

Minutes of Twenty-seventh Meeting of the Children's Rights Forum

Date : 27 May 2016 (Friday)

Time : 5:15 p.m.

Venue : Training cum Lecture Room, 5/F,
West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

Attendance:

Constitutional and Mainland Affairs Bureau

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| 1) Mr Gordon LEUNG, JP
(Chairman) | Deputy Secretary for Constitutional and Mainland Affairs |
| 2) Mr DC CHEUNG | Principal Assistant Secretary for Constitutional and Mainland Affairs |
| 3) Ms Connie LAU | Assistant Secretary for Constitutional and Mainland Affairs |

Non-government organisations

Representatives

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| 1) Against Child Abuse | Ms LEE Yu-po |
| 2) Hong Kong Committee for the United Nations Children's Fund (UNICEF) | Ms Joanne LAI
<u>UNICEF Young Envoys Club and Voices of Youth</u>
IP Ho-kei
WONG Ying
Abby LEUNG |
| 3) Kids' Dream | LEUNG Wai-hong
PEA Ching-yin
陳匡竝 |
| 4) The Boys' & Girls' Clubs Association of Hong Kong | Ms CHAN Fei
Mr CHEUNG Cheung-ho
Ms Ada FUNG |
| | <u>Junior CEs</u>
Elita SETO
Carol LAM
YUAN Long-ching
YU Yin-long |

James LAI
Bethanie LIU

5) Society for Community
Organization

Mr WONG Chi-yuen

Children's Rights Association
LEE Suet-lin
WONG Hung-to

Attendance by Invitation:

Discussion Item

- 1) Mr LAM Wai-kwong Senior Superintendent (Rehabilitation), Correctional Services Department
- 2) Mr LEUNG Tsan-ming Superintendent (Rehabilitation Unit 1), Correctional Services Department
- 3) Mr CHAN Chun-man Principal Officer (Rehabilitation Unit 1/Supervision)/ Cape Collison Correctional Institution, Correctional Services Department
- 4) Mr NG Kee-hang Principal Officer (Rehabilitation Unit 2/Supervision)1/ Post-Release Supervision Office, Correctional Services Department

1. Introduction

- 1.1 The Chairman welcomed representatives of non-government organisations (“NGOs”) and children representatives to the meeting.
- 1.2 As suggested by children representatives and in line with the arrangement of the last two meetings, future discussions at the Forum would be conducted in a group setting. Following the briefing given by the representative of the Correctional Services Department (“CSD”), attendees would be divided into two groups for group discussion.

2. Discussion item

Rehabilitation services to help discharged young offenders reintegrate into society (Paper No. CRF 2/2016)

- 2.1 2.1.1 The Chairman advised that the subject for discussion at the meeting was proposed by children representatives, and that representatives of CSD were invited to briefly introduce the rehabilitation services which helped discharged young offenders reintegrate into society.

2.1.2 CSD representative Mr CHAN Chun-man gave a brief account of the rehabilitation services provided for offenders both within and outside the correctional institutions, and how the department helped them reintegrate into society. He also introduced the new Positive Energy Map programme.

2.1.3 Mr CHAN pointed out that CSD staff had been playing the dual role of –

- (i) the society's guardian: made offenders reflect on their wrongdoings by teaching them to conform to discipline and order in the correctional institutions, while at the same time enhanced their employment skills and instilled in them positive values by providing them with industrial or vocational training; and
- (ii) rehabilitation facilitator: facilitated rehabilitation of offenders, guided them to reflect on their wrongdoings and turn over a new leaf.

Mr CHAN advised that through performing its dual role, CSD hoped to facilitate rehabilitated offenders to become self-reliant and law-abiding citizens after their release, thereby building an inclusive society.

2.1.4 As advised by Mr CHAN, CSD's rehabilitation services aimed at:

- (i) helping rehabilitated offenders build up a healthy lifestyle, say leading a disciplined life by sleeping and getting up early, having regular meals and exercise, and learn how to get along with others through communal living;
- (ii) helping offenders develop a sense of responsibility and acquire good work habits: the industrial/vocational training would not only equip offenders with survival skills, but also enable them to get used to working life.

