**Citizens and Criminal Justice. Lecture 10. Correctional Services in Hong Kong.**[[1]](#footnote-1)

1. **Reforms in Hong Kong.**

**1.1 Abolition of the worst excesses in latter half of the 20th century**[[2]](#footnote-2)

These include:

* ‘Dark cells’.
* Instruments of restraint.
* Arrows on prisoners’ clothing.
* Creation of training centres.

**1.2 1970s reform**[[3]](#footnote-3)

After the Stanley Prison Riots in 1972, a series of reforms were introduced to professionalize and modernize the prison system in Hong Kong, including the removal of corruption. A notable change here was the creation of the Complaints Investigation Unit in 1979. There was also a greater emphasis on rehabilitation including the establishment of:

* Prisoners' welfare services in 1975.
* Psychological services in 1976.

This process of reformation continued at an accelerated pace throughout the 1980s and 1990s.

**1.3 HK – 1980s**[[4]](#footnote-4)

* 1981 - The sanctions of dietary and corporal punishments were removed from the Prison Rules.
* 1982 - The "Prisons Department" was renamed as the "Correctional Services Department" (“CSD”) to reflect the expanding programme of activities and increasing emphasis on offenders' rehabilitation. It is also called the Hong Kong Correctional Services.
  1. **HK – 1990s**[[5]](#footnote-5)

Key reforms were:

* 1990 - Corporal punishment was repealed.
* 1998 - A new Rehabilitation Division, headed by the Assistant Commissioner (Rehabilitation), was set up to focus on rehabilitation services for prisoners and inmates.

Reform since the start of the new millennium has not been as dramatic. Rather, it has tended to focus on consolidating previous improvements in the provision of training initiatives and psychological support.

**1.5 Underlying rationale for the historical treatment of prisoners**

**1.5.1 Past**

* Some criminals often cause trouble in jail.
* Financial resources are limited.
* Criminals do not generally attract sympathy.
  + 1. **Recent past**
* Greater ‘enlightenment’ in the community.
* Greater power of the media.

**2. Current general policy in HK**

Prisoners sent to jail ‘as punishment, not for punishment’.

**2.1Article 6 Bill of Rights**

*Rights of persons deprived of their liberty*

*(1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.*

*(2) (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons.*

*(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.*

*(3) The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.  Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.*

Section 10 of the Bill of Rights also states that:

*Where at any time there is a lack of suitable prison facilities or where the mixing of adults and juveniles is mutually beneficial, article 6(2)(b) and (3) does not require juveniles who are detained to be accommodated separately from adults.*

**2.2 Article 28 Basic Law**

*The freedom of the person of Hong Kong residents shall be inviolable.*   
*No Hong Kong resident shall be subjected to arbitrary or unlawful arrest, detention or imprisonment. Arbitrary or unlawful search of the body of any resident or deprivation or restriction of the freedom of the person shall be prohibited. Torture of any resident or arbitrary or unlawful deprivation of the life of any resident shall be prohibited.*

1. **Principles governing the incarceration of younger persons**

A number of key sections are set out below.

S.11 Juvenile Offenders Ordinance (Cap. 226) (“JO”)

*(1) No* [*child*](http://www.hklii.org.hk/hk/legis/en/ord/226/s2.html#child) *shall be sentenced to imprisonment or committed to prison in*

*default of payment of a fine, damages, or costs.*

*(2) No* [*young person*](http://www.hklii.org.hk/hk/legis/en/ord/226/s14c.html#young_person) *shall be sentenced to imprisonment if he can be suitably*

*dealt with in any other way.*

*(3) A* [*young person*](http://www.hklii.org.hk/hk/legis/en/ord/226/s14c.html#young_person) *sentenced to imprisonment shall not be allowed to associate with adult prisoners.*

A child is defined in the JO as someone less than 14 years of age.

A young person is defined in the JO as “a person who is, in the opinion of the court having cognizance of any case in relation to such person, 14 years of age or upwards and under the age of 16 years.”

