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Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 20 October 2000**

**Legal Service Division Report on
Rehabilitation Centres Bill**

Object of the Bill

To provide for the appointment of rehabilitation centres for the detention and rehabilitation of offenders of or over 14 and under 21 years of age and for related matters.

LegCo Brief Reference

2. SBCR 11/2856/98 issued by the Security Bureau on 5 October 2000.

Date of First Reading

3. 18 October 2000.

Comments

4. The Bill proposes a short term residential program, which gives the Courts an additional sentencing option in dealing with young offenders (i.e. persons of or over 14 and under 21 years of age).

5. Clause 3 provides for the appointment by the Secretary for Security of rehabilitation centres which could be a place of confinement in which a young offender may be detained in custody or an institution in which he may be required to reside after studying, working or engaging in other activities approved by the Commissioner of Correctional Services ("the Commissioner").

6. Clause 4 provides for the power of the Courts to make a detention order.

7. A detention order may be made against a young offender who is a first offender and not drug dependant and for whom a short-term custodial sentence is appropriate. The period of detention shall be determined by the Commissioner but in aggregate be not less than 3 months and not exceeding 9 months. Each period of detention shall comprise an initial detention period of not less than 2 months and not exceeding 5 months and a following period of residence of a duration varying from 1 to 4 months. The detention order will lapse if the young offender becomes subject to another immediate custodial sentence.

8. It is also provided that a person released from a rehabilitation centre will be subject to a supervision order for a fixed term of one year. Upon any breach of such supervision order, the Commissioner may make a recall order against him requiring him to return to the rehabilitation centre (clause 7).

9. A fuller picture of the operation of the proposed scheme may be gained by reading the Bill together with the proposed Rehabilitation Centres Regulation attached as Annex B to the LegCo Brief. The Regulation is to be made by the Chief Executive in Council. It would be subsidiary legislation subject to the scrutiny of LegCo under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

Public Consultation

10. There has not been any public consultation on the Bill.

Consultation with LegCo Panel

11. The Security Panel was briefed on the legislative proposal at the Panel meeting held on 3 December 1998. Most of the members present supported the proposal in principle.

Conclusion

12. This Division is seeking clarification from the Administration on certain drafting matters. Since the Bill signifies a new step in tackling juvenile delinquency, Members may wish to form a Bills Committee to study the proposed legislation in detail.

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