



Approaches to Rehabilitation in Hong Kong

Wing Hong Chui 

As societies contemplate changes in their criminal justice system to contain domestic crime rates, this chapter asks: Does rehabilitation have a role to play in a punitive society, which places great emphasis on ‘being tough’ on crime and passing down harsh punishments? Is rehabilitation a dying ideal? Being a concept and practice that varies across time, place and socio-cultural context, the value of rehabilitation in an era of stricter laws and rising crime rates needs to be reflected upon and discussed seriously. Owing to a lack of evidence that rehabilitation programmes reduce recidivism, since the 1970s, controversies about the rehabilitation ideal abounded in industrialised countries, such as England and Wales and North America, and industrialising former colonies, such as Hong Kong. As a former British colony, the criminal justice system, including legal and penal systems, in Hong Kong has been largely modelled after the system in England (Chui & Lo, 2017; Lo et al., 2020). While one might assume that the return of sovereignty to China in July 1997 called for a transition away from the rehabilitation ideal founded in England and Wales, contrarily, there is evidence that the practice of rehabilitation has remained stable and popular in the Hong Kong criminal justice system.

W. H. Chui (✉)

The Hong Kong Polytechnic University, Hung Hom, Hong Kong
e-mail: wing-hong.chui@polyu.edu.hk

This chapter aims to examine how various aspects of rehabilitation have been delivered in the Hong Kong criminal justice system. It is structured into four parts. Part I gives a brief account of why the rehabilitative ideal has been maintained in Hong Kong. Examples of rehabilitation mechanisms include the police diversion scheme for young people, non-custodial or community sentences and custodial penalties. In Parts II and III, the historical development and operation of the probation and the prison system are discussed. As both institutions provide service to major formal sentencing options and are firmly rooted on the rehabilitation ideal, they work towards assisting individuals with reintegrating into the community, while also aiming to prevent them from causing harm to the society. Where appropriate, official statistics and empirical research findings will be discussed to offer a comprehensive assessment of the effectiveness of rehabilitative practices. It is argued that the strong faith and commitment to maintaining rehabilitation in Hong Kong is based on strong public support for rehabilitation work as well as promising results derived from a variety of recidivism studies. The concluding part discusses future directions in rehabilitation practice and research in order to improve the quality and outcome of rehabilitation in Hong Kong.

Rehabilitation in the Hong Kong Criminal Justice System

At the outset, it should be emphasised that a consensus on the definition of rehabilitation is still lacking in the criminological literature and beyond (Crow, 2001; Forsberg & Douglas, 2020; Raynor & Robinson, 2009; Robinson & Crow, 2009; Wade & de Jong, 2000; Ward & Maruna, 2007). While acknowledging the fact that rehabilitation is a central goal of many criminal justice systems, conceptual clarity is very much needed. For instance, some use rehabilitation interchangeably with terms such as ‘therapy’, ‘treatment’, ‘intervention’, ‘reform’, ‘punishment’, ‘harm reduction’, ‘re-entry’, ‘reintegration’, ‘resettlement’ and ‘anti-recidivism’ (Forsberg & Douglas, 2020; McNeill, 2014). A precise and concise definition that has been suggested by Cullen and Gilbert (1982) is that rehabilitation is defined as treatment aimed at reforming the miscreant and preventing future criminal behaviour (see pp. 48–50). It is very often conceptualised in behavioural terms such as desistance from crime, reduction of personal and social problems associated with offending behaviours and law-abidingness. Miller and Gaines (2018) suggested that the rehabilitation model is based on the premise that an individual’s offending is related to various individual and social

factors such as personality problems, poor schooling, unemployment, lack of adequate parental supervision, poverty and community disorganisation. It also follows that the removal of these factors will bring about his or her positive changes (Miller & Gaines, 2018). Furthermore, the model places great emphasis on the treatment, welfare and therapy of the individual in order to help him or her assume normal social roles.

It is worth briefly mentioning that in the 1970s doubts were cast on the effectiveness of rehabilitative treatment programmes in England and Wales, North America and other industrialised countries (Brody, 1976; Martinson, 1974). Hudson (1996: 29–30) summarises some of the criticisms of rehabilitative penalties:

... some techniques used in the name of rehabilitation were grossly intrusive with respect to the moral integrity, personality and civil liberties of offenders. Behaviourist techniques such as aversion therapy, chemical reduction of aggression or libido, even psychosurgery, were used in the name of treatment—techniques which would be condemned as ‘cruel and unusual’ if they were acknowledged as punishment, but were more readily defended if they were supposedly for the offenders’ own good. (Hudson, 1987; Kittrie, 1973; see also Chui, 2001: 278)