No person under 10 years of age can be guilty of a criminal offence.[[6]](#footnote-6)

S.109A (1) CPO – Restriction on imprisonment of persons between 16 and 21 years of age

*(1) No* [*court*](http://www.hklii.org.hk/hk/legis/en/ord/221/s109g.html#court) *shall* [*sentence*](http://www.hklii.org.hk/hk/legis/en/ord/221/s80.html#sentence) *a person of or over 16 and under 21 years of age to imprisonment unless* [*the court*](http://www.hklii.org.hk/hk/legis/en/ord/221/s25.html#the_court) *is of opinion that no other method of dealing with such person is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate* [*the court*](http://www.hklii.org.hk/hk/legis/en/ord/221/s25.html#the_court)

*shall obtain and consider information about the circumstances, and shall take*

*into account any information before* [*the*](http://www.hklii.org.hk/hk/legis/en/ord/221/s25.html#the_court) [*court*](http://www.hklii.org.hk/hk/legis/en/ord/221/s25.html#the_court) *which is relevant to the*

*character of such person and his physical and mental condition.*

*(1A) This section shall not apply to a person who has been convicted of any*

*offence which is declared to be an* [*excepted offence*](http://www.hklii.org.hk/hk/legis/en/ord/221/s109g.html#excepted_offence) *by Schedule 3*.[[7]](#footnote-7)

On the whole, the emphasis is focused on rehabilitation of young offenders, although to varying degrees, the principles of specific and general deterrents and punishment are employed. Retribution is probably not the dominant focus for young offenders when handing down a sentence. However, it does play a greater part in the general way that offenders are dealt with, rather than more modern approaches such as restorative justice.[[8]](#footnote-8)

**4. Wide variety of options available for sentencing for juveniles**

In *HKSAR* v *Yeung Sze Lun*,[[9]](#footnote-9) the Court noted that a fairly broad menu of options exists in relation to the sentencing of juvenile offenders (although it is not always necessary to adopt the most lenient sentence).

For instance, [Section 15](http://www.hklii.hk/eng/hk/legis/ord/227/s15.html?stem=&synonyms=&query=reformatory%20school) of the [Juvenile Offenders Ordinance](http://www.hklii.hk/eng/hk/legis/ord/226?stem=&synonyms=&query=reformatory%20school), ([Cap. 226](http://www.hklii.hk/eng/hk/legis/ord/226?stem=&synonyms=&query=reformatory%20school)) reads:-

(*1) Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt the court shall take into consideration the manner in which, under the provisions of this or any other Ordinance or law enabling the court to deal with the case, the case should be dealt with, and subject to such provisions, may deal with the case in any of the following manners or a combination thereof, namely -*

*(a) by dismissing the charge;*

*(b) by discharging the offender on his entering into a recognizance;*

*(c) by dealing with the offender under the provisions of the* [*Probation of Offenders Ordinance*](http://www.hklii.hk/eng/hk/legis/ord/298?stem=&synonyms=&query=reformatory%20school) *(*[*Cap. 298*](http://www.hklii.hk/eng/hk/legis/ord/298?stem=&synonyms=&query=reformatory%20school)*);*

*(d) by dealing with the offender under* [*section 96(b)*](http://www.hklii.hk/eng/hk/legis/ord/227/s96.html?stem=&synonyms=&query=reformatory%20school) *of the* [*Magistrates Ordinance*](http://www.hklii.hk/eng/hk/legis/ord/227?stem=&synonyms=&query=reformatory%20school) *(*[*Cap. 227*](http://www.hklii.hk/eng/hk/legis/ord/227?stem=&synonyms=&query=reformatory%20school)*);*[[10]](#footnote-10)

*(e) if the offender is in need of care and protection, by dealing with him under* [*section 34*](http://www.hklii.hk/eng/hk/legis/ord/213/s34.html?stem=&synonyms=&query=reformatory%20school) *of the* [*Protection of Children and Juveniles Ordinance*](http://www.hklii.hk/eng/hk/legis/ord/213?stem=&synonyms=&query=reformatory%20school) *(*[*Cap. 213*](http://www.hklii.hk/eng/hk/legis/ord/213?stem=&synonyms=&query=reformatory%20school)*);*

