

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1635/16-17

(These minutes have been seen  
by the Administration)

Ref : CB4/HS/1/16

**Subcommittee on Children's Rights**

**Minutes of the eighth meeting  
on Tuesday, 23 May 2017 at 10:45 am  
in Conference Room 2 of the Legislative Council Complex**

**Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)  
Hon SHIU Ka-chun (Deputy Chairman)  
Hon LEUNG Yiu-chung  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon HUI Chi-fung  
Dr Hon CHENG Chung-tai  
Hon Nathan LAW Kwun-chung  
Dr Hon LAU Siu-lai

**Members absent** : Dr Hon Elizabeth QUAT, JP  
Hon CHU Hoi-dick

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public Officers attending** : Mr Kenneth CHENG  
Principal Assistant Secretary for Labour & Welfare  
(Welfare)1  
Labour and Welfare Bureau

Mr Alex CHAN  
Principal Assistant Secretary for Security B  
Security Bureau

Mr TANG Ping-ming  
Assistant Commissioner (Rehabilitation)  
Correctional Services Department

Ms Eva KWONG  
Senior Clinical Psychologist 2  
Correctional Services Department

Mrs Helen KWOK  
Assistant Director (Youth & Corrections)  
Social Welfare Department

Miss Rebecca KOO  
Chief Social Work Officer (Corrections)  
Social Welfare Department

**Attendance by invitation** : Christian Prison Pastoral Association

REV Paul HUI Kwok-fai  
The Former Ministry Chief Officer

Christian Fellowship of Pastoral Care for Youth Limited

Mr KWAN Lee-hing  
Assistant General Secretary

The Society of Rehabilitation and Crime Prevention,  
Hong Kong

Ms Anthea LEE Shuk-wai  
Deputy Chief Executive

Ms Priscilla KO Wai-kam

Hong Kong Paediatric Foundation

Dr Lilian WONG  
Secretary General

Ms Gloria TIEN LUK Sau-kuen

The Hong Kong Council of Social Service

Ms Louisa YAU Shui-ling  
Officer (Children and Youth Service Development)

Caritas District Youth Outreaching Social Work Team -  
Southern

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Mr LUN Chi-wai  
註冊社工

Henry

香港政策透視

Mr KUNG Wai-sum  
執委

PathFinders

Ms Vrinda CHORARIA  
Business Development Manager

**Clerk in attendance** : Ms Angel WONG  
Chief Council Secretary (4)4

**Staff in attendance** : Miss Mandy NG  
Council Secretary (4)4

Ms Sandy HAU  
Legislative Assistant (4)4

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**I. Rights of children in Correctional Home and Correctional Institutions**

(LC Paper No. CB(4)1046/16-17 -- Paper provided by the  
(01)-(02) Administration)

Other paper

Written submission from deputation not attending the meeting

(LC Paper No. CB(4)1084/16-17(01) -- submission from Civic Party  
(*Chinese version only*))

Meeting with deputations/individuals and the Administration

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee received views from 11 deputations/individuals attending the meeting and one written submission from an organization which had not attended the meeting. Their major views and concerns were summarized as follows:

*Rights of young offenders*

- (a) the rights of children set out under the United Nations Convention on the Rights of the Child should also apply to young offenders;
- (b) although young offenders lost their personal freedom, they should still enjoy other basic rights;
- (c) according to some young offenders, they received inhumane treatment and corporal punishment during custody, for instance, forced to take shower within a minute, undergo non-stop foot-drill training for more than six hours, pour leftovers from the meals over their heads and being beaten up by the staff of the Correctional Services Department ("CSD"), etc. Inhumane treatment could cause serious psychological and developmental harm to young offenders and could have a detrimental effect on their ability to rehabilitate;
- (d) young offenders were unable to lodge complaints about their treatment at correctional institutions as these institutions housed convicted offenders waiting to be sentenced. Offenders feared that making a complaint would lead officers to write negative reports on them to submit to the court, leading to a longer sentence;

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- (e) an independent body, like the Independent Police Complaints Council, should be set up to observe, monitor and review the handling and investigation of complaints against CSD staff;
- (f) young offenders were at high risk of physical and mental health problems. The Administration should have the resources and the competency to manage these problems. Medical, mental and/or psychological assessment should be conducted for newly admitted offenders. Suicidal risk of young offenders should be assessed regularly so as to provide timely assistance;
- (g) as for social visits, offenders could be visited by relatives and friends twice a month. Visits made by social workers of non-governmental organizations ("NGOs") for case management were also regarded as social visits. In the interest of a young offender's relationship with his family and in consideration of the nature of visits, visits made by social workers of NGOs should be classified as official visits like those made by the social workers of the Social Welfare Department ("SWD");
- (h) protection of offenders' privacy should be enhanced. For instance, social visits should not be monitored by CSD staff; offenders' correspondence with outsiders should not be opened and searched for security check;
- (i) education and vocational training programmes should also be provided to inmates in detention centres;
- (j) the time for providing meals in penal institutions should be reviewed. Evening meals started too early. Although there were night snacks, they were provided very shortly after evening meals when offenders were still full. As a result, they felt pretty hungry at nights;
- (k) the Administration should attend to the needs of female offenders (including ethnic minorities) and their infant children when they were in penal institutions;

