

# **FOURTH REPORT OF THE RELEASE UNDER SUPERVISION BOARD**

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## **Chairman's Remarks**

This is the fourth report published by the Release under Supervision Board since its establishment on 1 July 1988. During the past twelve years, the Board has considered a total of 1 454 applications for early release under supervision and 139 applications for review. 228 prisoners have joined either one or the other of the two early release schemes administered by the Board – the Release under Supervision Scheme and the Pre-release Employment Scheme. Without being complacent, we are happy to see these two schemes operating successfully.

All participants have complied with the conditions of supervision and led law-abiding lives upon early release, except one whose supervision order had been revoked. Through the support and assistance of the Security Bureau, the Correctional Services Department, the Hong Kong Police Force and other relevant bodies, the Board has been able to carry out its functions effectively.

We are pleased to present this report which gives an account of the work of the Board covering the period up to the end of September 2000.

( Verina Bokhary )  
Chairman,  
Release under Supervision Board

## **A. Background and Objective**

All over the world many countries operate different types of parole schemes to enable certain prisoners to spend part of their sentences outside the prison environment under the supervision of aftercare officers. Over the years Hong Kong has also developed a correctional policy which places increasing emphasis on rehabilitation of offenders. Various statutory supervision schemes for offenders discharged from prisons and other correctional institutions are now in place. These include two early release schemes operated under the Prisoners (Release under Supervision) Ordinance (the Ordinance) which came into operation on 1 July 1988.

2. The primary objective of the early release of prisoners while putting them under supervision is to enable them to serve part of their sentences in an open environment, rather than in prison, thus facilitating their early reintegration into society and enabling them to lead a useful law-abiding life. The two schemes have adopted strict criteria for selecting prisoners and provided careful supervision for them on release, thus helping successful applicants dislodge their past behaviour and undesirable associates and reducing the chance of their returning to crime. The schemes therefore not only help rehabilitation of offenders but also reduce recidivism for the benefit of society at large.

## **B. Establishment and Functions of the Board**

3. Following the commencement of the Ordinance, the Release under Supervision Board (the Board) was established on 1 July 1988 to administer the two early release schemes. The Board serves as an advisory

body and makes recommendations to the Chief Executive through the Secretary for Security. Its main functions are to consider applications from eligible prisoners, specify conditions of supervision, consider applications for review of the decisions of the Chief Executive in regard to refusal of applications, and make recommendations in respect of revocation of supervision order.

4. Prisoners who have been released early under the two schemes are subject to supervision by the staff of Correctional Services Department and have to comply with the requirements and conditions of the supervision orders.

### **C. The Two Early Release Schemes**

#### **The Release under Supervision Scheme**

5. Prisoners who are serving a sentence of three years or more and who have served not less than one half or 20 months (whichever is the greater) of their sentence are eligible for this scheme under section 7(1) of the Ordinance. They may apply six months before the earliest date on which they may be released under the scheme. Successful applicants are released from prison subject to a supervision order which will remain in force until the latest date of discharge, i.e. the date on which the full sentence (without remission) ends. A sample supervision order is at Annex I. This scheme has proved helpful in the rehabilitation of prisoners who have been reformed during their incarceration but need assistance and guidance upon release for adapting to normal life after serving many years in prison.

#### **The Pre-release Employment Scheme**

6. Prisoners who are serving a sentence of two years or more and who are within six months prior to their earliest date of discharge are eligible for this scheme under section 7(2) of the Ordinance. They may apply within 12 months from their earliest date of discharge. Successful applicants are released from prison six months or less prior to their earliest date of discharge. They are subject to a supervision order (sample at Annex II), which is similar to that issued under the Release under Supervision Scheme with an additional requirement for residence in a hostel managed by the Correctional Services Department. An applicant for this scheme must have secured employment for the supervision period. This scheme has proved helpful in the case of prisoners who need to have a period of adjustment before reintegrating into society by residing in a hostel and earning his living on his own under the guidance of supervising officers.

