

立法會

Legislative Council

LC Paper No. CB(2)481/01-02

(These minutes have been
seen by the Administration)

Ref : CB2/SS/2/01

Subcommittee on Rehabilitation Centres Regulation

Minutes of the 2nd meeting

**held on Wednesday, 24 October 2001 at 11:00 am
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon James TO Kun-sun (Chairman)
Hon Cyd HO Sau-lan
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon CHOY So-yuk
Hon WONG Sing-chi
- Member Absent** : Hon Michael MAK Kwok-fung
- Public Officers Attending** : Mr David WONG
Principal Assistant Secretary for Security

Miss Bonnie WONG
Assistant Commissioner of Correctional Services (Rehabilitation)

Miss Betty CHEUNG
Senior Government Counsel

Miss Stoney POON
Assistant Secretary for Security
- Clerk in Attendance** : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Mr Arthur CHEUNG
Assistant Legal Adviser 5

Ms Dora WAI
Senior Assistant Secretary (2) 4

The Subcommittee deliberated (Index of proceedings attached at **Annex**).

2. As requested by the Subcommittee, the Administration undertook to consider the following and provide the Subcommittee with a written response -

(a) Section 7 - Classification

whether the word "training" in section 7 could denote the nature of the activities in a Rehabilitation Centre vis-a-vis those in a Training Centre;

(b) Section 12 - Board to make recommendations for offender's promotion and discharge
Section 13 - Functions of Board

(i) whether the repetition of the functions of the Board of Review in sections 12 and 13 was necessary and if so how it could be avoided;

(ii) whether there was a more suitable Chinese name for the Board of Review;

(c) Section 14 - Supervision Order

(i) whether section 14 should also provide that if a supervision order was varied after the release of an offender from a rehabilitation centre, the revised supervision order should also be read and explained to the offender;

(ii) whether a supervision order should be read and explained to an offender in the presence of his parent(s) or guardian;

(iii) whether the signature of an offender should be required by way of acknowledgement in a supervision order;

(d) Section 16 - Procedures relating to drug tests

whether a copy of the acknowledgement of the notice to supply urine specimen for testing (Form 8 of Schedule 3) should be provided to the offender;

(e) Section 17 - Leave of absence

whether the period of leave of absence (not exceeding five consecutive days at any one time) should be extended;

(f) Section 20 - Report

whether the drafting of section 20 should be amended, in particular the words "dealt with", to the effect that the duties of a Superintendent in handling reports of disciplinary offences prescribed under section 19 would be clearly defined; and

(g) Schedule 1 of the Regulation - Conditions of a supervision order

whether the conditions of a supervision order should be made more extensive so that an aftercare officer would be able to exercise more supervision on an offender if the situation warranted.

3. The Administration was also requested to provide information on how the Correctional Services Department (CSD) had helped young offenders with very complicated family background to reintegrate into society after release from a CSD institution.

4. As requested by the Administration, the Chairman agreed that the Administration's written response to the above issues could be made in English first due to time constraint, with the Chinese version to be provided as soon as possible thereafter. However, any proposed amendments should be submitted in bilingual form.

5. The Subcommittee agreed that the scrutiny period be extended to 14 November 2001 and that a further meeting should be held on 2 November 2001 immediately after the House Committee meeting scheduled for 2:30 pm on that date to consider the Administration's response and discuss any outstanding matters.