Despite this, based on various written reports and policy documents, Hong Kong criminal justice personnel and supporting institutions demonstrated considerable interest in the ‘rehabilitation ideal’ (Chui, 2017; Laidler, 2009; Lo, 2017; Vagg, 1991). As argued by Adorjan and Chui (2014, 2022), to make sense of Hong Kong’s historical and contemporary commitment to rehabilitation, especially for the young, it is important to first understand Hong Kong’s unique history. There is, in contrast to general global trends, still confidence in the rehabilitative efficacy of criminal justice responses to crime. Emphasis on the use of rehabilitative programmes, counselling services and social work interventions has been heavily placed by two major criminal justice organisations, including the Social Welfare Department (SWD) and the Correctional Services Department (CSD) of the Government of the Hong Kong Special Administrative Region. For instance, the SWD stresses the use of social work approaches in achieving rehabilitation (SWD, 2021a, 2021b), while the CSD has set up a new division to focus on rehabilitative services for persons in custody and those who are required to put on post-release supervision orders since 1998 (Audit Commission, 2015; Tam & Heng, 2008). Both probation officers and correctional officers may focus on offering help and assistance to people during their penalties or following their discharge from residential training or prison in order to address their family

problems, unemployment, substance abuse issues and/or poor interpersonal skills. While acknowledging the varied approaches being used by these two government departments, their ultimate goals are to help transform those who offend into law-abiding citizens and contributing members to society, as well as to prevent them from causing further harm to society.

Robinson and Crow (2009) opined that rehabilitation can be relevant in a number of ways in the criminal justice system, including 'rehabilitation and diversion', 'rehabilitative punishment' and 'rehabilitation beyond punishment'. In Hong Kong, access to rehabilitative or treatment services during the pre-trial stage is made available to juveniles between the ages of 10 and below 18. Under the Police Superintendent's Discretion Scheme, subject to the discretion exercised by a police officer in the rank of Superintendent or above, a caution can be administered to the juveniles in lieu of laying a charge and initiating formal court prosecution. To be eligible for cautioning, juvenile and young suspects must confess voluntarily or unequivocally their criminal behaviour and the nature of the offence must be petty. Most importantly, the juveniles, who are usually before the court for the first-time or second-time, and their parents or guardians must agree to the cautioning. Under the Scheme, a juvenile is put on police supervision for a period of two years or until he or she reaches the age of 18, whichever is earlier (Hong Kong Police Force, 2022). Juveniles may either be directly supervised with the police officer or be referred to non-governmental organisations for rehabilitative help and social work treatment:

Community Support Service Scheme (CSSS) aims at providing supporting services to children and youth cautioned under the Police Superintendent's Discretion Scheme, the arrested youth and their peers so as to assist them to be reintegrated into the community, eliminate their deviant and unlawful behaviour and to reduce their likelihood of law infringement. The service content includes individual and family counselling, therapeutic groups, skill training/educational groups, community services, crime prevention programmes ... (SWD, 2021c)

The inter-agency collaboration between the Hong Kong Police Force and the SWD is an illustrative example that demonstrates their commitment to rehabilitation through support and help, rather than punishment via formal prosecution and sentencing. A rehabilitative strategy that shapes at-risk young people and juveniles towards more pro-social behaviour during their formative stage is consequently particularly attractive (Chui, 2001, 2006). The next two parts of the chapter are concerned with the delivery of rehabilitation in the contexts of probation and prison.

Social Work Model of Probation

Undeniably, one of the key criminal justice actors involved in delivering rehabilitation is the probation officer. In many respects, the probation system in Hong Kong has been largely modelled from the one in England and Wales. However, a close examination of the two systems reveals that the aims and roles of the Probation Service are now very different from one another. For instance, the intended goal of probation is to provide individuals with supervision and social work counselling in Hong Kong (Chui, 2002, 2003). Rehabilitation has long been at the heart of the Probation Service throughout decades of its existence:

The overall objective of services for offenders is to help them become law-abiding citizens and reintegrate into the community. This is achieved through both community-based and residential services, adopting social work approaches. It is hoped that through proper supervision, counselling, academic, vocational and social skills training, the offenders can be equipped with the necessary skills to deal with life demands. (Director of Social Welfare, 1997: 52)

[Probation Service] provides statutory supervision and counselling service with utilisation of community resources to help probationers to reform, reintegrate into the society and become law-abiding citizens. (SWD, 2021d)

The specific objectives of the Probation Service are: (1) to make recommendation to the court on the suitability of a person to be put on probation order; (2) to implement the court's directives on statutory supervision, the treatment and rehabilitation of those put under probation order; (3) to assist probationers in making positive changes in their attitude and behaviour, and to become law-abiding citizens; (4) to enhance their life coping skills to avoid re-offending; (5) to strengthen their family support in the process of rehabilitation and (6) to utilise community resources to handle the needs of individuals referred by court and, where necessary, those of their family members (SWD, 2021d). Conversely, since the late 1990s, there have been drastic and 'radical' changes in the development of the Probation Service in England and Wales (Robinson, 2021; Tidmarsh, 2020). Probation is seen as one form of punishment to achieve crime reduction, crime prevention and public safety in England and Wales. According to the HM Prison and Probation Service (2021: 6), a simpler description of the Probation Service in England and Wales is now 'Assess, Protect and Change'.