7. If a successful applicant released under these two schemes breaches the conditions of the supervision order or commits crime again, he is liable to be recalled to prison to serve the remainder of his sentence. Apart from those conditions as listed in the two sample supervision orders, the Board may impose further conditions depending on individual circumstances, such as the requirement for attending follow-up psychological/psychiatric treatment.

#### **D. Membership of the Board**

##### **Chairman**

8. The Chairman of the Board is the Hon. Mrs. Justice Verina Bokhary, a Judge of the Court of First Instance of the High Court. Succeeding the Hon. Mr. Justice Patrick Chan, she was appointed for a term of three years

starting from 1 January 1998.

## **Members**

9. The following four members are currently serving on the Board :

The Rt. Revd. Thomas SOO Yee-po, Bishop of Diocese of Western Kowloon, Hong Kong Sheng Kung Hui (Anglican-Episcopal) (first appointed on 10 May 1996)

Dr. CHEUNG Hung-kin, Consultant Psychiatrist, Castle Peak Hospital (first appointed on 15 March 1997)

Miss Rainbow CHEUNG Kam-hung, Service Supervisor, Hong Kong Christian Services (first appointed on 1 July 1999)

Mr. SO Bay-hung, South District Council Member (first appointed on 1 July 2000)

10. Ms. Virginia CHAN Choi-ying, JP and Mr. B.D. Dasari recently completed their terms as Members of the Board on 30 June 1999 and 30 June 2000 respectively after serving for six years. The Secretary to the Board is Mr. H.N. Ng, Senior Executive Officer of the Security Bureau, Government Secretariat.

## **E. Selection of Prisoners for the Schemes**

11. On receiving an application made under Section 6 of the Ordinance, the Board Secretary compiles the following documents as stipulated in the Ordinance for detailed examination by the Board :

- (a) a report of the Superintendent of the correctional institution on the conduct of the applicant during incarceration, with recommendations on the application;
- (b) any report that was prepared for the court of trial to assist the trial judge or magistrate, as the case may be, in determining the sentence of the applicant;
- (c) any recorded observations of the trial judge or magistrate, as the case may be, in passing sentence;
- (d) any medical reports on the applicant that are available to the Board, which may include reports from psychiatrists and psychologists;
- (e) any report and recommendation which the Commissioner of Police has made for the Board.

12. Apart from examining the above documents, the Board also considers other relevant papers such as written submissions from the prisoner himself, or his solicitor, friends, relatives etc., and offers of employment where available. In the case of an application recommended by the Correctional Services Department for the Release under Supervision Scheme, a Social Profile Report is compiled by the Department on the spouse or the near relative

who will be helping the prisoner with his rehabilitation on release from prison. For both schemes, the Correctional Services Department designs a rehabilitation plan for each of the successful applicants.

13. The files of applicants, which contain the documents described above, are circulated to all members of the Board about two weeks prior to the relevant Board meeting. In determining whether to make a recommendation to release an applicant under supervision, the Board considers the following 12 factors as prescribed in the First Schedule to the Prisoners (Release under Supervision) Regulations, and any other factors it considers relevant :

- (a) his personality, maturity, stability, sense of responsibility and any apparent development in personality which may promote or hinder his capacity to comply with the law and with conditions in his supervision order;
- (b) the adequacy of supervision available for his supervision order;
- (c) his ability and readiness to assume obligations and to undertake responsibilities;
- (d) his intelligence and training;
- (e) his family circumstances;
- (f) his associates before imprisonment;
- (g) where he proposes to reside on release from imprisonment;
- (h) any history of the use by him of drugs, or of involvement by him with any person who holds a criminal record;
- (i) his criminal record;

- (j) his conduct in prison;
- (k) his attitude towards authority and the law; and
- (l) his conduct during any previous period of probation, care, supervision or licence.