*(f) by sending the offender to a reformatory school;*

*(g) -- repealed*

*(h) by ordering the offender to pay a fine, damages, or costs; etc.;*

*(i) by ordering the parent or* [*guardian*](http://www.hklii.hk/eng/hk/legis/ord/226/s2.html#guardian) *of the offender to pay a fine, damages, or costs;  
(j) by ordering the parent or* [*guardian*](http://www.hklii.hk/eng/hk/legis/ord/226/s2.html#guardian) *of the offender to give security for his good behaviour;  
(k) by committing the offender to custody in a* [*place of detention*](http://www.hklii.hk/eng/hk/legis/ord/226/s2.html#place_of_detention)*;   
(l) where the offender is a* [*young person*](http://www.hklii.hk/eng/hk/legis/ord/226/s2.html#young_person)*, by sentencing him to imprisonment or to detention in a training centre established under the* [*Training Centres Ordinance*](http://www.hklii.hk/eng/hk/legis/ord/280) *(*[*Cap 280*](http://www.hklii.hk/eng/hk/legis/ord/280)*) or to detention in a rehabilitation centre within the meaning of the* [*Rehabilitation Centres Ordinance*](http://www.hklii.hk/eng/hk/legis/ord/567) *(*[*Cap 567*](http://www.hklii.hk/eng/hk/legis/ord/567)*);*

*(m) where the offender is a male person, by dealing with him under the provisions of the* [*Detention Centres Ordinance*](http://www.hklii.hk/eng/hk/legis/ord/239) *(*[*Cap 239*](http://www.hklii.hk/eng/hk/legis/ord/239)*);   
(n) by dealing with the case in any other manner in which it may be legally dealt with.*

Courts then need to strike a balance between the crime control model and the rehabilitation model when sentencing offenders.

1. **Detention centre (“DC”)**[[11]](#footnote-11)

Key characteristics are that it is:

* Limited to males.
* Uses methods of short (incarceration is brief), sharp (hard labour and physical incarceration) shock (consequence of incarceration).

Relevant considerations for DC orders:[[12]](#footnote-12)

* These apply to young offenders (aged between 14 and 24).
* It is in the public and his interest for such an order to be made.
* His character, his previous conduct and the circumstances of the case.
* The Court may substitute this for another sentence.
* The offender must be assessed as suitable for such an order (in particular, physically fit) and a place must be available.
* It concerns a relevant offence as defined in the ordinance.[[13]](#footnote-13)
* There must have been no prior sentence of imprisonment or detention in a TC.

In *HKSAR* v *Lau Sai Tat, Terence*,[[14]](#footnote-14) the Court of Appeal upheld a detention centre order in respect to a 21-year-old man found guilty of blackmail.

**5.1 Period of incarceration in DCs**

* Aged 14-20 - 1-6 months.
* Aged 21-24 - 3-12 months.

**5.2 Function of DC**

It serves a deterrent and rehabilitation function.

Inmates are subject to up to 12 months supervision after discharge.

1. **Training centres (“TC”)**

It is governed by section 4(1) Training Centres Ordinance (Cap. 280).

Offenders aged between 14 and 20 may be sentenced to a period of detention in a TC:

* For an offence punishable by imprisonment (so it is an alternative to imprisonment).
* If it is in the interests of the community.

Having regard to the:

* Character
* Previous conduct; and
* Circumstances of the offence.

It is expedient for:

* His reformation
* Prevention of crime.
* Court may substitute this for another sentence.

The period of detention may be between 6 months – 3 years.

The Court of Final Appeal held in *Wong Chun-cheong v HKSAR*, [[15]](#footnote-15) that the circumstances for imposing a sentence in a TC rather than a prison is to adopt a rehabilitative approach rather than as a deterrent or punishment, but the facts must be such (other than in exceptional circumstances) that an immediate custodial sentence could be warranted. The mere fact that a person might have to spend longer in a TC than some other type of institution will not of itself preclude the imposition of such an order.