2.1.5 Mr CHAN introduced different aspects of rehabilitation work. CSD staff would first conduct an assessment on offenders newly admitted into the correctional institutions to identify suitable training for them. Apart from industrial/vocational training, educational classes would also be provided to young offenders. Besides, some rehabilitated inmates had to be put under supervision after release in accordance with law. Through close contacts, CSD supervisory staff would help rehabilitated persons lead a law-abiding life and reintegrate into society.

2.1.6 "Young offenders" were generally referred to offenders aged between 14 and under 21. When a young person was convicted by court, he/she might be referred to CSD for pre-sentence assessment report for the court's consideration before passing a sentence. The pre-sentence report contained background information about the young person concerned, such as his/her family status, physical health condition, educational attainment, drug abuse history and previous criminal

records, as well as recommendation on the most appropriate rehabilitation programme.

- 2.1.7 Currently five rehabilitation programmes for young offenders were being carried out in rehabilitation centres, detention centre, drug addiction treatment centres, training centres and prisons respectively. Though serving different purposes, all these programmes provided young offenders with half-day educational classes and half-day industrial/vocational training daily.
- 2.1.8 Mr CHAN gave a brief account of the half-day educational classes and half-day vocational training provided by various correctional institutions. He advised that CSD was committed to improving the educational level of young offenders with a view to developing their good conduct and preparing them for reintegration into society through education. Educational classes in correctional institutions were taught by qualified teachers, and young offenders might choose among language and practical subjects, such as Chinese Language, English Language, Mathematics, Multi-media and Computer Applications. Young offenders who had completed the courses might enroll in certification examinations, such as examinations administered by the Vocational Training Council and City and Guilds of London Institute. Separately, young offenders sentenced to training centres generally had to serve a longer term which varied from six months to three years. Upon their admission to the training centres, CSD staff would assess their level of education and those who had attained the required level of education might enroll in a ten-month course and sit for the Hong Kong Diploma of Secondary Education Examination (HKDSE). In recent years, young offenders had obtained satisfactory results in HKDSE Examination. In 2015, a total of 20 young offenders from different correctional institutions took a total of 97 examination papers and obtained level 2 or above in more than 90 papers with one of them obtaining level 5** in Economics.

On half-day vocational training, CSD provided young offenders with diversified and market-oriented vocational training programmes with recognised accreditation, such as food and beverage, computer applications design and hairstyling, to equip them with practical skills so that they would be able to secure employment after release.

- 2.1.9 Mr CHAN then introduced the Character Development Programme in correctional institutions. In addition to equipping young offenders with life skills, CSD hoped to guide them to sincerely reform themselves. In this connection, the Character Development Programme was launched to instill in young offenders positive values; help maladjusted young offenders get back on the right track; and help them become independent, build up self-confidence and foster perseverance through activities including scout training, volunteer services and Oxfam Trailwalker.
- 2.1.10 Mr CHAN pointed out that CSD was currently running ten post-release supervision schemes in accordance with eight Chapters of the Laws of Hong Kong. Participation in these schemes was either on a compulsory

or voluntary application basis, and the supervision period varied from one to three years. For individual schemes, supervision remained in force from six months to the latest date of discharge. During the supervision period, CSD staff would play the dual role of supervisor and carer. They would, on one hand, pay surprise visits to the supervisees' home or workplace and interview them to obtain a clear picture of their life after release, while on the other hand, understand the difficulties they might have faced through contacts and then provide them with counselling and assistance. Under normal circumstances, requirements of supervision orders included the following: not to commit any offence against the laws of Hong Kong; meet with the supervising officer within 30 days after each meeting; undertake only such employment and reside at an address approved by the supervising officer. Supervisees discharged from drug addiction treatment centres were required to provide urine specimens at a specified location.