14. As stipulated in the said First Schedule, the Board will not recommend to approve an application if it concludes that :

- (a) it is unlikely that the applicant will comply with the conditions of his supervision order;
- (b) a supervision order in respect of the applicant would be inappropriate having regard to the gravity of the offence for which the applicant was sentenced to imprisonment; or
- (c) continuing correctional treatment, medical care, or vocational or other training in an institution of the Correctional Services Department would substantially enhance the capacity of the applicant to lead a law-abiding life if he were released at a later date.

15. All recommendations made by the Board at its meetings are submitted to the Secretary for Security for consideration, who may exercise the powers delegated by the Chief Executive under section 19(2) of the Ordinance.

#### **F. Applications for Review**

16. In the event of a refusal of an application, the applicant has the

right to request a review of this decision in accordance with the provisions of section 12 of the Ordinance. He may apply in writing to the Chief Executive through the Board within 14 days. The Board will take the following action in respect of such an application :

- (a) members will thoroughly examine the prisoner's case file once again and reconsider the previous decision; and
- (b) members will also carefully consider any new information provided by the prisoner in his letter of application.

The Board will then re-submit its recommendation to the Secretary for Security who will make the final decision on the case. A prisoner may apply for a review of this decision once, and he may re-apply under section 6 of the Ordinance after one year from the date of the original refusal.

## **G. Revocation of Supervision Order**

17. When a prisoner's application to join one of the schemes has been approved and he has been released from prison under a supervision order, it is still possible for the order to be revoked under section 14 of the Ordinance, and for him to be returned to prison. There are two circumstances which could cause this to happen. Firstly, should the supervisee be convicted of an offence and sentenced to imprisonment (other than a sentence that is suspended), or be also the subject of a suspended sentence that is ordered to take effect under section 109C(1)(a) or (b) of the Criminal Procedure Ordinance, the supervision order would cease to have effect. Secondly, where

it appears to the Commissioner of Correctional Services that the public interest requires that a supervisee be re-imprisoned immediately, the Commissioner may revoke that order. The Board may also recommend to the Secretary for Security a revocation of a supervision order, if, for instance, the supervisee has breached the supervision conditions without lawful authority or reasonable excuse. Upon revocation of his supervision order by the Commissioner of Correctional Services or by the Secretary for Security, the supervisee would be re-imprisoned but he may apply in writing to the Chief Executive through the Board for a review of his case within 14 days of his re-imprisonment.

18. Among the 228 successful applicants released from prison under the Ordinance since 1988, there is only one case where a supervision order was revoked for breach of the supervision condition, and an order was issued for re-imprisonment of the supervisee concerned.

## **H. Meetings and the Case Load of the Board**

19. On average, the Board meets every two months. Up to 30 September 2000, a total of 1 454 applications for release under supervision under section 7 of the Ordinance have been considered by the Board, and among them 228 applicants (or 15.7%) have been approved to join either one of the two early release schemes. In addition, 139 applications for review under section 12 of the Ordinance have been considered. The relevant statistics are provided at Annex III.

## **I. Secretariat**

20. The secretariat of the Board is headed by Mr. H.N. Ng, Senior

Executive Officer. It is located at Rooms 906-7, 9<sup>th</sup> floor, Tower Two, Lippo Centre, 89 Queensway, Hong Kong.

## **J. Assistance from Government Departments**

21. To discharge its functions, the Board receives assistance from a number of government departments. Without their active and enthusiastic contribution, the Board could not have fulfilled its statutory duties. The Board wishes to take this opportunity to thank, in particular, the following departments for their help and co-operation throughout these years :

Security Bureau

Correctional Services Department

Hong Kong Police Force

Department of Justice

Independent Commission Against Corruption

Judiciary

Customs and Excise Department

Social Welfare Department

Immigration Department

Note: Wherever reference is made to male prisoners or supervisees, the same applies equally to female prisoners or supervisees.