**6.1 Nature of TC activities**

The residents undertake:

* Half-day educational training (provided by qualified teachers at either primary or secondary level, depending on the inmate’s needs); and
* Half-day vocational training (designed to instill good habits and work skills).

Inmates are subject to a supervision period of up to 3 years.

Inmates participate in various character-building activities such playing in a brass band, ball sports and scouting.[[16]](#footnote-16)

1. **Major differences between appropriateness of TC and DC**
2. Candidates must be sufficiently physically fit for a DC.
3. Only males can go to a DC because of the physical nature of the regime.
4. There are age differences in eligibility.
5. The maximum period of detention in a TC is longer.
6. The actual period of detention in a TC is generally a year longer.
7. The emphasis in TCs is on training rather than discipline. Quoting from the judgment of Wright J in *HKSAR* v *Cheng Hiu* *Tung*:[[17]](#footnote-17) “He was found to be suitable for, and likely to benefit from, the longer Training Centre regime. When sentencing a young person like the appellant rehabilitation takes on particular significance. The magistrate correctly described the appellant as “…a young man going badly astray.”
8. There is more of an emphasis in a DC on punishment than in a TC.
9. The supervision period in a TC is potentially 2 years longer.
10. Perhaps an offender with a less serious record and just having ‘an attitude problem’ needing a ‘kick up the pants’ should go to a DC.
11. Offenders with more a fundamental need for training and rehabilitation suitable for TCs.

Quoting from Toh J in *HKSAR* v *Chong Yau Shing:*[[18]](#footnote-18)

*One cannot compare the length of incarceration solely between a detention centre and a training centre because they are two different types of rehabilitation.  One is suitable as a short sharp treatment for a young man.  In order to shock him back into the law-abiding and proper course.  The other takes a longer period of rehabilitation where he is taught various skills and also a longer period where he is removed from undesirable elements so that he can educate his real power of self-control to divorce himself permanently from any undesirable elements*.

In this case, the appellant who was sentenced to a TC was charged with an offence relating to selling pirated DVD’s and possession of a small amount of ketamine. It was not clear from the judgment what the appellant’s age was, but it would seem that he was aged between about 14 and 20 (probably about 16). The appellant:

* Was unemployed.
* Was missing proper discipline in his family.
* Had befriended triad members.
* Had a previous conviction for possession for dangerous drugs which resulted in a fine.
* Had a poor attitude to obeying the law; but
* Was relatively polite and respectful.

Toh J held that the magistrate’s sentence, although on the harsh side, was not excessive as it was helpful to the community and the offender to get him back on track.

Quoting further from the judgment of Barnes J in *HKSAR* v *Ching Tsz Ho Billy*:[[19]](#footnote-19)

“The regime of a Detention Centre, according to the information paper on the *Young Offender Assessment Panel* Annex I April 1998, quoted in *Sentencing in Hong Kong* are as follows:

“The programme is designed to instill among the inmates a respect for the law, the creation of self-respect, an awareness of neglected capabilities in legitimate pursuits, and an ability to live with other people in harmony.  Emphasis is placed on hard work, strenuous exercise, and the highest standard of discipline, the intention being to provide the inmate with a ‘short, sharp shock’ regime in the early stage of his deviation from law and order.  The high tempo and brisk pace are designed to extract the very best effort from the inmates. .…”

**8. Rehabilitation centres (“RC”)**[[20]](#footnote-20)

These institutions are regulated by the Rehabilitation of Offenders Ordinance (Cap. 567) (“ROO”).

Section 4(1) ROO provides that a young offender (14-20) may be sentenced to a period of detention in a RC, “if having regard to the character and conduct of the person and the circumstances of the case, it would be in the interest of the community and the person himself that he should undergo a period of [detention](http://www.hklii.org/hk/legis/en/ord/567/s2.html#detention).”

Obviously, the prime consideration in a sentence of this nature is rehabilitation not retribution: *HKSAR* v *Zhang* *Yujia*.[[21]](#footnote-21)

Such a person must:

* Not previously have been subject to detention in a DC, DATC or TC or imprisonment.
* Be physically, mentally and medically fit to be detained in a RC.
* Is a person suited for a short form of custodial sentence.
* Certified as not being drug dependent.
* Not guilty of the more serious types of offences.