Probation was introduced in Hong Kong on a formal statutory basis right from the beginning and was ‘basically an import from overseas in colonial times’ (Chan, 1996: 101, see also Lee, 2009) in the early twentieth century. Its inception was due to the belief that in giving the individual a chance to reform himself or herself the ethos of rehabilitation was still emphasised and valued. The use of social work approaches to rehabilitate people who have been offended was formally and explicitly spelt out in the *White Paper 1973* (Lee, 1973). On the one hand, during the probation period, the probationer is allowed to remain in the community for employment or schooling and can thus, from an economic point of view, be an asset to the society. On the other hand, the probationer is helped to stand on his or her own feet under the guidance of a probation officer, and this thus spares the government any expense involved in keeping him or her in custody (Lee, 1973; Mak, 1973). Chui (2017: 296–297) gives a brief account of the early development of probation:

The first step towards putting the probation system into effect was the *Juvenile Offenders Ordinance* in 1933 under which juvenile offenders may be placed on probation at the direction of the court. The probation officers were attached to the Police Force until 1938 when the service was taken over by the Prisons Department. A further change took place in 1948 when the Probation Service was grouped under the Social Welfare Office established as a branch of the Secretariat for Chinese Affairs in post-war Hong Kong. The Probation Service was also upgraded to professional status upon the appointment in 1950 of the late Donald Peterson, a trained social worker from Australia, who headed the development of the Probation Section of the Social Welfare Office. ... The final *Probation of Offenders Bill* was passed in 1956 which extended the probation system to adult offenders. (Chan, 1996; Huang, 1970; Lee, 1973; Mak, 1973)

In Hong Kong, the *Probation of Offenders Ordinance* (Cap. 298), as revised and amended, details the responsibilities and core tasks of probation officers, and how an individual should be supervised in legal terms. Section 9 of the said Ordinance sets out that the Chief Executive may by notification in the Gazette appoint a principal probation officer, and probation officers of either sex. Probation, as a formal community sentence, applies to those aged ten years old and up. Before making a probation order, the court shall consider carefully the circumstances leading to the offence, the seriousness of the offence, the attitude of the person towards his or her offending behaviour and the recommendation of the probation officer in the social inquiry report (or the pre-sentence report). A great variety of added conditions or requirements can be attached to the probation order, including: (1)

work and reside as directed; (2) abstain from dangerous drugs; (3) submit urine test; (4) any withdrawal drug treatment programmes as directed; (5) psychological treatment; (6) psychiatric treatment; (7) curfew order (usually between 11:00 p.m. and 6:00 a.m. of the following day); (8) progress report (that is attending the court usually at halfway through the sentence in order to demonstrate improvement in behaviour) and (9) attend group and rehabilitative programmes (cited in Chui, 2017). Probation officers usually recommend these additional conditions with reference to the needs and problems of probationers identified in the social inquiry report tendered to the court for final decision. The court shall explain to the individual in a language understood by him or her the effect of the order (including any additional conditions proposed to be attached). If they are under the age of 14, the court shall not make the order unless a willingness to comply with the order is expressed. According to Section 5 of the Ordinance, if at any time during the probation period it appears that a probationer has failed to comply with any of the requirements of the order or has committed another offence, he/she is liable to be brought back to the court for re-sentencing in the light of both new and old offences.

The Probation Service still preserves its social work identity, and a wide range of rehabilitative services provided by the authorities is mainly delivered through social work methods such as casework, groupwork and family intervention (Chan, 1996). All probation officers are required to have a degree in social work and be registered social workers in Hong Kong. They are employed in the position of Assistant Social Work Officers or Social Work Officers by the Government and will usually have a job rotation to other services within the SWD every two or three years. In order to supplement the generic social work knowledge and skills they have gained from their social work undergraduate training, new probation staff are offered induction training courses and regularly supervised by a senior probation supervisor. It is generally believed that a qualified social worker is equipped with professional knowledge, values and skills to establish a trusting relationship with probationers and to facilitate them to change their offending behaviours and promote a pro-social lifestyle. Probation officers retain considerable autonomy in designing treatment plans and methods of intervention. An empirical study with 115 adult probationers aged from 18 to 35 reported that the Probation Service placed emphasis on an individualised casework treatment approach to the probationer and the length of each interview ranged from 20 to 90 minute (Chui, 2003, 2004).