*Support for rehabilitated young offenders*

- (l) community acceptance and support were important to the successful rehabilitation and re-integration of offenders. The Administration should continue to appeal community support for rehabilitated offenders through education, publicity and public involvement;

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- (m) rehabilitation programmes provided to young offenders by CSD and NGOs, such as education, vocational training, psychological services, welfare and counselling services, etc. could greatly help them re-integrate into society after release;
- (n) to enhance employability of young offenders after discharge, CSD should constantly review the relevance of vocational training courses for young offenders to ensure that the courses were market-oriented;
- (o) inmates should have access to the internet to equip themselves for future re-integration;
- (p) many discharged offenders encountered difficulties in seeking employment. The Administration should take the lead in recruiting rehabilitated offenders and continue to encourage employers to offer job opportunities for them;
- (q) many young inmates were worried of unemployment upon release. The Administration could keep offenders informed of the number of rehabilitated offenders being employed to ease their worries and to boost their determination in rehabilitation;
- (r) accommodation could facilitate discharged young offenders to reunite with families and prevent them from re-offending. However, many young offenders encountered difficulties in finding accommodation upon release. The Administration should help rehabilitated offenders with their housing problems; and
- (s) the conviction record was another concern of discharged young offenders. The Rehabilitation of Offenders Ordinance (Cap 297) was in place to facilitate rehabilitation of offenders. The Ordinance provided for the conditions under which an offender would be deemed to have no conviction record if a period of three years had elapsed and he had not been again convicted of an offence in Hong Kong. However, as young offenders of detention, rehabilitation, training and drug addiction treatment centres were subject to a statutory supervision period of one to three years after release, it would take more than three years for their conviction to be spent.

3. Members expressed grave concern that young offenders were deprived of their human rights during custody. They shared deputations' concerns that CSD should provide a secure, safe, humane and healthy custodial environment for young offenders. An independent panel should be set up to conduct fair investigation into complaints to ensure that the basic rights of young offenders were intact. They urged the Administration to proactively investigate the incidents

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mentioned by deputations and critically review measures to monitor the work of CSD. The Chairman also queried whether the sharp and shocking experience in detention centre could help the young offenders nowadays and considered that the Administration should explore whether such imprisonment could be substituted with other forms of penalty. In the long run, the Administration should conduct a comprehensive independent review on the correctional services for young offenders.

4. On the views and concerns raised by members and deputations at the meeting, the Administration made the following responses:

*Complaints handling mechanism of CSD*

- (a) CSD took the deputations' allegations of abuse very seriously and called on offenders/ex-offenders who had been harmed to direct their complaints to the Complaint Investigation Unit ("CIU") of CSD or report to the Police;
- (b) CSD held a zero-tolerance attitude towards violations of regulations by their staff. All the complaints would be dealt with seriously. If a person in custody was aggrieved by any treatment he received, he might make representations or lodge a complaint through various channels. CIU of CSD was responsible for handling complaints. If the complainant was dissatisfied with the investigation outcome conducted by CIU, he might appeal to CSD Complaints Appeal Board of which all non-official members were Justices of the Peace ("JPs"). If it was suspected that illegal acts had been committed, CSD would refer relevant complaints to other law enforcement agencies for follow-up actions. In addition, persons in custody might lodge complaints through other channels, such as the Chief Executive, JPs, Legislative Council ("LegCo") Members, etc;

*Service monitoring in Tuen Mun Children and Juvenile Home*

- (c) Tuen Mun Children and Juvenile Home was monitored under the Service Performance Monitoring System of the Social Welfare Department. It was required to put in place a mechanism and procedures for handling complaints as well as taking all reasonable steps to ensure that residents were free from abuse;

*Safeguards of offenders' rights*

- (d) the rights of offenders in penal institutions were safeguarded by a system of regular visits by independent visitors. JPs conducted unannounced visits to all the penal institutions at times and on days of

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their own choice within a prescribed period without prior notice to the concerned institution. Offenders were informed of their right to make complaints to visiting JPs. Volunteers, religious bodies and NGOs paid frequent visits to penal institutions to organize a variety of activities for offenders. In addition, offenders' family members were encouraged to participate in the activities organized by CSD. In 2016, Sha Tsui Correctional Institution had received about 1 300 volunteers and over 200 young offenders' parents;