The period of detention is for between 3 and 9 months at a RC, consisting of two phases of detention:

* [Phase 1] - 2-5 months of mainly disciplinary training (1/2 day work skills training and ½ day education/counseling).
* [Phase 2] - 1-4 months of reintegration into the community (engagement in the workplace and community work).

There is a 1-year post release supervision period.

A key feature of this order is that offenders are released into the community so it would not be suitable to a person who is uncontrollable.[[22]](#footnote-22)

A RC order:

* Falls between a TC and a non-custodial order in terms of severity, as the duration is less than the former option.
* Is an alternative for those who are not sufficiently physically fit for DCs.
* Suit 1st offender who needs structure (“parental advice”).
* RC concerns character building & development of life skills to re-enter society at various levels.

**9. Drug addiction treatment centres** **(“DATC”)**[[23]](#footnote-23)

The main purpose of such an order is for rehabilitation.[[24]](#footnote-24)

A lengthy record will not of itself militate against such an order: *HKSAR* v *Chan Kwok Leung*.[[25]](#footnote-25)

Where a person (aged 14 or above) is guilty of a relevant offence, a period of cure/rehabilitation in a DATC may be ordered bearing in mind the following:

* The circumstances of case.
* Character.
* Previous conduct.
* His and the public interest.

A relevant offence is “an offence punishable with imprisonment otherwise than for non-payment of a fine”.

Candidates need to be drug dependent, rather merely convicted of a drug offence.[[26]](#footnote-26)

The treatment period is 2-12 months followed by a 1-year supervision period.

It has been suggested that the most suitable candidate for such an order is a young person, with a previous good character convicted of a drug offence at the lower end of the scale.[[27]](#footnote-27)

No conviction will be recorded against an offender unless court decides that the conviction should be so recorded.[[28]](#footnote-28)

As to the success of DATCs in rehabilitating offenders, see notes at section 6.3.5 of your lectures notes for Part 1 of Week 6.

**10. Recall orders and other penalties.**

It is beyond the scope of this course to delve into details about the consequences for breaching supervision orders, except to note that breaches of conditions attached to such orders in respect to DC, TC, RC and DATC orders may lead to recall orders, fines or imprisonment.

**11. Reformatories**

The law in this area is governed by the Reformatory Schools Ordinance (Cap. 225).

Offenders aged between 10 and under 16 may be detained in a reformatory school for between 1 and 3 years if they are convicted of an offence punishable by a fine or imprisonment.

Offenders under 15 will tend to be sent to a reformatory school rather than a DC or TC.[[29]](#footnote-29) These institutions are run by the Social Welfare Department rather than the CSD.

The aim is to use social work principles to rehabilitate and reintegrate young offenders into the community. Residents receive academic and vocational training,[[30]](#footnote-30) as well as counselling and the opportunity to engage in recreational activities.[[31]](#footnote-31)

The Tuen Mun Children and Juvenile Home operates as a:

* Place of refuge
* Remand home
* an approved institution (probation home); and
* a reformatory school.

**12. Prisons**

**12.1 Prisons. Some general points**

* Primarily for punishment rather than rehabilitation.
* Juveniles can be sent to prison if an offence is sufficiently serious.
* Adults are segregated from younger prisoners aged between 14 and 20.
* It operates as an option for more serious offences or for older offenders.

**13. Statutory supervision**

As seen above, offenders released from DCs, DATCs, TCs and RCs have to undergo periods of statutory supervision after their release. This requirement also extends to those in prison up to the age of 21 years (who are sentenced for up to 3 months) and those released before the age of 25 years old.[[32]](#footnote-32)

**14. Psychological services for younger offenders in custody**

Young offenders are provided with psychological services to improve their mental well-being, which focus on dealing with adolescent behaviors.[[33]](#footnote-33) In addition, the Offending Behaviour Program also assists young offenders in correcting anti-social attitudes and behaviours.[[34]](#footnote-34)