30 September 2000

PRISONERS (RELEASE UNDER SUPERVISION) ORDINANCE

囚犯(監管下釋放)條例

(CHAPTER 325)

(香港法例第三二五章)

SUPERVISION ORDER

監管令

To (1) .....  
致(一)

I HEREBY ORDER that upon your release from .....  
茲飭令你自

you be subject to supervision by (2) Officers on aftercare duties, .....  
獲釋放後，即須接受(二)

Section 10 of Cap. 325 refers

香港法例第三二五章第十條所指的 執行善後輔導職務的人員的監管

until the ..... day of ..... and during such period of supervision you shall comply with the  
直至 年 月 日為止；在此段監管期內，

following requirements:  
你必須遵守下述規定：

- (1) You shall place yourself under the supervision of a supervising officer nominated for this purpose and any other officer replacing him from time to time.  
(一) 你必須服從監管人員或其他不時替代後者的人員的監管。
- (2) You shall meet with your supervising officer in accordance with that officer's instructions.  
(二) 你必須依照監管人員的指示與該人員會見。
- (3) You shall inform your supervising officer at once of any changes in your home and office address or any employment particulars including dismissals.  
(三) 你的家庭或辦事處地址如有改變，或職業狀況有更改，包括被革職，必須立即通知監管人員。
- (4) You shall be of good behaviour and keep the peace.  
(四) 你必須行為良好，奉公守法。
- (5) You shall inform your supervising officer of the intention to leave Hong Kong for a specified period or of the intention to take up residence abroad.  
(五) 如果你打算離開香港一段指定時間或在外地定居，必須通知監管人員。
- (6) You shall reside at an address approved by your supervising officer.  
(六) 你必須居住在監管人員認可的地址。
- (7) You shall undertake only such employment as approved by your supervising officer.  
(七) 你只准從事監管人員認可的工作。
- (8) You must meet with your supervising officer at least once a month.  
(八) 你必須每月至少會見監管人員一次。
- (9) You shall not, without reasonable excuse, fail to engage yourself in gainful employment in accordance with the instructions of your supervising officer.  
(九) 除非你有合理的解釋，否則你必須依照監管人員的指示，從事正當的工作。
- (10) You shall not commit any offence against the laws of Hong Kong.  
(十) 你不得觸犯香港的任何法例。
- (11) You shall refrain from associating with persons who have a criminal record or who have any connection with the offence for which you were sentenced.  
(十一) 你必須避免與下述人士來往：有刑事紀錄的人或與你因此而被判服刑的罪名有任何關係的人。
- (12) You shall refrain from visiting any place connected with the offence for which you were sentenced.  
(十二) 你必須避免探訪任何與你因此而被判服刑的罪名有關的任何地方。

Dated this ..... day of .....  
日期： 年 月 日

Notes: (1) Name of person placed under supervision  
(一) 受監管行爲者姓名  
(2) Name of supervising organization or person  
(二) 監管組織或人員姓名

.....  
for Commissioner of Correctional Services  
懲教署署長  
( 代行 )

I, ..... hereby certify that this supervision  
本人 謹此證明本監管令  
order was served by me on ..... and the conditions fully explained to him by  
經由本人送達 而令內的條件亦經由

.....  
me  
本人  
in ..... Punti ..... dialect.  
以 本地 方言當面向後者解釋清楚。

.....  
*Superintendent*  
懲教事務監督

.....  
*Witness*  
見証人

Date :  
日期 :

---

I fully understand the conditions with which I should comply during the supervision period, and I hereby acknowledge receipt of a copy of this supervision order.