- 2.1.11 Mr CHAN understood that the attendees were more concerned about the arrangements for schooling for discharged young offenders. In this connection, he advised that young offenders who had sat for the HKDSE Examination might lodge applications through the Joint University Programmes Admissions System after announcement of examination results. CSD staff would liaise with tertiary institutions and arrange for tele-conference interviews in the institutions, or escort young offenders to tertiary institutions to have real-time interviews. As for other young offenders who intended to pursue studies after release, CSD staff might liaise with schools and assist them to enroll in these schools. For those who did not intend to pursue further studies, they might apply for jobs offered by Caring Employers through the Employment Services job-matching platform. Since 2012, more than 800 applications had been processed and over half of the applicants had been provided with job offers from employers.
- 2.1.12 Halfway houses operated by CSD facilitated those released under supervision to gradually adapt to community life. Supervisees residing in halfway houses might go out to work or study during daytime, but had to be back at night before the specified time. Staff of the Rehabilitation Unit in the halfway houses would conduct counselling and sharing sessions at night to learn about the difficulties the supervisees had encountered in reintegrating into the community. CSD hoped that the halfway houses could facilitate the rehabilitated young people to adapt to community life, cater for their accommodation need, and help them develop self-discipline and positive work habits.
- 2.1.13 Mr CHAN then introduced the new Positive Energy Map programme. He advised that the programme was designed to put all supporting services and resources in various districts to strategic use to help rehabilitated persons to stay away from undesirable peers. Based on past experience in working with NGOs, CSD had drawn up a community resources map which showed the distribution of NGO resources by district and by activity/service. The information was distributed to rehabilitated persons to let them know the distribution of NGOs which

provided leisure, cultural and recreational services as well as personal development and training programmes for rehabilitated persons in each district to facilitate them to lead a more fulfilled life rather than just engaging in working and studying. As the programme was at its initial stage, Mr CHAN welcomed attendees to give their comments during the discussion session.

2.1.14 The Chairman thanked Mr CHAN for the briefing and invited attendees and children representatives to divide into two groups for group discussion.

2.2 Comments and questions on rehabilitation services to help discharged young offenders reintegrate into society put forward by attendees and children representatives, as well as responses from representatives of CSD were as follows (Group 1):

2.2.1 An attendee enquired about the trades covered by the Caring Employers, programme and was concerned about whether vocational training could keep pace with the times and cater for market needs. In response, CSD representative Mr LAM Wai-kwong said that there was no restriction on the types of jobs offered under this employment platform. Any employer who was willing to provide job opportunities to rehabilitated persons could participate in the programme. Jobs offered under the programme were mainly of physically demanding nature, such as those in catering, transport and logistics industries, while the proportion of clerical jobs was lower. Vocational training provided in correctional institutions was market-oriented and could keep up with market needs.

2.2.2 As pointed out by an attendee, a survey had shown that among the young people cautioned under the Police Superintendent's Discretion Scheme, those with special learning difficulties had a higher chance of re-offending, while half of the re-offenders were diagnosed with Attention Deficit/Hyperactivity Disorder. As there was currently no law protecting the rights of young people with learning difficulties after they were arrested or taken in custody, the attendee was worried that those young people were not provided with appropriate assistance after their arrest or admittance to institutions. He/she then asked whether CSD had any supporting services specially designed for young offenders with special learning difficulties. In response, Mr LAM advised that the relevant data was not available, but according to past experience, there had only been a small number of such cases. He explained that a person who attained the age of 14 had to bear criminal responsibility for the offence he/she committed. In passing a sentence, the judge would consider the report prepared during the remand period. In cases where offenders were identified to have a high risk of re-offending, they would be referred to psychologists for following up. On rehabilitation, CSD would assist them in attending interviews at special schools to ensure that they would be able to pursue studies after release.

2.2.3 A child representative enquired whether CSD had put in place measures to

appeal for community acceptance of rehabilitated persons. In response, Mr LAM advised that public education programmes such as exhibitions at shopping centres and Announcements in the Public Interest on television had been launched since the 1990s. Besides, the Rehabilitation Pioneer Project targeting on secondary school students and the youth had been launched since 2008. Through a series of community educational activities such as educational talks, Personal Encounter with Prisoners Scheme, Green Haven Scheme, visits to the Hong Kong Correctional Services Museum, extended training camps, youth forum, dance and music performance of Creation and Rehabilitation and the Reflective Path, CSD sought to disseminate to them the messages of leading a law-abiding life, staying away from drugs and supporting offender rehabilitation.

