

TREATMENT PROGRAMMES FOR OFFENDERS RUN BY THE HONG KONG CORRECTIONAL SERVICES

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I. INTRODUCTION

Correctional work today is different from that in the past in that it is directed towards offender rehabilitation and social re-integration, and no longer relies mainly on physical incarceration. Hong Kong has developed, in synchronized pace over the years, a penal system which places paramount importance on the rehabilitation and social re-integration of offenders. On the strength of legal provisions, the Correctional Services Department of Hong Kong, hereinafter referred to as HKCS, has taken up the important task of implementing a series of diversified treatment programmes tailored to meet the needs of different types of offenders. This paper outlines these treatment programmes exclusively run by the HKCS, which are typically rehabilitative and socially reintegrative.

II. THE HKCS

With an establishment of over 7,000 staff, the HKCS is responsible for the administration of 23 correctional institutions, which now accommodate more than 12,000 offenders. These include minimum, medium and maximum security prisons; training, detention and drug addiction treatment centres; and a psychiatric centre. The HKCS also operates four half-way houses providing residential accommodation for about 200 supervisees.

In carrying out its functions and roles, the HKCS aims to achieve the objectives of:

- (i) providing safe and humane custody of offenders as ordered by a court of law;
- (ii) providing purposeful employment for offenders in the Correctional Services Industries to enhance their ability to eventually resettle in the community; and
- (iii) facilitating the social re-integration of offenders as law-abiding and constructive members of the society.

The HKCS has its own vision, mission and values. They are being inculcated deeply in its staff members for their strict observance. The vision is to serve the community, by providing quality custodial and rehabilitative services, in which the public can be confident and its staff members can take pride. The mission is to detain persons committed to its custody in a manner which is secure to the public, safe for offenders and compatible with human dignity, and to provide the best possible opportunity for all inmates to make a new start in life by offering timely, apt and comprehensive rehabilitation programmes. The values stress integrity, dedication, humanity and discipline. In terms of 'integrity', the HKCS staff members are to value personal honesty and frankness. Of 'dedication' they are committed to their work and together strive for efficiency, competence and quality of service. Of 'humanity' they are to recognize that all persons have the right to be treated correctly, fairly and with due respect to their dignity; whether they are members of the public, members of staff or persons

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in their custody. Of 'discipline' they are to have loyalty and duty to the principles of law and order, and a respect for orderliness and harmony.

III. GENERAL TREATMENT IN PENAL INSTITUTIONS

All offenders in the HKCS institutions are required to work unless otherwise directed by medical officers. They can purchase canteen items from their earnings which are credited to them through a progressive earning system. Such earning systems aim at increasing their employability and developing positive incentives towards work.

Offenders will also be provided with a wide range of treatment programmes which include medical check-ups, counselling sessions, academic studies, vocational training, physical education, recreation, welfare services, religious services, family visits, etc. All of the above aim at making the offenders better socially equipped for their adjustment to the outside world.

IV. CLASSIFICATION OF OFFENDERS IN HKCS INSTITUTIONS

For the sake of better management and for meeting rehabilitation needs, offenders are classified into different categories according to their major characteristics, e.g. sex, level of security risk, age etc. They are also divided broadly into the following groups for which special programmes have been developed to achieve both punishment and rehabilitation :

- (i) Young offenders aged from 14 to 20.
- (ii) Young adult offenders aged 21 to 24.
- (iii) Young prisoners aged between 14 to 20.
- (iv) Drug addicted inmates.
- (v) Adult prisoners.

V. TREATMENT PROGRAMMES FOR OFFENDERS RUN BY HKCS

Treatment programmes for various types of offenders are comprehensive and unique. They are specially tailored to cater for the needs of particular types of offenders. All in all, they are characterized by being rehabilitative and reformatory, as well as reintegrative.

A. Detention Centre Programme for Young Offenders and Young Adult Offenders

The Detention Centre programme is carried out under the Detention Centre Ordinance (Chapter 239 of Laws of Hong Kong). A young male offender aged between 14 and 20 years sentenced to a Detention Centre can be detained for a minimum period of 1 month to a maximum period of 6 months, whereas a young male adult offender aged between 21 and 24 years sentenced to a Detention Centre can be detained from a minimum period of 3 months up to a maximum period of 12 months.