Apart from having regular individual face-to-face supervision meetings with probationers, probation officers may arrange home visits, family counselling and specialised treatment programmes felt necessary for successful rehabilitation. For instance, community-based drug treatment programmes will usually be arranged for drug-abusers and unemployed probationers will be referred to the voluntary sector to seek help with employment during their probation period. Where appropriate, probationers and their family members are referred to approved institutions run by the SWD or residential homes for children and youth with emotional or behavioural problems run by non-governmental organisations, related units or agencies for psychological treatment, welfare services and other services such as Volunteer Scheme for Probationers (SWD, 2021d).

Neither the doctrine of rehabilitation nor the social work model of probation is under public scrutiny and criticism in Hong Kong. This can be attributed to the fact that the Probation Service has achieved a high completion rate of probation orders. In the financial year 2020–2021, the total number of satisfactorily closed cases was 1094, whereas the total number of unsatisfactorily closed cases was only 113 (SWD, 2021e). Taking these official statistics at face value, around 10.3% of the cases closed are considered unsuccessful, thereby painting a rosy picture in terms of its overall effectiveness. Nevertheless, relying on official records to measure effectiveness of a penal sentence is not without problems. A number of re-offences may go undetected and unreported for various reasons. These statistics rely very much on the law enforcers' ability to detect crime and also their willingness to report the breach of the order to the court formally. Thus, the statistics are only a proxy of the effectiveness of the sentence, and empirical investigations on the effectiveness of probation are much needed in Hong Kong.

The Delivery of Rehabilitation in the Context of Prison

Another key criminal justice actor in delivering rehabilitation is the prison officer. In contrast to the Probation Service, a custodial sentence requires the individual to be locked up in the correctional institution. According to the sentencing tariff, prisons are suited to those who have committed serious offences or those who repeatedly offend who pose threats to community safety. CSD is a disciplinary force, administering a detention centre, drug addiction treatment centres, rehabilitation centres, training centres and minimum, medium and maximum security prisons for those aged 14 or

above (Lo, 2017). In addition to these correctional institutions, halfway houses are offered to young and adult supervisees released under supervision of the Release Under Supervision Scheme, the Pre-release Employment Scheme and the Post-release Supervision of Prisoners Scheme for temporary shelter during their adjustment period after release (CSD, 2021a). Table 1 shows the average daily number of persons in custody (PIC) by category and gender. The official data show a decreasing number of people who are on remand and imprisoned from 2016 to 2020.

The vision of the CSD is to be an ‘internationally acclaimed Correctional Service helping Hong Kong to be one of the safest cities in the world’ (CSD, 2020a). The ways to achieve this aim are: to ensure a safe, humane and healthy custodial environment; to join hands with various stakeholders (such as volunteers, non-governmental organisations, business sectors and religious workers) to create opportunities for rehabilitation and to promote law-abiding and inclusive concepts through community education. Five values, including integrity, professionalism, humanity, discipline and perseverance, are upheld by all staff members of CSD (see Table 2). Prison officers see themselves as the ‘rehabilitation facilitator’ to bring about positive changes among the prisoners.

Table 1 Average daily number of persons in custody by category and gender

Category	2016 (No. of persons)	2017 (No. of persons)	2018 (No. of persons)	2019 (No. of persons)	2020 (No. of persons)
Sentenced persons					
Male	5421	5362	5030	4633	3919
Female	1453	1456	1382	1261	1020
Sub-total	6873	6818	6412	5894	4939
Persons on remand					
Male	1351	1419	1594	1548	1666
Female	322	292	296	295	296
Sub-total	1673	1711	1890	1843	1962
Overall^a					
Male	6771	6781	6624	6181	5586
Female	1775	1748	1678	1556	1317
Total	8546	8529	8303	7737	6902

Source CSD (2021a: Table 1.1)

Notes There may be a slight discrepancy between the sum of individual items and the respective totals as shown in the above due to rounding

^aIncluding detainees

Table 2 Five values of CSD staff members

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- *Integrity*—We are accountable for our actions by upholding high ethical and moral standards, and have the honour of serving our society
 - *Professionalism*—We strive for excellence in correctional practice and resource optimization, and take pride in our roles as society's guardian and rehabilitation facilitator
 - *Humanity*—We respect the dignity of all people with [an] emphasis on fairness and empathy
 - *Discipline*—We respect the rule of law with [an] emphasis on orderliness in the pursuit of harmony
 - *Perseverance*—We are committed to serving our society, keeping constant vigilance and facing challenges with courage
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Source CSD (2020a)