**15. Young offenders’ assessment panel**

This is a panel composed of members selected from the CSD and the SWD who provide advice on sentencing options for magistrates for male offenders aged between 14 and under 25 and female offenders aged between 14 and under 21.[[35]](#footnote-35) This helps ensure that the custodial arrangement best meets the needs of younger offenders.[[36]](#footnote-36)

**16.Effectiveness of rehabilitation programmes for young offenders**

A systematic review of the effectiveness of rehabilitation programmes was carried out by the CSD in April 2015 by the Audit Commission, Hong Kong.[[37]](#footnote-37) This included a review of the programmes offered to younger offenders (aged between14 and 21 in general and below 25 in DCs). Broadly speaking, the CSD has estimated that proper implementation of rehabilitation programmes can reduce recidivism by around 10% but it does not offer a time frame in relation to this assessment.[[38]](#footnote-38) In endeavouring to improve inmates’ prospects of rehabilitation, the CSD has created a policy entitled the Risks and Needs Management Assessment Protocol for Offenders. This protocol adopts measures to identify the risks associated with reoffending and the corresponding rehabilitation requirements of the offenders to reduce such risks.[[39]](#footnote-39)

Offenders’ rehabilitative needs have been classified in the following domains:

* Family/Marital domain.
* Employment domain.
* Community Functioning domain.
* Associates domain.
* Personal/Emotional domain.
* Drug Abuse domain.

According to one of the matching programmes audited, being that offered by the Psychological Services Section of CSD for young persons in custody in relation to their Personal/Emotional and Criminal Attitude and Drug Abuse need-domains, only 52% of their needs were met here.[[40]](#footnote-40) It was stated here that the relevant rehabilitative activities encompass, “discussion, role plays and games under various themes (such as motivation enhancement, problem solving, criminal attitude, and preventing drug abuse).”[[41]](#footnote-41) It is not clear exactly why these needs are not being met and the Audit Commission has suggested that a further evaluation be conducted in order to find this out.[[42]](#footnote-42)

In relation to surveys, the CSD did not carry out surveys (as it did with adults) to determine which types of training courses best meet the needs of younger offenders. The rationale for this was that it could informally monitor younger offenders’ attitudes here. Self-evidently, the Audit Commission found this was not a sufficiently accurate strategy.[[43]](#footnote-43)

This seems to be the case, looking at the recidivism rates for the RCs and DCs and Young Persons in Custody under Prison Programme (but to a lesser extent for the DATCs[[44]](#footnote-44) and TCs) which house younger offenders.[[45]](#footnote-45) Not only is this probably due to rehabilitation programmes utilized in custody, but is also based on the efforts of the CSD in obtaining gainful employment for those released from custody.[[46]](#footnote-46) Also very significantly for younger inmates in improving their rehabilitation prospects is the opportunity to further their high school studies.[[47]](#footnote-47)

The recidivism rate of all local rehabilitated offenders fell from 25.9% in 2014 to 22.5% in 2018.[[48]](#footnote-48)

The recidivism rate of local rehabilitated offenders aged 21 and over fell from 27.2% in 2014 to 23.1% in 2018.[[49]](#footnote-49)

The recidivism rate of local rehabilitated offenders aged below 21 has fallen in Hong Kong from 12.6% in 2014 to 10.2% in 2018 (the last figures available).[[50]](#footnote-50)

Set out below is a table setting out the most recent published figures for recidivism rates for offenders in individual institutions.[[51]](#footnote-51)

Table 2.4: Success rates of reintegration programmes within the supervision period