The programme places emphasis on strict discipline, hard work and counselling to teach offenders respect for the law, while providing positive training conducive to their rehabilitation and social reintegration. The highly disciplinarian regime enables the offenders to gain insight into their recalcitrance and to motivate their determination for reformation.

A Board of Review assesses the progress, attitude, efforts and response of each offender at monthly intervals. An offender may be released if the Board is satisfied with his/her institutional performance and that s/he has secured suitable employment or a place in school. However, upon release, s/he is placed under a statutory period of aftercare supervision for one year. An aftercare officer of the HKCS will monitor

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their progress in complying with the conditions of supervision. A breach to any of the supervision conditions may result in being recalled for a further period of institutional training :

- (i) in the case of young offenders, until the expiry of 6 months from the date of first admission or 3 months from the date of arrest under the Recall Order, whichever is the later; and
- (ii) in the case of young adult offenders, until the expiry of 12 months from the date of first admission or 3 months from the date of arrest under the Recall Order, whichever is the later.

A very successful result has been attained, and maintained year after year, that over 94% of the offenders discharged from the Detention Centre completed the one-year aftercare supervision without reconviction for any criminal offences.

B. Training Centre Programme for Young Offenders

Under the Training Centre Ordinance (Chapter 280 of the Laws of Hong Kong), the Training Centre Programme provides for young offenders, aged between 14 and 20 years convicted of a criminal offence, an indeterminate period of training ranging from a minimum of 6 months to a maximum of 3 years.

Prior to sentence, each case is assessed by a Selection Board which, having considered the offender's family, social and criminal background, makes a recommendation to the court as to whether the particular offender will benefit from the programme.

All offenders, after admission to the Training Centre, have to undergo half-day educational training and half-day vocational training commensurate with

their previous educational attainment and work experience. The educational training provides an opportunity for young offenders to continue their education while in custody. They are encouraged to participate in public examinations.

Vocational training enables them to cultivate good working habits. It equips them with a level of training in skills, commensurate with their aptitude and capacity, so that they can compete for related and satisfying employment upon release; and so adjust more readily to the open community after release and refrain from crime.

Scouting and guiding activities are incorporated in the programme to refine the character of the offenders. Parent-offender meetings and home leave are arranged to strengthen family interactions.

Again, similar to the Detention Centre programme, a Board of Review will assess the progress of each offender on a regular basis. Depending on their response to training, and exhibiting a determination to lead an honest and industrious life upon release, an offender may be released after receiving a minimum of 6 months training, and thereafter placed on mandatory aftercare supervision for 3 years. An aftercare officer of the HKCS will monitor their progress in complying with the conditions of supervision. A breach of any of the supervision conditions may result in them being recalled for a period further of institutional training until the expiry of 3 years from the date of first admission, or 6 months from the date of arrest under the Recall Order, whichever is the later.

C. Drug Addiction Treatment Centre Programme

The Drug Addiction Treatment Centre Programme is operated on the strength of the Drug Addiction Treatment Centre

Ordinance (Chapter 244 of the Laws of Hong Kong). The Ordinance empowers the courts to sentence a drug addict found guilty of an offence punishable by imprisonment, to detention in a drug addiction treatment centre.

Before sentencing a person to an addiction treatment centre, the court will consider a report prepared by the HKCS regarding the suitability of such person for treatment, as well as the availability of places in the addiction treatment centres. The period of treatment ranges from a minimum of 2 months to a maximum of 12 months.

The programme bears the objectives of: detoxifying and restoring the physical health of the offenders; uprooting the offenders' psychological and emotional dependence on drugs, and preparing for offenders' re-integration into society.

Offenders are assigned to work aimed at improving their health, and establishing self-confidence and a sense of responsibility. The work is commensurate with their capabilities, skills and fitness. Offenders who are medically unfit for work will attend special occupational therapy classes.

A Board of Review reviews the progress of each offender and make decisions on their release during the second month after admission. This is also done at least once every 2 months during the 4 months following the first interview, and thereafter at least once in each month.

On release, each offender is placed under one year mandatory aftercare supervision aimed at assisting and guiding them in social re-integration and a drug-free life. The HKCS aftercare officers will conduct visits to the ex-offender's residence and workplace. Urine samples are collected to

check if s/he has relapsed with drugs. A breach of any of the supervision conditions, including drug relapse, may result in the ex-offender being recalled for a further period of ex-treatment until the expiry of 12 months 10 the date of first admission, or 4 months from the date of arrest under the Recall Order, whichever is the later.