- 2.2.4 A child representative enquired whether CSD would provide young offenders with other interest classes or vocational training courses if they were not interested in existing vocational training. In response, Mr LAM advised that training for all young offenders was assigned by the Industries and Vocational Training Section according to the age, interests and capability of young offenders and having regard to security requirements, while interest classes were provided by NGOs.
- 2.2.5 An attendee enquired about the training of CSD staff and whether young offenders would be subject to abuse in the institutions. Mr LAM emphasised that abuse of offenders was rare in Hong Kong. On staff training, all CSD staff had to undergo 23 to 26 weeks of strenuous training. Apart from essential training on security control and searching techniques, training on communication and management skills was also included. In addition, special training on rehabilitation and counselling was provided to specially selected officers as not every officer was suitable for discharging counselling duties. Hong Kong had a well-established complaint redress system and an effective avenue for redress. If a person in custody was not satisfied with the work of CSD, he/she could lodge a complaint. CSD operated in accordance with the provisions of the Prisons Ordinance, while the internal guidelines of CSD and international treaties had offered protection to the rights and interests of persons in custody. Another attendee enquired about bullying situations in correctional institutions. Mr LAM pointed out that the institutions had put in place adequate monitoring measures and cases of bullying in correctional institutions were rare in Hong Kong.
- 2.2.6 An attendee and a children representative enquired about the educational opportunities and range of subjects offered to offenders in the institutions. Mr LAM advised that, on schooling, despite the lack of a platform like Caring Employers to provide offenders with information on schools, CSD had maintained liaison with different schools with a view to assisting offenders in identifying suitable schools. Currently, HKDSE subjects, including four core subjects of Chinese Language, English Language, Mathematics and Liberal Studies, as well as two elective subjects of Economics and Tourism and Hospitality Studies, were offered to offenders. Subjects such as Chemistry and Biology could not be offered

by CSD due to security reasons. Academic attainment of young offenders admitted to correctional institutions was generally low, and a small number of candidates were able to pursue further studies in tertiary institutions. Offenders with higher learning abilities would be encouraged to take extra-mural courses offered by tertiary institutions. In the past year, CSD had granted a total of \$1 million from the education funds to young and adult offenders for purchasing books and paying tuition fees of extra-mural courses.

- 2.2.7 An attendee enquired about the assistance rendered to remand unconvicted persons. Mr LAM advised that staff of the Rehabilitation Division would provide them with counselling services and explained to them in detail the treatment they would receive while on remand and afterwards. Mr CHAN Chun-man added that staff of the Rehabilitation Unit would liaise with the Social Welfare Department or social workers to provide assistance to unconvicted persons in handling welfare matters outside the institutions, such as paying for the rent or looking after unattended children.
- 2.2.8 An attendee enquired how young offenders should choose post-release supervision schemes. Mr LAM pointed out that young offenders in different institutions had to be placed under specified supervision scheme after release and were not allowed to make their own choice. Post-release supervision of discharged young offenders would be carried out by staff of the Rehabilitation Division.
- 2.2.9 An attendee raised a question on arrangements for social visit. Mr LAM explained that offenders could be visited by relatives and friends twice a month generally, but CSD would encourage relatives of young offenders to pay their visit weekly, more frequent visits would also be approved. CSD representative Mr CHAN Chun-man added that CSD would invite relatives of newly admitted young offenders to visit the institutions to gain an understanding of the living environment in the institutions. Besides, CSD would organise certificate presentation ceremonies and invite family members of recipients to attend to share the joy. These functions were conducive to fostering good relationship between the offenders and their family members.
- 2.2.10 Mr LAM thanked the attendees and children representatives for their questions and suggestions.
- 2.3 Comments and questions on rehabilitation services to help discharged young offenders reintegrate into society put forward by attendees and children representatives, as well as responses from representatives of CSD were as follows (Group 2):
- 2.3.1 A children representative enquired about the number and distribution of correctional institutions. CSD representative Mr LEUNG Tsan-ming advised that CSD currently managed a total of 29 correctional institutions, of which 10 were catered for young offenders aged between 14 and under

21; these institutions included rehabilitation centres, detention centre, drug addiction treatment centres, training centres and prisons which implemented their respective rehabilitation programme. Besides, CSD also managed custodial wards in public hospitals as well as halfway houses which provided post-release supervision. These institutions were generally located in more remote areas.