6. There being no other business, the meeting ended at 1:10 pm.

Legislative Council Secretariat
23 November 2001

**Proceedings of the 2nd meeting of the Subcommittee on
Rehabilitation Centres Regulation
on Wednesday, 24 October 2001 at 11:00 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000-0133	Chairman	Section 12 - Board to make recommendations for offender's promotion and discharge	
0134-0153	Admin	Board of Review	
0154-0159	Chairman	Other officers to be appointed for services in rehabilitation centres	
0200-0209	Admin	Ditto	
0210-0233	Chairman	Role and functions of the Board of Review in respect of grading for offenders	
0234-0255	Admin	Ditto	
0256-0305	Chairman	Ditto	
0306-0345	Admin	Ditto	
0346-0353	Chairman	Ditto	
0354-0435	Admin	Ditto	
0436-0446	Chairman	Ditto	
0447-0554	Ms Cyd HO	Composition of the Board of Review and details of officers-in-charge of rehabilitation centres	
0555-0700	Admin	Ditto	
0701-0710	Chairman	Ditto	
0711-0849	ALA	Role and functions of the Board of Review in respect of grading for offenders	
0850-0859	Chairman	Ditto	
0900-0917	ALA	Ditto	
0918-0928	Chairman	Ditto	
0929-0936	Admin	Ditto	
0937-0957	Chairman	Ditto	
0958-1036	ALA	Authority for discharge of offenders	
1037-1041	Chairman	Ditto	
1042-1104	ALA	Ditto	
1105-1115	Ms Cyd HO	Ditto	
1116-1118	ALA	Ditto	
1119-1128	Chairman	Ditto	
1129-1134	ALA	Ditto	

Time	Speaker	Subject(s)	Action required
1135-1210	Ms Cyd HO	Authority for discharge of offenders	
1211-1221	Chairman	Ditto	
1222-1435	Admin	Ditto	
1436-1504	Chairman	Ditto	
1505-1533	Admin	Ditto	
1534-1637	Chairman	Section 13 - Functions of Board	
1638-1722	ALA	Repetition of the functions of the Board of Review in sections 12 and 13	
1723-1826	Chairman	Admin to consider whether the repetition of the functions of the Board of Review in sections 12 and 13 is necessary	✓
1827-1834	ALA	Repetition of the functions of the Board of Review in sections 12 and 13	
1835-2130	Chairman	(a) Section 14 - Supervision order (b) Section 15 - Conditions of a supervision order; and (c) Scope of paragraphs (j) and (k) of Schedule 1 - Conditions of a supervision order	
2131-2400	Admin	Scope of paragraphs (j) and (k) of Schedule 1	
2401-2405	Chairman	Ditto	
2406-2442	Admin	Ditto	
2443-2535	Chairman	Ditto	
2536-2605	Admin	Ditto	
2606-2622	Mr WONG Sing-chi	Ditto	
2623-2636	Admin	Ditto	
2637-2653	Mr WONG Sing-chi	Ditto	
2654-2701	Admin	Ditto	
2702-2759	Mr WONG Sing-chi	Ditto	
2800-3021	Admin	(a) General conditions of a supervision order; and (b) Scope of paragraphs (j) and (k) of Schedule 1	
3022-3049	Mr WONG Sing-chi	Scope of a supervision order	
3050-3131	Chairman	Scope of a probation order	
3132-3136	Admin	Scope of a supervision order	
3137-3139	Chairman	Ditto	
3140-3203	Admin	Ditto	
3204-3210	Mr WONG Sing-chi	Issue of a supervision order	
3211-3227	Admin	Ditto	
3228-3233	Mr WONG Sing-chi	Ditto	
3234-3428	Admin	Ditto	