D. Young Prisoners Programme

Offenders under the age of 21 years who are sentenced to imprisonment (classified by the HKCS as Young Prisoners) are separated from the adult penal population. They will participate in an institutional programme based on half-day education and half-day vocational training.

Education classes are provided for these young prisoners so that they can continue their education while in prison. They will be provided with every possible assistance to participate in public examinations run by local educational authorities or overseas professional bodies.

Vocational training, covering a wide spectrum of trades, is provided to young prisoners with the objectives of cultivating good working habits and equipping young prisoners with a level of training in skills commensurate with their aptitude and capacity, so as to enable them to compete for related and satisfying employment upon release. This will enable them to adjust more readily to the open community after release and refrain from crime by gaining confidence, satisfaction and self-respect through the acquisition of vocational training skills.

Under the Criminal Procedure Ordinance (Chapter 221 of the Laws of Hong Kong), a young offender sentenced to imprisonment, for 3 months or more before the age of 21 years, and released from prison before the age of 25 years for an offence other than default of a sum of

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money, is subject to a statutory period of supervision for 1 year. A breach of any of the supervision conditions may result in them being recalled for a period equivalent to the amount of remission earned.

E. Release Under Supervision Scheme

The Prisoners (Release Under Supervision) Ordinance (Chapter 325 of Laws of Hong Kong) allows offenders sentenced to imprisonment (i.e. prisoners) to participate in the Release Under Supervision Scheme and the Pre-release Employment Scheme.

Under the Release Under Supervision Scheme, prisoners after serving 20 months, or at least half of a three-year sentence or more (other than life imprisonment), may apply for early release. If approved, they will be released and remain under mandatory aftercare supervision for the balance of the sentence. The aftercare officers of the HKCS will conduct visits to ensure that they comply with the specified conditions including residence, employment, refraining from visiting notorious places and association with criminal characters, etc.

Under the Pre-release Employment Scheme, prisoners in the last 6 months of any sentence longer than 2 years may apply to engage in open employment outside of the prisons. Upon approval they will be transferred to a designated half-way house where they will spend their last 6 months engaging in open employment in the daytime, while returning to the half-way house at night. During their stay in the half-way house, they will participate in counselling sessions to enhance their intergration into society and to sustain the efforts leading them to a productive and law-abiding life. During the weekends or on general holidays, when they are not required to work, they may apply for home

leave which is aimed at encouraging the re-establishment of family relationships and facilitating the process of social reintegration.

Both of the above schemes provide for the re-imprisonment of any participant who contravenes any of the supervision conditions, for a period equivalent to the remaining portion of their sentence reduced by the period for which the supervision order was in effect. This may be further reduced by remission in accordance with the Prison Rules (Chapter 234 of Laws of Hong Kong).

F. The Post-Release Supervision of Prisoners Scheme

The Post-Release Supervision of Prisoners Ordinance (Chapter 475 of the Laws of Hong Kong) provides a statutory supervision scheme for certain categories of adult prisoners. The objectives of the Scheme are to assist certain categories of discharged prisoners rehabilitate and reintegrate into society, and to protect the public from serious harm in preventing discharged prisoners from reoffending.

The Scheme applies to every adult prisoner who is sentenced to imprisonment of 6 years or more, or imprisonment of 2 years or more but less than 6 years in respect of a conviction for some specific types of offences. These offences mainly include triad (organised crime) related offences, sexual offences and crimes of violence. The Scheme also applies to prisoners serving any sentence of imprisonment ordered to be served consecutively to the sentence mentioned above. The Scheme does not apply to some adult prisoners who are subject to deportation, supervision for early release or supervision after release under other Ordinances.

A Post-Release Supervision Board,

consisting of not less than 8 members appointed by the Chief Executive, considers whether a prisoner should be placed under supervision on release, and if so, makes a supervision order specifying the conditions and length of supervision in accordance with the objectives of the Scheme. The objectives of the Scheme are as follows: to consider applications from prisoners (supervisees) for the varying or discharging of supervision orders; consider applications from prisoners (supervisees) or supervising officers for varying the terms or conditions of supervision orders subsequent to a material change in the circumstances of the prisoners (supervisees); and to consider applications from the HKCS for suspending supervision orders.