本人完全明白本人在監管期內應遵守的規定，同時並證實接到上述監管令乙份。

I certify that on discharge  
本人並證明於釋放後

My place of residence is :  
本人住所的地址為 :

My place of employment is :  
本人就業的地址為 :

Signature .....  
簽名

Prisoner's Name :  
犯人姓名 :

Registered No. :  
登記編號 :

Date :  
日期 :

PRISONERS (RELEASE UNDER SUPERVISION) ORDINANCE  
囚犯(監管下釋放)條例

(CHAPTER 325)  
(香港法例第三二五章)

SUPERVISION ORDER  
監管令

To (1) .....  
致(一)

I HEREBY ORDER that upon your release from .....  
茲飭令你自

you be subject to supervision by (2) Officers on aftercare duties.  
獲釋放後，即須接受(二)

Section 10 of Cap. 325 refers  
香港法例第三二五章第十條所指的

until the ..... day of ..... and during such period of supervision you shall comply with the  
直至 ..... 年 ..... 月 ..... 日為止；在此段監管期內，

following requirements:  
你必須遵守下述規定：

- (1) You shall place yourself under the supervision of a supervising officer nominated for this purpose and any other officer replacing him from time to time.  
(一) 你必須服從監管人員或其他不時替代後者的人員的監管。
- (2) You shall meet with your supervising officer in accordance with that officer's instructions.  
(二) 你必須依照監管人員的指示與該人員會見。
- (3) You shall inform your supervising officer at once of any changes in your home and office address or any employment particulars including dismissals.  
(三) 你的家庭或辦事處地址如有改變，或職業狀況有更改，包括被革職，必須立即通知監管人員。
- (4) You shall be of good behaviour and keep the peace.  
(四) 你必須行為良好，奉公守法。
- (5) You shall not travel outside Hong Kong without the prior permission of your supervising officer.  
(五) 你不得監管人員批准前，不得離港外遊。
- (6) You shall reside at an address approved by your supervising officer.  
(六) 你必須居住在監管人員認可的地址。
- (7) You shall undertake only such employment as approved by your supervising officer.  
(七) 你只准從事監管人員認可的工作。
- (8) You must meet with your supervising officer at least once a month.  
(八) 你必須每月至少會見監管人員一次。
- (9) You shall not, without reasonable excuse, fail to engage yourself in gainful employment in accordance with the instructions of your supervising officer.  
(九) 除非你有合理的解釋，否則你必須依照監管人員的指示，從事正當的工作。
- (10) You shall not commit any offence against the laws of Hong Kong.  
(十) 你不得觸犯香港的任何法例。
- (11) You shall refrain from associating with persons who have a criminal record or who have any connection with the offence for which you were sentenced.  
(十一) 你必須避免與下述人士來往：有刑事紀錄的人或與你因此而被判服刑的罪名有任何關係的人。
- (12) You shall refrain from visiting any place connected with the offence for which you were sentenced.  
(十二) 你必須避免探訪任何與你因此而被判服刑的罪名有關的任何地方。
- (13) You shall reside at \*Bauhinia/Pelican House until such time as you are authorized to reside elsewhere and during your period of residence, you shall:  
(十三) 你必須入住\*紫荊樓/百勤樓直至得到批准居住其他地方為止，於住宿期間你必須：
  - (i) obey all lawful orders of the officer-in-charge or any officers of the House, and shall not in any way contravene the good order and discipline of the House;  
(i) 服從主管或樓內職員的所有合法命令，更不得以任何方式妨礙樓內良好秩序及紀律；
  - (ii) return to \*Bauhinia/Pelican House not later than the time specified by the Officer-in-charge of the House when granted leave of absence;  
(ii) 假期獲批准後，在主管規定時間之前返回\*紫荊樓/百勤樓；
  - (iii) report to your approved work place at the appointed time;  
(iii) 每日在指定時間前往經批准的工作地點；

- (iv) return to \*Bauhinia/Pelican House as soon as possible if you lose your job or if you are not required to work on that day;
- (iv) 在失去工作或不須工作時盡速返回\*紫荊樓/百勤樓；
- (v) return to \*Bauhinia/Pelican House as soon as possible after leaving work and in any case, not later than the time specified by the Officer-in-charge of the House;
- (v) 工作完畢後盡速返回\*紫荊樓/百勤樓，無論如何不得遲過主管所規定的時間；
- (vi) pay any fees chargeable to you for your residence in the House.
- (vi) 繳付所規定的住宿費。