Time	Speaker	Subject(s)	Action required
3429-3431	Mr WONG Sing-chi	Variation of a supervision order	
3432-3441	Chairman	Ditto	
3442-3510	Mr WONG Sing-chi	Ditto	
3511-3519	Admin	Ditto	
3520-3538	Chairman	Ditto	
3539-3655	Mrs Sophie LEUNG	Scope of paragraphs (j) and (k) of Schedule 1	
3656-3741	Chairman	Ditto	
3742-3751	Admin	Admin to consider whether the conditions of a supervision order should be made more extensive	✓
3752-3831	Ms Cyd HO	Way of helping young offenders with problematic family background after release from a CSD institution	
3832-3841	Chairman	Ditto	
3842-3916	Admin	Ditto	
3917-3923	Chairman	Ditto	
3924-3953	Admin	Ditto	
3954-4021	Chairman	Ditto	
4022-4105	Admin	Ditto	
4106-4143	Chairman	Admin to provide information on how CSD has helped young offenders with problematic family background after release from a CSD institution	✓
4144-4219	Ms Cyd HO	Power of Social Welfare Department on protection for young offenders with problematic family background after release from a CSD institution	
4220-4245	Admin	Ditto	
4246-4251	Chairman	Ditto	
4252-4310	Admin	Ditto	
4311-4317	Ms Cyd HO	Ditto	
4318-4328	Chairman	Ditto	
4329-4336	Mr WONG Sing-chi	Ditto	
4337-4350	Chairman	Scope of paragraph (j) of Schedule 1	
4351-4406	Admin	Ditto	
4407-4419	Chairman	Ditto	
4420-4529	ALA	Variation of a supervision order	
4530-4534	Admin	Ditto	
4535-4539	Chairman	Ditto	
4540-4543	Admin	Ditto	
4544-4616	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
4617-4636	ALA	Penalty for violation of a supervision order	
4637-4647	Admin	Admin to consider whether section 14 should provide for procedures to be followed in case of variation of a supervision order after the release of an offender from a CSD institution	✓
4648-4712	Ms Cyd HO	Procedures to be followed in case of variation of a supervision order after the release of an offender from a CSD institution	
4713-4748	Chairman	Ditto	
4749-4817	ALA	Provision of a copy of the supervision order to the offender	
4818-4843	Chairman	Ditto	
4844-4846	Admin	Ditto	
4847-4855	Chairman	Ditto	
4856-4918	Mr WONG Sing-chi	Acknowledgement signature of an offender in a supervision order	
4919-4949	Chairman	Ditto	
4950-5009	Admin	Ditto	
5010-5059	Chairman	Ditto	
5100-5137	Ms Cyd HO	Serving of a supervision order on an offender	
5138-5200	ALA	Ditto	
5201-5212	Ms Cyd HO	Ditto	
5213-5231	Chairman	Ditto	
5232-5253	ALA	Ditto	
5254-5333	Chairman	Admin to consider whether section 14 should provide for procedures to be followed for serving a supervision order on an offender	✓
5334-5353	Mr WONG Sing-chi	Presence of parent(s) or guardian when serving a supervision order on an offender	
5354-5405	Chairman	Ditto	
5406-5417	Mr WONG Sing-chi	Ditto	
5418-5420	Chairman	Ditto	
5421-5422	Mr WONG Sing-chi	Ditto	
5423-5433	Ms Cyd HO	Ditto	
5434-5508	Mr WONG Sing-chi	Ditto	
5509-5520	Chairman	Serving of a supervision order on an offender before release from a CSD institution	
5521-5527	Admin	Ditto	

Time	Speaker	Subject(s)	Action required
5528-5622	Mrs Sophie LEUNG	Serving of a supervision order on an offender in the presence of his parent(s) or guardian	
5623-5640	Chairman	Admin to consider whether a supervision order should be served on an offender in the presence of his parent(s) or guardian	✓
5641-5730	Admin	Serving of a supervision order on an offender in the presence of his parent(s) or guardian	
5731-5737	Chairman	Ditto	
5738-5833	Admin	Ditto	
5834-5926	Chairman	The use of the words "refraining from" under paragraphs (i), (j) and (k) of Schedule 1	
5927-010008	Admin	Ditto	
010009-010054	Chairman	Ditto	
010055-010243	Admin	Ditto	
010244-010253	Chairman	Ditto	
010254-010329	ALA	Ditto	
010330-010341	Chairman	Ditto	
010342-010402	ALA	Ditto	
010403-010411	Ms Cyd HO	Ditto	
010412-010457	Chairman	Ditto	
010458-010608	Mr WONG Sing-chi	Section 16 and Schedule 2 - Procedures relating to drug tests (acknowledgement of notice to supply urine specimen for testing)	
010609-010720	Admin	Form 8 of schedule 3 - Forms (acknowledgement of notice to supply urine specimen for testing)	
010721-010728	Mr WONG Sing-chi	Acknowledgement of notice to supply urine specimen for testing	
010729-010805	Chairman	Ditto	
010806-010815	Admin	Ditto	
010816-010821	Chairman	Ditto	
010822-010824	Mr WONG Sing-chi	Provision of a copy of the acknowledgement of notice to supply urine specimen for testing to an offender	
010825-010838	Admin	Ditto	
010839-010840	Chairman	Ditto	
010841-010853	Mr WONG Sing-chi	Ditto	