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Reintegration programmes** | **2016** | **2017** | **2018** | **2019** | **2020** |
|  | (%) | (%) | (%) | (%) | (%) |
| Rehabilitation Centre Programme | 95.5 | 94.2 | 96.1 | 100 | 100 |
|  | 96.5 | 97.4 | 96.7 | 93.8 | 94.2 |
| Detention Centre Programme | 97.8 | 94.1 | 100 | 100 | 100 |
| Training Centre Programme | 74.2 | 77.8 | 79.2 | 76.9 | 77.8 |
| Drug Addiction Treatment Centre Programme | 50.6 | 53.4 | 51.6 | 56.6 | 57.6 |
| Post-release Supervision Scheme | 92.6 | 90 | 95.3 | 94.3 | 95.8 |
| Supervision After Release Scheme | 100 | 100 | 100 | 100 | 100 |
| Pre-release Employment Scheme | 100 | 100 | 100 | 100 | 100 |
| Release Under Supervision Scheme | 100 | 100 | 100 | 95.2 | 100 |
| Conditional Release Scheme | 100 | N.A. | 100 | 100 | 100 |

|  |  |
| --- | --- |
| Note: | "N.A." denotes "Not applicable". |

1. These notes contain some information distributed by previous course leaders. [↑](#footnote-ref-1)
2. Carol Jones and Jon Vagg, *Criminal Justice in Hong Kong* (Hong Kong: Routledge-Cavendish 2007) 255. [↑](#footnote-ref-2)
3. Hong Kong Correctional Services Department Website, *History 1950s to 1990s*, availableat www.csd.gov.hk/eindex.html. [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. Ibid. [↑](#footnote-ref-5)
6. Section 3 JO. [↑](#footnote-ref-6)
7. This concerns offences such as manslaughter and rape. [↑](#footnote-ref-7)
8. Dennis S W Wong, “Developing Restorative Justice for Juvenile Delinquents in Hong Kong” *Third International Conference on Conferencing, Circles and other Restorative Practices* (Minneapolis, Minnesota August 8-10, 2002), available at www.restorativejustice.org/articlesdb/articles/4271. [↑](#footnote-ref-8)
9. [1997] HKCFI 217. [↑](#footnote-ref-9)
10. Section 96 [Magistrates Ordinance](http://www.hklii.hk/eng/hk/legis/ord/227?stem=&synonyms=&query=reformatory%20school) (Cap. 227):-

    *Where a person apparently under the age of 16 years is convicted of any offence, the magistrate may, in addition to or in lieu of any other punishment for such offence, order the offender -*

    *to be discharged after due admonition; or etc.*

    *to be delivered to his parent, guardian or nearest adult relative or, if the offender is an apprentice or servant, to his master or mistress or, if the offender is a pupil, to the person in charge of the school at which the offender is attending, on such parent, guardian, relative, master, mistress or person in charge of a school executing a bond, with or without sureties, that he will be responsible for the good behaviour and also, if the* [*magistrate*](http://www.hklii.hk/eng/hk/legis/ord/227/s2.html#magistrate) *thinks it necessary, for the proper education of the offender for any period not exceeding 12 months.* [↑](#footnote-ref-10)
11. T Wing Lo, “Prison and Correctional Services” in Wing Hong Chui and T Wing Lo (eds.), *Understanding Criminal Justice in Hong Kong* (Hong Kong: Willan Publishing Hong Kong 2017) 318-319. [↑](#footnote-ref-11)
12. Detention Centres Ordinance (Cap. 239). [↑](#footnote-ref-12)
13. “Relevant offence" means an offence punishable by imprisonment otherwise than for non-payment of a fine, but not an offence the sentence for which is fixed by law. The same definition also applies to orders concerning Rehabilitation Centres: (Section 2 of Cap. 239). [↑](#footnote-ref-13)
14. [1998] HKCA 106. [↑](#footnote-ref-14)
15. *Wong Chun-cheung v HKSAR* (2001) 4 HKCFAR 12, 20. [↑](#footnote-ref-15)
16. Correctional Services Department [CSD *Annual Report*](http://www.csd.gov.hk/english/pub/pub_ar/files/2000_ch01.pdf) *2006*,available at [www.csd.gov.hk/english/pub/pub\_ar/files/2000\_ch01.pdf - 2006-04-27](http://www.csd.gov.hk/english/pub/pub_ar/files/2000_ch01.pdf%20-%202006-04-27) 17-18. [↑](#footnote-ref-16)
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40. Ibid 17. [↑](#footnote-ref-40)
41. Ibid. [↑](#footnote-ref-41)
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