- (e) the rights of offenders were also safeguarded by the installation of closed-circuit television ("CCTV") systems within the areas of penal institutions (except specific areas such as shower rooms, toilets and sick bays). CCTV footage would be retained and reviewed during complaint investigation and admitted as evidence, if necessary. CSD would seek funding approval from the LegCo to enhance the existing CCTV systems in penal institutions;
- (f) to facilitate the effective discharge of duties by correctional officers, CSD regularly provided them with professional training. In fact, many staff had acquired professional qualifications, such as social work and nursing, which further facilitated their work. Special processes were in place to select suitable correctional officers to lead young offenders in the Sha Tsui Correctional Institution on a path of rehabilitation;
- (g) CSD had internal guidelines to govern the operations of penal institutions. In correctional institutions for young offenders, foot-drill training usually lasted for around two hours per day with breaks in between. Young offenders were also given reasonable time for shower. As for meal arrangements, young offenders could opt not to finish all the food offered. As it was common to have leftovers from meals provided to persons in custody, CSD had implemented the "Waste No Food Scheme" in Lo Wu Correctional Institution to reduce food waste;
- (h) on health issues, every penal institution had healthcare facilities staffed with Medical Officers from the Department of Health who provided 24-hour medical services to persons in custody. To improve young offenders' psychological well-being and help change their offending behaviour, some 30 in-house clinical psychologists of CSD provided counselling services for offenders who had emotional problems, adjustment difficulties or any psychological issues. They also conducted researches to facilitate the work of CSD and steered the Inmate-Parent Programme to encourage family members' participation in the rehabilitation of young persons in custody;



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- (i) CSD had to strike a balance between security consideration and protection of privacy in the arrangements of social visits and handling of offenders' correspondences. Persons in custody might receive social visits by relatives and friends twice a month. For persons in custody at young offender institutions (i.e. for offenders under age 21) and drug addiction treatment centres, approval for receiving two additional social visits by relatives per month were given, in order to encourage the maintenance of good communication and ties between young offenders and their relatives, thereby strengthening their determination to turn over a new leaf. Although offenders' correspondence with outsiders were generally subject to screening in accordance with law, letters to specified persons, such as LegCo Members, in sealed envelopes should not be read by CSD staff;
- (j) the detention centre put emphasis on strict discipline, hard work, physical training and foot-drill, providing young offenders with a sharp and shocking experience to prevent them from re-offending. Given the detention was relatively short, that was, only varied from one to six months for offenders aged between 14 and under 21, and three to 12 months for those aged between 21 and under 25, there was insufficient time to arrange education and vocational training programmes to these young offenders;

*Support for rehabilitated young offenders*

- (k) CSD attached great importance to the reformation and rehabilitation of offenders through the provision of suitable rehabilitative services. With dedicated efforts in rehabilitation, the recidivism rate had dropped significantly from 39.9% to 25.9% in the past decade or so. Such efforts were recognized by many rehabilitated persons and their families as well as media;
- (l) in response to the recommendations made by the Audit Commission in its Report in 2015, CSD had implemented measures to improve its rehabilitation programmes. CSD would continue to actively review and enhance various types of rehabilitation services and programmes in the light of social changes and needs, and make proactive efforts in promoting rehabilitation work in the community;
- (m) CSD had implemented the Risks and Needs Assessment and Management Protocol for Offenders to assess re-offending risks and rehabilitative needs for offenders during custody, and provide matching rehabilitative programmes to meet their individual needs; and

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- (n) in order to help residents improve their behavior and rebuild their sense of lawfulness, Tuen Mun Children and Juvenile Home had put in place a system of reward and punishment with an emphasis on "rewards". Those with positive behavior and performances were given such positive encouragement as praises, bonus points, small gifts, snacks, outdoor activities, home leave, etc. Those with negative behavior or in breach of regulations were imposed deduction of bonus points or rewards, or were assigned additional duties, such as sorting clothing supplies, performing simple cleansing duties, etc.

5. The Chairman requested the Administration to provide the following information –

- (a) the duties and services of clinical psychologists of CSD;
- (b) the operation guidelines for CSD staff;
- (c) the daily menu served to young offenders at the Correctional Institutions of CSD for the past four months;
- (d) the procedures for handling complaints made by offenders during JP visits; the number of complaints made by young offenders in the Sha Tsui Correctional Institution and Pik Uk Correctional Institution ("PUCI") to visiting JP in the past five years; and among these complaints, the number of cases referred to the Complaints Appeal Board of CSD for follow-up and the results of these appeals; and
- (e) the number of cases, in the past five years, in which young offenders in custody committed violence, breached discipline and harmed themselves.

