining the rehabilitative services provided for non-local offenders, CSD had made reference to the "Standard Minimum Rules for the Treatment of Prisoners" adopted by the Office of the United Nations High Commissioner for Human Rights;
- (c) except the vocational training for local offenders, non-local offenders were provided with other rehabilitative services offered by CSD, such as welfare and counselling services;
- (d) apart from taking part in recreational activities such as ball games and board games available at various institutions, non-local offenders could participate in religious activities, cultural activities and festival gatherings organized by NGOs; and
- (e) the Education Unit provided half-day compulsory education programmes and half-day vocational training for non-local young offenders who were under the age of 21, in the same way as their local counterparts in accordance with the established policy.

18. According to the Administration, as at May 2009, there were a total of 1 556 ethnic minorities offenders in Hong Kong's penal institutions. 30% of them were persons of South East Asian origin. To address their special language communication needs, CSD had been providing translation and interpretation services for these prisoners by employing

qualified part-time interpreters, as and when necessary. Library books in languages other than Chinese and English were also available in all penal institutions to meet the study need of ethnic minorities offenders.

19. Information was sought on the rationale for not providing non-local persons in custody with the opportunity to receive vocational training. There was a suggestion that the Administration should review its existing policy, for the purpose of eliminating racial discrimination and promoting racial harmony.

20. The Administration advised members that the main objective of providing vocational training was to facilitate the persons in custody in securing employment in Hong Kong. Against this background, vocational training was not provided to non-local persons in custody in general, as they were subject to deportation upon release and were not eligible to be employed in Hong Kong. In addition, such a service to non-local persons in custody might not be cost effective, given that the Administration was not aware of the manpower requirements in countries to which these offenders belonged.

Rehabilitative services for offenders with disabilities

21. Concern was raised about the rehabilitative services provided for offenders with disabilities. Information was sought on the number of offenders who were disabled, the nature and degree of their disability, and the existing rehabilitative services provided for them.

22. According to the Administration, there were 155 disabled persons in custody as at 9 April 2009. Disabled persons in custody were provided with rehabilitative services as with other persons in custody. To facilitate disabled persons in custody in receiving rehabilitative services, the following measures had been put in place -

- (a) disabled persons in custody were detained in institutions with adequate facilities that were necessary for their care and treatment. The facilities included modified toilet and bathing facilities, crutches, wheelchairs and light weight roll-in chair cot, etc. All major correctional institutions provided these facilities. In addition, special services or facilities, such as physiotherapy and mechanical aids, were provided to persons in custody on a need basis;
- (b) Medical Officers, Clinical Psychologists and Rehabilitation Officers of CSD were deployed as appropriate in providing rehabilitative services to disabled persons in custody. In

addition, to better attend to the special needs of disabled persons in custody, special training was arranged for CSD officers. For instance, sign language courses were made available to officers providing services to deaf persons in custody; and

- (c) NGOs were invited to provide visits to disabled persons in custody, and to render assistance to them in making discharge arrangements, such as in respect of accommodation and employment.

Resources allocated for the provision of rehabilitative services

23. Members were concerned about the inadequate services provided by the Administration for the re-integration of offenders into the society. Members requested the Administration to conduct a comprehensive review of CSD's work in the provision of rehabilitative services and allocate more resources for CSD to strengthen its services and programmes for offenders.

24. According to the Administration, the estimated expenditure of CSD's re-integration programme in 2008-2009 was \$473.1 million, which was about 7.5% higher than that in 2006-2007. The success rate of CSD's re-integration programme was contingent upon a number of factors. Apart from the effectiveness of the reintegration programme, other factors included the offender's family and social background, his response to rehabilitative and counselling services, the community's acceptance and support, and prevailing economic conditions. In order to give rehabilitated offenders a better chance of successful re-integration into the society, CSD would continue to organize publicity and promotional programmes in collaboration with relevant NGOs, so as to foster greater acceptance and support by family members, employers and the public at large.

Effectiveness of the Risks and Needs Assessment and Management Protocol for Offenders

25. At its meeting on 5 May 2009, the Panel sought information on CSD's review of the Protocol in 2011. According to the Administration, the Protocol was a systematic assessment tool of prisoners' custodial and re-offending risks and rehabilitative needs to facilitate their safe detention and CSD's provision of matching rehabilitative programmes. The review to be conducted in 2011 would focus on rehabilitative programme matching and cover seven specific domains. In reaffirming the existing policy that CSD would continue to take a step-by-step approach to implement and fine tune the Protocol in the light of operational experience,

the Administration would also closely monitor the performance of discharged offenders to evaluate the effectiveness of the Protocol.

Relevant papers

26. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

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Appendix

**Relevant papers on
Latest development of rehabilitative services provided for persons in
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Management Protocol for Offenders"**

Committee	Date of meeting	Paper
Panel on Security	6.1.2000 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	8.7.2003 (Item VI)	<u>Agenda</u> <u>Minutes</u>
	3.7.2007 (Item III)	<u>Agenda</u> <u>Minutes</u>
	8.7.2008 (Item IV)	<u>Agenda</u> <u>Minutes</u>
	5.5.2009 (Item VII)	<u>Agenda</u> <u>Minutes</u>

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