

LCQ10: Arrangement for early release of persons in custody

Following is a question by the Hon Shiu Ka-chun and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (April 3):

Question:

Currently, persons in custody (PICs) may make applications for early release under the "Release under Supervision Scheme" and the "Pre-release Employment Scheme" provided for in the Prisoners (Release under Supervision) Ordinance (Cap 325). The recommendations made by the Release under Supervision Board (the Board) after consideration of such applications are submitted to the Secretary for Security for his decision by exercising the powers delegated to him by the Chief Executive under Cap 325. In this connection, will the Government inform this Council:

- (1) of the respective numbers of applications for early release made under the two aforesaid schemes by PICs which were rejected in each of the past five years, together with the reasons;
- (2) as some PICs alleged that staff members of the Correctional Services Department had, on various grounds, withheld their applications for early release which were intended to be submitted to the Chief Executive through the Board, whether the various correctional institutions have currently kept written records of the early-release applications submitted by PICs, so as to safeguard PICs' rights and interests; and
- (3) as PICs must have secured employment before they may apply for early release under the Pre-release Employment Scheme, of the policies and measures currently put in place to encourage employers to offer jobs for PICs?

Reply:

President,

Persons in custody (PICs) may apply for release from prison under supervision under the Release under Supervision Scheme and the Pre-release Employment Scheme provided for in the Prisoners (Release under Supervision) Ordinance (Cap 325) (the Ordinance). Any PIC who is serving a determinate sentence of imprisonment of three years or more and has served not less than half or 20 months of that sentence (whichever is longer) may apply for early release under the Release under Supervision Scheme. Any PIC who is serving a determinate sentence of imprisonment of two years or more and is within six months prior to the earliest date of discharge may apply for early release under the Pre-release Employment Scheme. Both schemes aim at facilitating PICs' early reintegration into society as law-abiding citizens.

The Release under Supervision Board (the Board), established pursuant to the Ordinance, considers applications made by PICs under the two schemes and makes recommendations. Recommendations made by the Board are submitted to the Secretary for Security, who may make decisions by exercising the powers delegated to him by the Chief Executive under the Ordinance.

My reply to the various parts of the Hon Shiu's question is as follows:

(1) The numbers of applications considered and rejected under the two schemes between 2014 and 2018 are detailed at Annex.

The Board must consider every application in accordance with the procedures and criteria stipulated by the relevant legal provisions. For instance, the Board shall, pursuant to Schedule 1 of the Prisoners (Release under Supervision) Regulations (Cap 325A) (the Regulations), examine the reports of the Correctional Services Department (CSD) and the Police Force, the reports prepared for the court of trial to assist the judge in determining sentence, as well as the medical reports on the applicant. Furthermore, before it considers an applicant's case, the Board shall, pursuant to the Regulations, inform the applicant in writing of the right to make written representations to the Board for consideration. The Board shall also consider factors listed in Schedule 1 of the Regulations, such as the applicant's criminal record, his conduct in prison, his ability and readiness to assume obligations and to undertake responsibilities, etc.

The main reasons for rejection of applications include – it is unlikely that the applicant will comply with the conditions of his supervision order; early release and making of a supervision order in respect of the applicant would be inappropriate having regard to the gravity of the offence he committed; and continuing training in a correctional institution would substantially enhance the capacity of the applicant to lead a law-abiding life if he were released at a later time.

(2) The head of a correctional institution will refer PICs' application documents in relation to the Release under Supervision Scheme or the Pre-release Employment Scheme to the Board through CSD's Post-Release Supervision Office. All relevant documents will be recorded in writing. Upon receipt of an application, the Secretariat of the Board will inform the applicant in writing through CSD of his application number and his right to make written representations to the Board.

(3) Post-release employment is conducive to PICs' positive change and reintegration into society. Therefore, CSD proactively encourages employers in the business sector to register as "Caring Employers" and offer jobs to rehabilitated persons. At the request of employers, CSD will endeavour to make arrangements for employers or their representatives to conduct job interviews with PICs in correctional institutions or in the form of video-conference or tele-conference. Job vacancies in various trades are displayed in correctional institutions regularly through different means. As at end of 2018, over 700 organisations have registered as "Caring Employers" and

offered 2 319 jobs to rehabilitated persons, whereas 1 450 job applications have been received and referred by CSD, amongst which 635 rehabilitated persons have been promised a job by the employers.

Besides, CSD organises the "Employment Symposium for Rehabilitated Offenders" in collaboration with a tertiary education institution in Hong Kong biennially, appealing to employers to provide fair employment opportunities for rehabilitated persons and commending "Caring Employers" who have offered job opportunities to rehabilitated persons.

Apart from encouraging employers to employ rehabilitated persons, CSD has also provided market-oriented vocational training and education to PICs. In recent years, CSD has collaborated with various training bodies (such as the Employees Retraining Board, the Construction Industry Council and the Vocational Training Council), having regard to local market situation, to provide over 40 full-time and part-time vocational training courses every year. CSD will also, taking into account the overall employment market situation and labour demand, review the content of the vocational training courses from time to time, as well as make adjustments in the light of the employment rate of individual trade and the response of PICs. Besides, CSD will regularly join hands with the trades to conduct reviews and introduce various new courses, and make use of the employment follow-up service provided by the training bodies to keep abreast of market changes and the post-release employment situation of the trainees, so as to continue to enhance the vocational training programme.