The supervision period is decided by the Board and shall not be longer than the remitted part of the sentence earned by the prisoner. Each prisoner to whom the Board has made a supervision order is to be assigned to the care and supervision of a team of supervising officers comprising of two Aftercare staff from the HKCS and one Assistant Social-Work Officer from the Hong Kong Social Welfare Department. During the supervision period, the supervising officers either visit the supervisees at their home/work places, or require them to attend interview sessions at any other place as appointed by the supervising officers. These visits/interviews are to be conducted on a regular basis. The supervising officers endeavor to help supervisees tackle any adjustment difficulties after discharge, and to ensure that the supervision conditions are complied with by the supervisees.

If the Commissioner of Correctional Services considers it to be in the public interest that a supervisee should be detained in custody without delay, s/he may recall the supervisee and detain them in prison, for a period not exceeding 72 hours,

pending a decision as to the issue of a temporary recall order from the Chairman or Deputy Chairman of the Board. If the Chairman or Deputy Chairman of the Board considers that there are grounds for the Board to suspend a supervision order, the Chairman or Deputy Chairman may order the supervisee to be temporarily recalled and detained in prison for a period not exceeding 14 days pending the deliberation of the Board. The Board may order that a supervision order be suspended for a specified period, not exceeding the unexpired term of the order, if it is satisfied that: the supervisee has failed to comply with any term or condition of the order without lawful authority or reasonable excuse; or because of conduct or a change in circumstances since release, they are likely to commit an arrestable offence; or in case s/he has been recalled to the prison under the summary recall by the Commissioner of HKCS or temporary recall by the Chairman / Deputy Chairman of the Board, s/he was at the time of recall a person likely to commit an arrestable offence.

VI. ESTABLISHMENT OF A NEW REHABILITATION DIVISION

Testimony to its full commitment to facilitating the rehabilitation and social reintegration of offenders, the HKCS set up a new Rehabilitation Division in January 1998. It is headed by an Assistant Commissioner whose responsibility it is to take charge of the rehabilitation services, and oversee the policy and programme development for rehabilitation.

The Division, consisting of 15 staff members who are mainly professionals, plans and utilizes the resources in the programme area of reintegration and rehabilitation services provided for offenders, scrutinizes and reviews existing policies and programmes of reintegration and rehabilitation; and develops new

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initiatives in a coordinated manner. Illustratively, the Division is now engaging in the examination and implementation of the proposals contained in the research report on "The Effectiveness of Rehabilitation Programmes for Young Offenders" recently put forward by the City University of Hong Kong.

**VII. PROBLEMS AT PENAL
INSTITUTIONS AND
COUNTERMEASURES**

In 1997, the penal population of Hong Kong remained high and averaged 30% over the certified accommodation. Overcrowding has inevitably led to problems. Accommodation and facilities are less than adequate and the increased wear and tear exacerbates this. There are also chronic shortages of work-places for prisoners. Such conditions create exceptional strain on prisoners and staff. Despite the difficulties, the HKCS has managed to effectively discharge the responsibilities entrusted to it, as reflected by the low level of escapes and incidents of disciplinary problems. However, the Department considers any disciplinary incident as one incident too many. After each and every incident, a prompt and thorough investigation is conducted and remedial measures are implemented as far as practicable. To relieve the overcrowding at penal institutions, the Department continued to redevelop the existing institutions and to build new ones in conjunction with other government departments.

VIII. CONCLUSION

Throughout the 20th century, the philosophical traditions of rehabilitation and punishment have fueled debates surrounding the development of penal systems in every part of the world. The struggle between rehabilitation and punishment has been on going, with the

balance tipped recently in favor of the former. The rehabilitation-oriented approach in penal systems would now seem victorious.

Hong Kong has increasingly become more rehabilitation oriented in the way it deals with offenders. The rehabilitative and social integrative approach has been incorporated into the Hong Kong penal system. The HKCS has adopted a differentiated approach to the treatment of various types of offenders in recognition of their rehabilitative needs. Different treatment programs have been designed and implemented to cater for the needs of such offenders. The existing programmes would not have been so successful without the constant review of their feasibility and effectiveness which was initiated by the HKCS. The recent setting up of the Rehabilitation Division is among these initiatives. Yet, the HKCS has not rested on its laurels. By learning from the experience of other successful penal systems in the world, it keeps on striving for the best in implementing programmes for offenders that are universally accepted and recognized.