- 2.3.2 A children representative enquired whether young offenders could choose the half-day vocational training programmes offered in the institutions. In response, Mr LEUNG advised that CSD had been hoping to introduce vocational training in accordance with the market-oriented principle and enable young offenders to choose and engage in the training which suited their interests and abilities. This would be conducive to their reintegration into society after release. He also advised that as half-day educational classes and half-day vocational training in institutions were compulsory, all young offenders were required to participate.
- 2.3.3 A children representative enquired whether CSD would encourage discharged young offenders to hold their ex-offender identity in confidence with a view to facilitating their reintegration into society. Mr LEUNG advised that CSD would not openly reveal or deliberately withhold any information concerning the ex-offender identity of rehabilitated young people under supervision, but would encourage them to reveal their identity to those concerned at the time and on the occasion they considered appropriate, so as to let them face up to their wrongdoings in the past while reintegrating into society.
- 2.3.4 A children representative enquired about the employment situation of discharged young offenders. Mr LEUNG advised that through the network of the Labour Department and NGOs, together with the help of a number of Caring Employers who were willing to offer job opportunities to discharged young offenders, most of these young people were able to secure employment. CSD staff would arrange pre-release meeting with young offenders to discuss with them matters related to their employment and provide appropriate advice. Close supervision and counselling of rehabilitated young people continued after their release through frequent visits to their home or place of work throughout the supervision period to ensure that they continued with their work or studies. Post-release supervision period usually ranged from one to three years, depending on individual circumstances. Under special circumstances, such as released from custody on parole, the supervision period would be longer.
- 2.3.5 A children representative enquired whether CSD had provided psychological support or psychiatric service to discharged young offenders. Mr LEUNG advised that clinical psychiatrists were stationed in correctional institutions, and young offenders could be referred to Siu Lam Psychiatric Centre for follow-up treatment if necessary. Psychiatric assessment for those offenders would be conducted before their release and during the supervision period to determine whether they had to continue with such service after discharged.

- 2.3.6 In response to the question on the most severe problem the young offenders would encounter after their release, Mr LEUNG advised that it was the influence from peers. In this connection, CSD had launched the Positive Energy Map programme under which community resources were strategically used to establish a positive energy network, and positive community activities were introduced to suitable supervisees to encourage them to develop positive interest, broaden their social network and help them stay away from undesirable peers.
- 2.3.7 On the length of receiving supporting services, rehabilitated persons who, after completing the statutory supervision, were still found to be in need of and were willing to receive counselling services, could be referred to NGOs for the relevant services under the Continuing Care Project.
- 2.3.8 Activities had also been organised to foster care and communication between young offenders and their family members. For example, CSD had organised activities which invited family members of young offenders to the institutions to taste the food prepared by the offenders. CSD had also invited family members of young offenders to the institutions to attend functions/certificate presentation ceremonies to witness the development of the young members of their families, hence restoring rapport between them.
- 2.3.9 CSD representative Mr NG Kee-hang supplemented that through the Rehabilitation Pioneer Project, students and young participants were arranged to meet with young offenders. By listening to the experience of them, participants were inspired to ponder on the serious consequences of committing crime, thereby achieving the purpose of one life influencing another.
- 2.3.10 As CSD had put dual emphasis on punishment and rehabilitation, an attendee enquired whether CSD staff in correctional institutions had difficulties in discharging both duties. In response, Mr LEUNG advised that CSD staff in correctional institutions had their distinct areas of responsibilities. While discipline work was carried out by uniformed staff, welfare matters were taken care of by the Rehabilitation Unit to avoid confusion of roles as far as possible.
- 2.3.11 The attendee also enquired about the recidivism rate of discharged young offenders (particularly in respect of offences where drugs were involved) and what measures had been taken by CSD to reduce recidivism of young offenders. In response, Mr LEUNG advised that the Positive Energy Map programme was introduced to encourage rehabilitated young people to develop positive interest and broaden their social network. This programme, together with the mandatory requirement for supervisees to go to work or school, could help those young people stay away from undesirable peers, reducing the risk of recidivism. He said that the percentage of offenders committing a second offence within two years after release had dropped from 39.9% in 2000 to 21.7% in 2014.
- 2.3.12 The attendee was concerned that factors contributing to recidivism of

discharged young offenders might be complicated. Mr LEUNG agreed that circumstances leading to recidivism varied from case to case, whether rehabilitated persons could reform themselves depended greatly on their determination and acceptance of the community. CSD hoped that suitable environment and opportunities could be provided in the institutions and society for offenders and rehabilitate persons to reflect on their wrongdoings and reform themselves.

- 2.3.13 Mr LEUNG thanked the attendees and children representatives for their questions and suggestions.

**Constitutional and Mainland Affairs Bureau
August 2016**