As mentioned earlier, since January 1998, the Correctional Services Department has set up a Rehabilitation Division, which is headed by an Assistant Commissioner, to oversee the rehabilitation of the individual and devise effective rehabilitative strategies. It comprises five major units or sections, including Rehabilitation Unit (Assessment and Supervision), Rehabilitation Unit (Welfare, Counselling and Supervision), Education Unit, Industries and Vocational Training Section and Psychological Services Section. The Rehabilitation Unit (Assessment and Supervision) is responsible for conducting the pre-sentence assessment for persons on remand, delivering rehabilitative programmes for inmates and providing a selected group of prisoners for statutory supervision upon their discharge. The Rehabilitation Unit (Welfare, Counselling and Supervision) offers welfare and counselling services to inmates and provides supportive services to those who are placed on post-release supervision orders. The Education Unit is responsible for delivering and co-ordinating half-day formal education classes for young PIC, and providing adult PIC with support to encourage their voluntary participation in self-studying. With the aim of enhancing their employability, the Industry and Vocational Training Section provides PIC with opportunities to acquire good work habits and contribute to society during incarceration. While the vocational training unit is available to prisoners under the age of 21, industrial employment is available for PIC to engage in work covering 13 trades such as garment making, leather products, sign making, metalwork, book-binding and printing. About 6000 inmate workers are currently engaged in these types of industrial work every day and these products are then supplied to government departments and tax-supported bodies. Psychological services devise professional therapeutic programmes for PIC to improve their institutional adjustment and address their offending behaviours. A number of

specialised initiatives, such as violence prevention programme and inmate-parent programme, have been developed by the Psychological Services Unit to improve the inmates' skills and knowledge instrumental to rehabilitation (CSD, 2021c). The creation of various learning and meaningful opportunities for PIC by collaborating closely with community stakeholders, such as social workers and their allied professionals from the non-governmental organisations, religious workers and volunteers is conducive to effective rehabilitation. This is referred to as 'creative rehabilitation' for PIC (CSD, 2021b).

The CSD has identified four important factors that contribute to successful rehabilitation in an inclusive society: (1) safe custody, (2) appropriate rehabilitative programmes, (3) the person's responsivity and determination to change and (4) community support (CSD, 2020b). In this respect, the Department is committed to look for strategies to improve the quality of the correctional services in relation to these four factors. The emphasis of the rehabilitative programmes may vary according to the type of institution. For example, Adorjan and Chui (2022) noted an emphasis on self-discipline and moral character in response to youth transgressive behaviour:

... the ethos and penal philosophy of welfare protectionism during this time was evident with the development of training centres for youth in Hong Kong, which were influenced by the British Borstal institutions during its penal-welfare era (Fox, 1998), and which were comparable to the Canadian training schools given their quasi-indeterminate sentences geared to holding youth in custody to enable character transformation (Chui, 1999, 2001; Jones & Vagg, 2007). The disciplinary welfare tariff was also applied through the youth detention centre, which was (and is) touted to instil rehabilitation through the application of 'short, sharp shock' sentences (Chui, 2005: 71), 'comparable to spending a short period in a military prison, which includes a combination of onerous physical labour, foot drills, physical education, vocational training, counselling, group therapy activities and recreation'. (Adorjan & Chui, 2014: 25) ... (p. 960)

Depending on the requirement imposed by the custodial sentence, the length of statutory supervision or post-release supervision varies from 12 months to 3 years. Young prisoners are subject to a period of statutory supervision by the two Rehabilitation Units. However, the provision of reintegration services is not available to all adult prisoners. The provision of reintegration or post-release supervision is to ensure continued care and support given to those who are released from the penal institution and who are released under various schemes, such as the Release Under Supervision

Scheme, Pre-release Supervision Scheme, Supervision After Release Scheme and Pre-release Employment Scheme (Lo, 2017). Regular face-to-face contact and home visit are arranged to ensure a gradual transition from the institution to the community. Table 3 shows the statistics on the success rates of different reintegration programmes within the supervision period.