Dated this ..... day of .....  
 日期： 年 月 日

.....  
*for Commissioner of Correctional Services*  
 懲教署署長

( 代行 )

I, ..... hereby certify that this supervision order was served by me on  
 本人 謹此證明本監管令經由本人送達  
 ..... and the conditions fully explained to him by .....  
 而令內的條件亦經由 本人  
 in ..... dialect.  
 以 本地 方言當面向後者解釋清楚。

.....  
*Superintendent*  
 懲教事務監督

.....  
*Witness*  
 見証人

Date :  
 日期 :

I fully understand the conditions with which I should comply during the supervision period, and I hereby acknowledge receipt of a copy of this supervision order.  
 本人完全明白本人在監管期內應遵守的規定，同時並證實接到上述監管令乙份。

I certify that on discharge  
 本人並證明於釋放後

My place of residence is:

本人住所的地址為： Pamela Youde Nethersole Eastern Hospital Senior Staff Quarters  
 3 Lok Man Road, Chai Wan, Hong Kong.

My place of employment is:

本人就業的地址為：

Signature .....  
 簽名

Prisoner's Name :  
 犯人姓名

Registered No. :  
 登記編號

Notes : (1) Name of person placed under supervision

(一) 受監管行爲者姓名

(2) Name of supervising organization or person

(二) 監管組織或人員姓名

Date :  
 日期 :

\* Delete as appropriate 將不適用者刪去

**Release under Supervision Board  
Number of Applications and Approvals  
to join the Two Early Release Schemes  
(1988-2000)**

| <u>Year</u>               | <u>Release under Supervision Scheme</u> |                  | <u>Pre-release Employment Scheme</u> |                  | <u>Total</u>        |                      | <u>Applications for Review</u> |
|---------------------------|---|------------------|--------------------------------------|------------------|---------------------|----------------------|--------------------------------|
|                           | <u>Applications</u>                     | <u>Approvals</u> | <u>Applications</u>                  | <u>Approvals</u> | <u>Applications</u> | <u>Approvals (%)</u> |                                |
| 1988                      | 103                                     | 4                | 174                                  | 14               | 277                 | 18 (6.5%)            | 3                              |
| 1989                      | 62                                      | 6                | 133                                  | 20               | 195                 | 26 (13.3%)           | 16                             |
| 1990                      | 15                                      | 1                | 84                                   | 23               | 99                  | 24 (24.2%)           | 3                              |
| 1991                      | 16                                      | 3                | 103                                  | 22               | 119                 | 25 (21.0%)           | 9                              |
| 1992                      | 14                                      | 3                | 151                                  | 16               | 165                 | 19 (11.5%)           | 24                             |
| 1993                      | 17                                      | 6                | 93                                   | 20               | 110                 | 26 (23.6%)           | 5                              |
| 1994                      | 15                                      | 4                | 85                                   | 16               | 100                 | 20 (20.0%)           | 13                             |
| 1995                      | 17                                      | 6                | 69                                   | 12               | 86                  | 18 (20.9%)           | 15                             |
| 1996                      | 20                                      | 6                | 70                                   | 17               | 90                  | 23 (25.6%)           | 11                             |
| 1997                      | 30                                      | 6                | 52                                   | 10               | 82                  | 16 (19.5%)           | 18                             |
| 1998                      | 18                                      | 2                | 41                                   | 1                | 59                  | 3 (5.1%)             | 12                             |
| 1999                      | 18                                      | 4                | 26                                   | 2                | 44                  | 6 (13.6%)            | 5                              |
| 2000<br>(up to 30.9.2000) | 7                                       | 1                | 21                                   | 3                | 28                  | 4 (14.3%)            | 5                              |
| <b>Total</b>              | <b>352</b>                              | <b>52</b>        | <b>1102</b>                          | <b>176</b>       | <b>1454</b>         | <b>228 (15.7%)</b>   | <b>139</b>                     |