Time	Speaker	Subject(s)	Action required
010854-010936	Admin	Provision of a copy of the acknowledgement of notice to supply urine specimen for testing to an offender	
010937-010955	Chairman	Ditto	
010956-011005	Admin	Ditto	
011006-011007	Mr WONG Sing-chi	Ditto	
011008-011036	Admin	Ditto	
011037-011038	Mr WONG Sing-chi	Ditto	
011039-011049	Chairman	Current practice under the Drug Addiction Treatment Centres Ordinance in respect of acknowledgement of notice to supply urine specimen for testing	
011050-011055	Admin	Ditto	
011056-011101	Chairman	Provision of a copy of the acknowledgement of notice to supply urine specimen for testing to an offender	
011102-011112	Admin	Ditto	
011113-011238	Chairman	Admin to consider whether a copy of the acknowledgement of the notice to supply urine specimen for testing should be provided to an offender	✓
011239-011258	Chairman	Section 17 - Leave of absence (reason for setting the period at not exceeding five consecutive days)	
011259-011311	Admin	Ditto	
011312-011416	Chairman	Ditto	
011417-011419	Admin	Ditto	
011420-011429	Chairman	Ditto	
011430-011436	Admin	Ditto	
011437-011503	Chairman	Ditto	
011504-011559	Mrs Sophie LEUNG	Ditto	
011600-011607	Chairman	Ditto	
011608-011635	ALA	Extension of the period of leave of absence	
011636-011639	Chairman	Ditto	
011640-011654	Ms Cyd HO	Ditto	
011655-011701	Chairman	Admin to consider whether the period of leave of absence should be extended	✓
011702-011742	Chairman	Section 18 - Disciplinary offences	
011743-011902	ALA	Offences against prison discipline under rule 61 of the Prison Rules	
011903-012032	Chairman	Section 19 - Investigation of disciplinary offences, and awards, by Superintendent	