The success rates are calculated based on whether the case complies with the conditions and requirements during the supervision period. As shown in Table 3, while most completed their orders satisfactorily under different post-release supervision schemes, slightly more than half of drug-related prisoners failed to comply with statutory supervision order. The Audit Commission (2015) put one recommendation:

The CSD compiles success rates (measured by the percentages of the supervisees who have completed their statutory supervision periods without reconviction, and also without relapse to drug abuse in case of persons discharged from the Drug Addiction Treatment Centres) to monitor the effectiveness of its reintegration programme. Besides, it compiles recidivism rates (measured by percentages of re-admission of all local persons who have been under the CSD custody to correctional institutions within two years after discharge) to provide feedback for programme monitoring and evaluation. Audit noted that persons discharged from the Drug Addiction Treatment Centres had lower success rates and higher recidivism rates than those of discharged persons from other types of correctional institutions. The CSD needs to conduct a review of its rehabilitation services for persons detained in the Centres (p. viii)

Table 3 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
Young Persons in Custody under Prison Programme	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

Source Adapted from CSD (2021b: Table 2.4)

Note N.A. denotes Not applicable

Table 4 Recidivism rate^a of local rehabilitated offenders between 2014 and 2018

	Year of discharge ^b				
	2014 (%)	2015 (%)	2016 (%)	2017 (%)	2018 (%)
Offenders aged below 21	12.6	11.9	10.2	9.8	10.2
Offenders aged 21 and over	27.2	28.3	25.7	25.8	23.1
All offenders	25.9	27.1	24.8	24.8	22.5

Source: CSD (2021b: Table 2.5)

^aRecidivism rate is defined as the percentage of re-admissions of local rehabilitated offenders to the correctional institutions following conviction of new offences within two years after discharge. The local rehabilitated offenders refer to those persons who hold a Hong Kong Identity Card (but excluding imported labour, foreign domestic helpers and consulate staff) and are released after serving their sentence

^bFor a particular year, only the first discharge of a person in the year is included

Table 4 shows the recidivism rate of local rehabilitated people who hold a Hong Kong Identity Card. Recidivism rate is defined as the percentage of re-admissions of rehabilitated people to the correctional institutions following conviction of new offences within two years after discharge. The overall recidivism rate ranges from 22.5 to 27.1%.

The Future of Rehabilitation as a Prime Goal in Hong Kong

The primary aim of this chapter is to examine how the probation and prison systems in Hong Kong play a significant role in delivering rehabilitation in Hong Kong. There is evidence that rehabilitation or reform has still been the prime goal in the Hong Kong criminal justice system, which was largely modelled from England and Wales. Rehabilitation—as a theory of sentencing, an objective of a criminal sentence, a means of therapeutic intervention, a process of personal transformation and an outcome of the penal sanctions—has been highlighted in various official documents and criminological literature. The strong faith and commitment to maintaining rehabilitation in Hong Kong is based on strong public support for rehabilitation work as well as promising results derived from official data (Laidler, 2009; Lo, 2017). In a telephone survey conducted by Chui et al. (2015), a random sample of 202 Chinese adults aged 18 and above were asked whether they believed rehabilitating individuals convicted of sexual offences was a waste of time. About 68.8% of the respondents disagreed that this was futile, with 22.5% neither agreeing

nor disagreeing. This finding shows that public attitude towards rehabilitation is generally positive.

While rehabilitation has retained a significant role in the Hong Kong probation and prison system, the effectiveness of their rehabilitation programmes has not been fully investigated due to a lack of empirical research. Although it may be true that frontline practitioners have strong faith in the rehabilitative model of probation practice or prison work based on their practical experience, empirical evidence is required to develop 'evidence-based correctional practice'. Identifying what works and what does not work is important to developing an understanding of effective supervision. Otherwise, claims of the success of probation and prison are simply empty generalisations. Studying the effectiveness of criminal sentences is not an easy task. One of the first steps is to operationalise the goals of these sentences. In the context of Hong Kong, the rate of completion is primarily used as a measure of outcome to assess the success (or otherwise) of the sentences. It can be one of the indicators to examine the level of compliance, but we should not accept it uncritically. Other measures of outcome, such as self-reported offending, change of attitudes to offending and improvements in personal and social problems, should also be taken into consideration in future evaluation research. All this would help provide a more accurate picture regarding overall effectiveness. Based on the report compiled by the Audit Commission (2015), a proactive disclosure of the recidivism rates should be adopted:

While the CSD regularly reported the success rates in its Controlling Officer's Reports, it only disclosed the recidivism rates upon request. As the reported success rates cover discharged persons subject to supervision (i.e. only accounting for 18% of all discharged persons in 2014), the CSD needs to consider proactive disclosure of the recidivism rates which have a wider coverage (i.e. all discharged persons except non-locals) ... (p. ix)

On another note, actual probation practice in Hong Kong is still a 'black box' to the public because studies that investigate interactions between probation officers and probationers in reporting sessions are almost non-existent. This kind of study would inform practitioners and policymakers on how a probation sentence turns to a rehabilitative one. Another advantage of evaluation research is that it may help probation officers or social workers reflect on their own interventions, while at the same time proving whether one particular practice model works better than others.

