SBCR 11/2856/98 Pt. 8

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2 November 2000

Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road
Hong Kong
(Attn : Mr KAU Kin-wah)

Dear Mr Kau,

Rehabilitation Centres Bill

Thank you for your letter of 19 October. We would like to provide further clarification as follows.

Rehabilitation Centres Bill

Clause 4(6)

We have carefully considered your suggestion. We are of the view that it is not necessary to add words to qualify the term "progress". In this connection, we note the use of the term "progress" in similar legislation, such as s4(2) of the Drug Addiction Treatment Centres Ordinance. The operation of such provisions is satisfactory.

Clause 9(4)

I should perhaps clarify that clause 9(4) is subject to clause 9(5) of the Bill. In other words, the officer must obtain a court warrant to enter and search the premises unless it would give the person unlawfully at large an opportunity to evade arrest. Therefore, in most of the cases, it is unlikely that the officer could exercise the power without court warrant

when no person appears to be on the premises.

Clause 11(2) and (3)

Thank you for your suggestion. We would consider with counsel how best the drafting can reflect our policy intent.

Clause 12(2)

Our counsel has re-considered and advised that the presenting drafting of the clause is adequate to serve its intended purpose.

Prison Rule 99

Under current arrangements, production of remand persons for hearing in magistracies is normally a matter for police. We are referred to Form 5 of the Magistrates (Forms) Rule (Cap 227 Sub. Leg. C). Amendment to PR99 appears not necessary.

Juvenile Offenders Ordinance (Cap.226)

It is not our policy intention to use rehabilitation centres for custody of young persons pending trial.

Schedule 2 of Rehabilitation Centres Regulation

We appreciate your observation and will discuss with counsel on the drafting.

Should you have any further queries, please feel free to give me a call.

Yours sincerely,

(David Wong)
for Secretary for Security

c.c. C of CS (Attn : Miss Bonnie Wong)
DoJ (Attn : Miss Miranda Ng, Law Drafting Division
Ms Mary Ho, Civil Division
Ms Diana Lam, Legal Policy Division)

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