

Criminal

22 December 2000

BY FAX (25099055) AND BY POST

Mrs. Percy Ma
Clerk to Panel
Legislative Council,
Legislative Council Building,
8 Jackson Road,
Central, Hong Kong.

Dear Mrs. Ma,

Rehabilitation Centres Bill

The Society's Criminal Law & Procedure Committee has considered the above Bill and would like to submit the following comments:-

Section 4(3)

The section has proposed for a 3-week period for the convicted young offender to be remanded in custody pending investigation by the Commissioner as to the suitability of the offender for detention and the availability of a place for the offender in a rehabilitation centre. Members believe that compared with the period of detention that could be ordered under Section 4(4) of the Ordinance, a 3-week-period is a relatively long one. Nor should it need to take 3 weeks to prepare a report when it will usually only take 2 weeks to obtain a probationary report.

The Committee recommends that the period under Section 4(3) be reduced to 2 weeks

Section 10

This section gives power to the Chief Executive to direct that a young offender against whom a detention order is in force be transferred to a training centre or detained in prison if he is reported to the Chief Executive by the Commissioner to be (a) exercising a bad influence on other young offenders in the rehabilitation center or (b) incorrigible; and the Chief Executive were of the view that the young offender cannot be suitably dealt with by any disciplinary proceedings provided under the regulation.

The Committee fails to see the rationale behind the legislation which will effectively empower the Chief Executive to increase the sentence. In the case of offenders acting in breach of probation order, the offenders would be taken back to the court for the making of an appropriate order. Members generally believe that such power should more appropriately rest with the Judiciary.

Yours sincerely,

Christine W. S. Chu
Assistant Director of Practitioners Affairs

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