On-going review and evaluation of the effectiveness of rehabilitative strategies is highly recommended to improve the quality of supervision and identify service gaps. For instance, the Audit Commission (2015) conducted a review of the provision of rehabilitative services with a view of identifying room

for improvement. Several recommendations were made to CSD in order to improve the quality of counselling and psychological services, vocational training and industries and post-release supervision and community support. The Commission also recommended a thorough review of rehabilitative services for drug inmates and a proactive disclosure of the recidivism rates. All of these recommendations were well received by the Secretary for Justice and the Commissioner of Correctional Services, and appropriate measures have been adopted and implemented to address each of these recommendations. It is hoped that similar audit exercises will be conducted to review the overall rehabilitative strategies in Hong Kong, and that the public will consequently be better informed in both the processes and outcomes.

References

- Adorjan, M., & Chui, W. H. (2014). *Responding to youth crime in Hong Kong: Penal elitism, legitimacy and citizenship*. Routledge.
- Adorjan, M., & Chui, W. H. (2022). Penal paradigms of juvenile justice in Canada and Hong Kong. In E. Erez & P. Ibarra (Eds.), *The Oxford Encyclopedia of international criminology* (pp. 947–965). Oxford University Press.
- Audit Commission. (2015). *Correctional services department*. Audit Commission. https://www.aud.gov.hk/pdf_e/e64ch08.pdf
- Brody, S. R. (1976). *The effectiveness of sentencing*. Home Office.
- Chan, W. T. (1996). Social work and services for offenders. In I. Chi & S. K. Cheung (Eds.), *Social work in Hong Kong* (pp. 98–111). Hong Kong Social Workers Association.
- Chui, W. H. (1999). Residential treatment programs for young offenders in Hong Kong: A report. *International Journal of Offender Therapy and Comparative Criminology*, 43(3), 308–321.
- Chui, W. H. (2001). Theoretical underpinnings of community-based sentences and custody for young offenders in Hong Kong. *Hong Kong Law Journal*, 31(2), 266–282.
- Chui, W. H. (2002). The social work model of probation supervision for offenders in Hong Kong. *Probation Journal*, 49(4), 297–304.
- Chui, W. H. (2003). Experiences of probation supervision in Hong Kong: Listening to the young adult probationers. *Journal of Criminal Justice*, 31(6), 567–577.
- Chui, W. H. (2004). Adult offenders on probation in Hong Kong: An exploratory study. *British Journal of Social Work*, 34(3), 443–454.
- Chui, W. H. (2005). Detention center in Hong Kong: A young offender's narrative. *Journal of Offender Rehabilitation*, 41(1), 67–84.
- Chui, W. H. (2006). Avoiding early intrusion in the lives of children: The need for juvenile justice reform in Hong Kong. *Journal of Youth Studies*, 9(1), 119–128.

- Chui, W. H. (2017). Probation and community service orders. In W. H. Chui & T. W. Lo (Eds.), *Understanding criminal justice in Hong Kong* (2nd ed., pp. 291–311). Routledge.
- Chui, W. H., Cheng, K.K.-Y., & Ong, R.Y.-C. (2015). Attitudes of the Hong Kong Chinese public towards sex offending policies: The role of stereotypical views of sex offenders. *Punishment and Society*, 17(1), 94–113.
- Chui, W. H., & Lo, T. W. (Eds.). (2017). *Understanding criminal justice in Hong Kong* (2nd ed.). Routledge.
- Correctional Services Department. (2020a). *Vision, Mission and Values*. Correctional Services Department. https://www.csd.gov.hk/tc_chi/about/about_vmv/abt_vis.html
- Correctional Services Department. (2020b). *4 critical success factors towards a safer and more inclusive society*. Correctional Services Department. https://www.csd.gov.hk/english/about/about_4factors/reh_over_4csf.html
- Correctional Services Department. (2021a). *Half-way houses*. Correctional Services Department. https://www.csd.gov.hk/english/facility/facility_type/ins_ins_na.html
- Correctional Services Department. (2021b). *Annual review 2020*. Correctional Services Department.
- Correctional Services Department. (2021c). *Rehabilitation*. Correctional Services Department. https://www.csd.gov.hk/english/reh/reh_overview/reh_over.html
- Crow, I. (2001). *The treatment and rehabilitation of offenders*. Sage.
- Director of Social Welfare. (1997). *Departmental report*. Government Printer.
- Fox, L. (1998). *The English Prison and Borstal Systems*. Routledge.
- Frosberg, L., & Douglas, T. (2020). What is criminal rehabilitation? *Criminal Law and Philosophy*, 16, 103–126.
- HM Prison & Probation Service. (2021). *The target operating model for probation service in England and Wales*. HM Prison & Probation Service.
- Hong Kong Police Force. (2022). *What is police superintendent's discretion?* Hong Kong Police Force. [https://www.police.gov.hk/ppp_en/13_faqs/faq_cri.html#:~:text=When%20a%20juvenile%2C%20from%2010,Superintendent's%20Discretion%20Scheme%20\(PSDS\)](https://www.police.gov.hk/ppp_en/13_faqs/faq_cri.html#:~:text=When%20a%20juvenile%2C%20from%2010,Superintendent's%20Discretion%20Scheme%20(PSDS))
- Huang, T. P. (1970). A mini memoir of days gone by. *Hong Kong Probation*, 1(2), 2–9.
- Hudson, B. A. (1996). *Understanding justice: An introduction to ideas, perspectives and controversies in modern penal theory*. Open University Press.
- Jones, C., & Vagg, J. (2007). *Criminal justice in Hong Kong*. Routledge-Cavendish.
- Laidler, K. J. (2009). Correctional services department. In M. S. Gaylord, D. Gittings, & H. Traver (Eds.), *Introduction to crime, law and justice in Hong Kong* (pp. 185–204). Hong Kong University Press.
- Lee, S. M. (1973). The probation service in Hong Kong. *International Journal of Offender Therapy and Comparative Criminology*, 17(1), 90–94.

