

Press Statement

Law Reform Commission of Hong Kong **Report on Community Service Orders**

On 13 November 1981 the Chief Justice and Attorney General referred to the Law Reform Commission the question of whether Community Service Orders should be introduced as a form of sentence in Hong Kong. The Commission set up a Sub-committee chaired by Commission Member the Hon. F.K. Hu, JP to consider this and several ancillary questions.

A report was prepared by the Sub-committee and considered by the full Commission in April this year. The Commission adopted the report of the sub-committee and the Attorney General has now briefed the Governor and Executive Council on the report.

While the Administration is still considering the best method of implementing the report, it is hoped that legislation, which is being drafted, will be introduced into the Legislative Council by the end of this year.

The Report recommends the use of Community Service Orders as a form of sentence as an alternative to imprisonment for certain types of persons for certain types of offence.

A Community Service Order, which is made with the consent of the convicted offender, requires him to carry out community service work for a period of hours to be completed within a time span set by the magistrate.

The benefits of the system are reported in Chapter 5 of the Report and in essence are –

- (a) it is less costly than imprisonment;
- (b) the family unit is not unnecessarily disrupted;
- (c) employment may be retained;
- (d) schooling need not be interrupted;
- (e) dependants will not be forced to resort to welfare benefits;
- (f) there is less damage to self-esteem;
- (g) the alternative high risk exposure to undesirable elements are avoided;
- (h) the offender will be making a contribution to the community;

- (i) the offender is likely to derive an increased sense of personal achievement.

While it will be up to the courts to exercise this type of sentencing power, it is not envisaged that it will be used where a fine or suspended sentence would be appropriate. It is designed to keep a person who is capable of rehabilitation out of prison. The offences which are seen as most appropriate are those involving an element of anti-social behaviour such as criminal damage and less serious assaults.

The likely offender who would be suitable for an order would be between 17 and 30 years of age from a settled address and stable background including stable employment. He would have a fair amount of free time, be fit and able but lacking self discipline and social responsibility. He would not be a sophisticated offender nor a mentally ill person. He should not have too low an intelligence nor should he have a low threshold of control. It is not an appropriate sentence for a person addicted to drugs or alcohol.

The type of work would involve either direct contact with people e.g. decoration of old peoples homes or assistance to the community e.g. the building of a children's adventure playground.

If the scheme is implemented as outlined in the report, it is expected to take about 12 months to set up. Probation officers will need to be appointed and trained. These officers will assess offenders before the sentence is passed and will allocate work under the orders.

Cooperation and support has been offered by 30 voluntary agencies and it is hoped that a pilot scheme will come into effect next year. If the pilot scheme proposed in the report for Causeway Bay, San Po Kong and Tsuen Wan Magistracies is successful the use of this type of sentence will be expanded to other courts.

Law Reform Commission
Attorney General's Chambers
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