

CONTROLLING OFFICER'S REPLY

SB440

(Question Serial No. 5038)

Head: (30) Correctional Services Department

Subhead (No. & title): ()

Programme: (1) Prison Management (2) Re-integration

Controlling Officer: Commissioner of Correctional Services (LAM Kwok-leung)

Director of Bureau: Secretary for Security

Question:

1. Please list the number of young offenders who were recalled during the post-release supervision period when their conduct was evaluated by a welfare officer, and its percentage over the total number of young offenders who finished their sentence in the past 5 years.
2. What rules and guidelines does the welfare officer refer to when judging whether the young person needs to be recalled? Is any appeal mechanism available to recalled young persons?
3. Currently, is there any effective mechanism to monitor the welfare officer for any abuse of power?

Asked by: Hon SHIU Ka-chun (Member Question No. (LegCo use): 335)

Reply:

Under the relevant legislation, young persons in custody (PICs) who serve a sentence in a Drug Addiction Treatment Centre, Detention Centre, Rehabilitation Centre or Training Centre, or those who begin serving a sentence of 3 months or more before attaining the age of 21 and have not reached the age of 25 at the time of release, are required to undergo post-release statutory supervision. The Correctional Services Department (CSD) is responsible for administering such supervision. During the supervision period, supervisees are required to comply with relevant supervision conditions which include not breaking any laws of Hong Kong, not taking dangerous drugs and meeting with the supervision officer, etc. If a supervisee breaches a supervision condition during the supervision period, the Commissioner of Correctional Services (C of CS) may issue a Recall Order to require the young person to return to the correctional institution.

From 2013 to 2017, a total of 2 552 young PICs were required to undergo post-release statutory supervision. As at 15 March 2018, CSD has issued Recall Orders to a total of

611 young persons who were released during the aforementioned period but breached supervision conditions, accounting for 24% of all supervision cases.

All correctional officers tasked with implementation of supervision programmes either hold a professional qualification in social work or have received relevant training. During the supervision period, supervising officers visit supervisees at their homes and workplaces from time to time and provide them with appropriate counselling and assistance, including career counselling or, where necessary, referral to other non-governmental organisations for follow-up, etc. Apart from supervising officers, senior officers of the relevant institutions and CSD headquarters will also visit supervisees from time to time during the supervision period.

If a supervisee is found to be likely to breach a supervision condition, the supervising officer will immediately intervene and provide counselling. In the event of a breach of a supervision condition, the supervising officer will make a report to the Supervision Care Review Committee for examination. The Committee is chaired by a Senior Superintendent of Correctional Services and its members include the Head of the relevant Institution and a Principal Officer of the Rehabilitation Section. Having considered the rehabilitation needs of the supervisee, the Committee will make recommendations to the C of CS in relation to the case. The decision on whether to issue a Recall Order rests with the C of CS, and as such, the supervising officer does not have the authority to directly recall a supervisee. Under the existing mechanism, should a recalled person be dissatisfied with the Recall Order, he or she may lodge a complaint in writing with the C of CS within 14 days from the day of the recall.

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