- Lee, F. W.-L. (2009). Social welfare department. In M. S. Gaylord, D. Gittings, & H. Traver (Eds.), *Introduction to crime, law and justice in Hong Kong* (pp. 205–221). Hong Kong University Press.
- Lo, S. H. C., Cheng, K. K. Y., & Chui, W. H. (2020). *The Hong Kong legal system* (2nd ed.). Cambridge University Press.
- Lo, T. W. (2017). Prison and correctional services. In W. H. Chui & T. W. Lo (Eds.), *Understanding criminal justice in Hong Kong* (2nd ed., pp. 312–336). Routledge.
- Mak, W. H. (1973). Reminiscence of the early probation work in Hong Kong. In O. D. S. Issue (Ed.), *Social welfare department* (pp. 7–9). Social Welfare Department.
- Martinson, R. (1974). What works? Questions and answers about prison reform. *The Public Interest*, 35, 22–54.
- McNeill, F. (2014). Punishment as rehabilitation. In G. Bruinsma & D. Weisburd (Eds.), *Encyclopaedia of criminology and criminal justice* (pp. 4195–4206). Springer.
- Miller, R. L., & Gaines, L. K. (2018). *Criminal justice in action* (10th ed.). Cengage Learning.
- Raynor, P., & Robinson, G. (2009). *Rehabilitation, crime and justice*. Palgrave Macmillan.
- Robinson, G. (2021). Rehabilitating probation: Strategies for re-legitimation after policy failure. *The Howard Journal of Crime and Justice*, 60(2), 151–166.
- Robinson, G., & Crow, I. (2009). *Offender rehabilitation: Theory, research and practice*. Sage.
- Social Welfare Department. (2021a). *Community support service scheme*. Social Welfare Department. https://www.swd.gov.hk/en/index/site_pubsvc/page_young/sub_seryouthrisk/id_cssscheme/
- Social Welfare Department. (2021b). *Services for offenders*. Social Welfare Department. https://www.swd.gov.hk/en/index/site_pubsvc/page_offdr/sub_introducti/
- Social Welfare Department. (2021c). *Community support service scheme*. Social Welfare Department. https://www.swd.gov.hk/en/index/site_pubsvc/page_young/sub_seryouthrisk/id_cssscheme/
- Social Welfare Department. (2021d). *Probation service*. Social Welfare Department. https://www.swd.gov.hk/en/index/site_pubsvc/page_offdr/sub_community/id_PO/
- Social Welfare Department. (2021e). *Services for offenders: 2020–2021d annual service provision and statistics*. Social Welfare Department. https://www.swd.gov.hk/en/index/site_pubsvc/page_offdr/sub_offdrps/
- Tam, K. Y., & Heng, M. A. (2008). Rehabilitation for young offenders in Hong Kong correctional institutions. *The Journal of Correctional Education*, 59(1), 49–63.
- Tidmarsh, M. (2020). The probation service in England and Wales: A decade of radical change or more of the same. *European Journal of Probation*, 12(2), 129–146.
- Vagg, J. (1991). Corrections. In H. Traver & J. Vagg (Eds.), *Crime and justice in Hong Kong* (pp. 139–152). Oxford University Press.

- Wade, D. T., & de Jong, B. A. (2000). Recent advances in rehabilitation. *British Medical Journal*, 320(7246), 1385–1388.
- Ward, T., & Maruna, S. (2007). *Rehabilitation*. Routledge.

Legislations Cited

- Juvenile Offender Ordinance* (Cap. 266).
- Probation of Offenders Bill 1956*.
- Probation of Offenders Ordinance* (Cap. 298).