Time	Speaker	Subject(s)	Action required
012033-012109	Ms Cyd HO	Demotion of grade under section 19	
012110-012138	Admin	Ditto	
012139-012247	ALA	Difference in procedures in handling demotion of grade under section 19 and promotion to a higher grade under section 12	
012248-012439	Admin	Ditto	
012440-012506	Chairman	Meaning of section 20 - Report	
012507-012532	Admin	Ditto	
012533-012607	Chairman	Ditto	
012608-012645	ALA	Definition of "dealt with" under section 20	
012646-012717	Admin	Repetition of the requirement to report disciplinary offences against offenders to Superintendent in sections 19(1) and 20	
012718-012742	Chairman	Ditto	
012743-012918	ALA	Definition of "dealt with" under section 20	
012919-012949	Mrs Sophie LEUNG	Ditto	
012950-013014	Chairman	Ditto	
013015-013032	Mrs Sophie LEUNG	Ditto	
013033-013039	Chairman	Ditto	
013040-013056	Mrs Sophie LEUNG	Ditto	
013057-013126	ALA	Ditto	
013127-013204	Mrs Sophie LEUNG	Ditto	
013205-013242	Chairman	Ditto	
013243-013254	ALA	Ditto	
013255-013336	Mrs Sophie LEUNG	Ditto	
013337-013543	Admin	Definition of "dealt with" and duties of a Superintendent in handling reports of disciplinary offences against offenders	
013544-013633	Mrs Sophie LEUNG	Duties of a Superintendent in handling reports of disciplinary offences against offenders	
013634-013740	Chairman	Drafting of sections 19 and 20	
013741-013828	Mrs Sophie LEUNG	Duties of a Superintendent in handling reports of disciplinary offences against offenders	
013829-013846	Chairman	Need to review the drafting of sections 19 and 20 to make clear the definition of "dealt with" and duties of a Superintendent in handling reports of disciplinary offences against offenders	
013847-013925	Ms Cyd HO	Ditto	
013926-013930	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
013931-013939	Ms Cyd HO	Need to review the drafting of sections 19 and 20 to make clear the definition of "dealt with" and duties of a Superintendent in handling reports of disciplinary offences against offenders	
013940-013955	Chairman	Ditto	
013956-014008	Admin	Ditto	
014009-014040	Chairman	Ditto	
014041-014109	Admin	Ditto	
014110-014200	Chairman	Members' views on duties of a Superintendent in respect of investigation of disciplinary offences of offenders and awards	
014201-014255	Mrs Sophie LEUNG	Grey areas in the process between procedural/clerical tasks and investigation of disciplinary offences of offenders	
014256-014301	Chairman	Ditto	
014302-014329	Ms Cyd HO	Ditto	
014330-014414	Mrs Sophie LEUNG	Ditto	
014415-014444	Chairman	Ditto	
014445-014525	ALA	Ditto	
014526-014535	Chairman	Ditto	
014536-014546	ALA	Ditto	
014547-014608	Mrs Sophie LEUNG	Ditto	
014609-014632	Ms Cyd HO	Ditto	
014633-014647	Mrs Sophie LEUNG	Need to review the drafting of sections 19 and 20 to make clear the definition of "dealt with" and duties of a Superintendent in handling reports of disciplinary offences prescribed under section 19	
014648-014659	Chairman	Ditto	
014700-014704	Ms Cyd HO	Ditto	
014705-014708	Chairman	Ditto	
014709-014734	ALA	Ditto	
014735-014835	Admin	Ditto	
014836-014927	Chairman	Admin to consider whether the drafting of section 20 should be amended to clearly define the duties of a Superintendent in handling reports of disciplinary offences	✓
014928-015007	Chairman	Section 22 - Offenders given opportunity to defend against allegation of a disciplinary offence	
015008-015013	Mr WONG Sing-chi	Ditto	

Time	Speaker	Subject(s)	Action required
015014-015031	Chairman	Section 22 - Offenders given opportunity to defend against allegation of a disciplinary offence	
015032-015035	Mr WONG Sing-chi	Ditto	
015036-015136	Chairman	Section 23 - Forms	
015137-015346	ALA	Chinese name of the Board of Review and the use of the word "training" in section 7	
015347-015406	Chairman	Ditto	
015407-015414	ALA	Ditto	
015415-015423	Chairman	Admin to consider whether there is a more suitable Chinese name for the Board of Review; and whether the word "training" in section 7 can denote the nature of the activities in a rehabilitation centre	✓
015424-015432	Mr WONG Sing-chi	Chinese name of the Board of Review	
015433-015528	Chairman	Ditto	
015529-015545	Admin	Legislative timetable	
015546-015553	Chairman	Extension of scrutiny period of the Regulation	
015554-015601	Admin	Legislative timetable	
015602-015625	Chairman	Ditto	
015626-015638	Admin	Ditto	
015639-015640	Chairman	Ditto	
015641-015658	Admin	Ditto	
015659-015716	Chairman	Ditto	
015717-015719	Admin	Ditto	
015720-015737	Chairman	Ditto	
015738-015746	Admin	Ditto	
015747-015805	Chairman	Ditto	
015806-015819	Admin	Admin's written response to be made	
015820-015823	Chairman	Ditto	
015824-015834	ALA	Ditto	
015835-015844	Admin	Ditto	
015845-015857	Chairman	Ditto	
015858-015900	Admin	Ditto	
015901-015916	Chairman	Ditto	
015917-015920	Admin	Ditto	
015921-015947	Ms Cyd HO	Legislative timetable	

Time	Speaker	Subject(s)	Action required
015948-020200	Chairman, members and Admin	Date of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
23 November 2001