*(Post-meeting note: The Administration's written information was issued to members vide LC Paper CB(4)1293/16-17 on 23 June 2017.)*

6. The Chairman reported that the Subcommittee had visited the Tuen Mun Children and Juvenile Home and Sha Tsui Correctional Institution on 28 April and 5 May 2017 respectively. Members agreed that a visit should be made to PUCI to better understand its operation and management.

*(Post-meeting note: The Subcommittee visited PUCI on 16 June 2017.)*

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**II. Any other business**

7. There being no other business, the meeting ended at 1:05 pm.

Council Business Division 4  
Legislative Council Secretariat  
3 October 2017

## Subcommittee on Children's Rights

### Proceedings of the eighth meeting on Tuesday, 23 May 2017 at 10:45 am in Conference Room 2 of the Legislative Council Complex

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda Item I - Rights of children in Correctional Home and Correctional Institutions</i>			
000831 - 001601	Chairman	Opening remarks	
001602 - 002005	Chairman Christian Prison Pastoral Association	Presentation of views [LC Paper No. CB(4)1046/16-17(03)]	
002006 - 002346	Chairman Christian Fellowship of Pastoral Care for Youth Limited	Presentation of views [LC Paper No. CB(4)1046/16-17(04)]	
002347 - 002909	Chairman The Society of Rehabilitation and Crime Prevention, Hong Kong	Presentation of views [LC Paper No. CB(4)1046/16-17(05)]	
002910 - 003018	Chairman Ms Priscilla KO Wai-kam	Presentation of views	
003019 - 003515	Chairman Hong Kong Paediatric Foundation	Presentation of views [LC Paper No. CB(4)1084/16-17(02)]	
003516 - 003734	Chairman Ms Gloria TIEN LUK Sau-kuen	Presentation of views	
003735 - 004240	Chairman The Hong Kong Council of Social Service	Presentation of views	
004241 - 004941	Chairman Caritas District Youth Outreaching Social Work Team - Southern	Presentation of views [LC Paper No. CB(4)1084/16-17(03)]	
004942 - 005631	Chairman Henry	Presentation of views [LC Paper No. CB(4)1084/16-17(04)]	
005632 - 010319	Chairman 香港政策透視	Presentation of views	
010320 - 010637	Chairman PathFinders	Presentation of views [LC Paper No. CB(4)1084/16-17(05)]	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
010638 - 011448	Chairman Correctional Services Department ("CSD") Social Welfare Department	The Chairman's remarks and the Administration's response to the views expressed by deputations	
011449 - 012241	Chairman Dr KWOK Ka-ki Security Bureau CSD	Dr KWOK's concerns over the monitoring of the operation of penal institutions, implementation of rehabilitation programmes, and provision of professional services, such as medical, psychiatric and social work services, in penal institutions	
012242 - 012737	Chairman Mr LEUNG Yiu-chung	Mr LEUNG's sharing of experience gained during his previous visits to penal institutions in his capacity of a Legislative Council Member	
012738 - 013322	Chairman Dr CHENG Chung-tai	Dr CHENG's views on the inadequacies of the Justices of the Peace visit programme and rehabilitation programmes offered to young offenders	
013323 - 014013	Chairman Deputy Chairman CSD	The Deputy Chairman's concerns about the operation of Pik Uk Correctional Institution ("PUCI") and issuance of a letter to the production team of the local movie "With Prisoners" by the Correctional Services Department ("CSD")	
014014 - 014751	Chairman Dr Helena WONG	Dr WONG's enquiries about the operation of Correctional Institutions: the complaint handling mechanism, CCTV systems, daily menu served to young offenders, and duties and services of clinical psychologists of CSD	Paragraph 5 of the minutes refers.
014752 - 015242	Chairman Dr LAU Siu-lai	Dr LAU's suggestions on hair-cut arrangement for residents of the Correctional Home and measures to monitor the operation of penal institutions	
015243 - 020617	Chairman CSD	The Chairman's remarks and CSD's response to the views and concerns raised by members	
020618 - 020737	Chairman The Society of Rehabilitation and Crime Prevention, Hong Kong	Presentation of views	
020738 - 020847	Chairman Hong Kong Paediatric Foundation	Presentation of views	
020848 - 020900	Chairman Caritas District Youth Outreaching Social Work Team – Southern	Presentation of views	
020901 - 021009	Chairman Henry	Presentation of views	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
021010 - 021138	Chairman Dr LAU Siu-lai	Dr LAU's opinion on the importance of putting in place measures to monitor the work of CSD	
021139 - 021754	Chairman Deputy Chairman CSD	The Deputy Chairman's request for visiting PUCI, and information regarding the operation guidelines for CSD staff and the number of complaints lodged by young offenders	Paragraph 5 of the minutes refers.
<i>Agenda Item II – Any other business</i>			
021755 - 022140	Chairman	Closing remarks	

Council Business Division 4  
Legislative Council Secretariat  
3 October 2017