

立法會

Legislative Council

LC Paper No. CB(2)482/01-02

(These minutes have been
seen by the Administration)

Ref : CB2/SS/2/01

Subcommittee on Rehabilitation Centres Regulation

Minutes of the 3rd meeting

held on Friday, 2 November 2001 at 3:55 pm

in Conference Room B 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 CHOY So-yuk
Hon WONG Sing-chi
- Members Absent** : Hon Ambrose LAU Hon-chuen, GBS, JP
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 : Mr Arthur CHEUNG
Attendance Assistant Legal Adviser 5

Ms Dora WAI
Senior Assistant Secretary (2) 4

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

2. Members questioned about the arrangements for permitting inmates of Correctional Services Department (CSD) institutions to participate in activities in places outside Hong Kong and requested the Administration to provide information on such arrangements for their reference.

Section 11 – Religious services and instruction

3. Ms Cyd HO expressed grave reservation in the Administration's response regarding section 11. The Chairman asked the Clerk to check with Ms HO after the meeting on whether she would move any amendment to the section and, if so, the Subcommittee should as far as possible discuss the proposed amendment.

Section 14 – Supervision order

4. As requested by the Subcommittee, the Administration would move a motion to amend section 14 to put the administrative arrangement for serving a supervision order, or a varied supervision order, on a statutory footing. The Administration undertook to review the drafting of its proposed amendment to more adequately reflect the legislative intent in the light of the comments made by the Assistant Legal Adviser.

Schedule 1 – Conditions of a supervision order

5. The Administration agreed to reconsider the Subcommittee's view that in order to enable the Commissioner of Correctional Services to impose more stringent supervision conditions in warranted cases, the scope of paragraphs (j) and (k) in Schedule 1 should be extended to cover any other offence of which an offender had previously been convicted. The Chairman indicated that he or the Subcommittee would move an amendment to that effect if the Administration was not prepared to do so. He requested the Assistant Legal Adviser to prepare a draft of his proposed amendments to Schedule 1 for members' consideration.

6. The Subcommittee agreed to hold a further meeting on 5 November 2001 at 9:30 am to consider the Administration's response and discuss any outstanding matters.

7. There being no other business, the meeting ended at 6:05 pm.

**Proceedings of the 3rd meeting of the Subcommittee on
Rehabilitation Centres Regulation
on Friday, 2 November 2001 at 3:55 pm
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000-0055	Members	Internal discussion on Admin's response to issues raised at the last two meetings (LC Paper No. CB(2)245/01-02(01))	
0056-0220	Chairman	Inviting Admin to brief members on the above response	
0221-0324	Admin	Appointment of other officers for services in rehabilitation centres under section 3(2)(c)	
0325-0355	Chairman	Ditto	
0356-0401	Ms Cyd HO	Ditto	
0402-0412	Chairman	Ditto	
0413-0421	Ms Cyd HO	Ditto	
0422-0439	Chairman	Ditto	
0440-0746	Admin	Current practice of classification of offenders under other CSD programmes and the use of the word "training"	
0747-0817	Chairman	The use of the word "training"	
0818-0949	ALA	Ditto	
0950-1003	Chairman	Ditto	
1004-1012	Admin	Ditto	
1013-1039	Mrs Sophie LEUNG	Ditto	
1040-1119	Chairman	Contents of programmes in different CSD institutions	
1120-1143	Admin	Ditto	
1144-1149	Chairman	Ditto	
1150-1201	Admin	Ditto	
1202-1220	Chairman	Ditto	
1221-1238	Admin	Ditto	
1239-1311	Chairman	Ditto	
1312-1337	Admin	Ditto	
1338-1413	Mr WONG Sing-chi	Classification of offenders	
1414-1421	Admin	Ditto	
1422-1428	Chairman	Ditto	
1429-1433	Mr WONG Sing-chi	Ditto	

Time	Speaker	Subject(s)	Action required
1434-1628	Admin	Grading system under the Training Centre programme and privileges of different grades	
1629-1640	Ms Cyd HO	Impact of demotion of grade on the release of an offender from a CSD institution	
1641-1711	Admin	Ditto	
1712-1731	Ms Cyd HO	Offenders' participation in activities outside Hong Kong	
1732-1752	Admin	Ditto	
1753-1758	Chairman	Ditto	
1759-1806	Admin	Ditto	
1807-1815	Chairman	Basis for permitting offenders to participate in activities outside Hong Kong	
1816-1822	Admin	Ditto	
1823-1830	Ms Cyd HO	Ditto	
1831-1833	Chairman	Ditto	
1834-1845	Admin	Ditto	
1846-1906	Ms Cyd HO	Need to extend the period of leave of absence	
1907-1932	Chairman	Ditto	
1933-2030	Mrs Sophie LEUNG	Ditto	
2031-2037	Admin	Ditto	
2038-2154	Chairman	Basis for permitting offenders to participate in activities outside Hong Kong	
2155-2220	Mrs Sophie LEUNG	Ditto	
2221-2226	Chairman	Ditto	
2227-2244	Mrs Sophie LEUNG	Ditto	
2245-2412	Admin	Ditto	
2413-2451	Ms Cyd HO	Ditto	
2452-2501	Chairman	Ditto	
2502-2638	ALA	Ditto	
2639-2722	Chairman	Admin to provide information on arrangements for permitting offenders to participate in activities outside Hong Kong	✓
2723-3014	Admin	Drafting of section 10(1) and (2)	
3015-3045	Ms Cyd HO	Ditto	
3046-3118	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
3119-3155	Mr WONG Sing-chi	Current system in assigning work to offenders in CSD institutions	
3156-3214	Admin	Ditto	
3215-3255	Mr WONG Sing-chi	Ditto	
3256-3327	Chairman	Ditto	
3328-3510	Admin	Ditto	
3511-3544	Mr WONG Sing-chi	Ditto	
3545-3630	Chairman	Ditto	
3631-3654	Admin	Ditto	
3655-3705	Chairman	Ditto	
3706-3721	Admin	Ditto	
3722-3735	Chairman	Ditto	
3736-3739	Admin	Ditto	
3740-3754	Chairman	Ditto	
3755-3837	ALA	Need to amend the drafting of section 10(1) and (2) to avoid ambiguity	
3838-3843	Chairman	Ditto	
3844-3903	ALA	Ditto	
3904-3934	Mr WONG Sing-chi	Ditto	
3935-4011	Chairman	Ditto	
4012-4224	ALA	Ditto	
4225-4233	Chairman	Ditto	
4234-4249	ALA	Ditto	
4250-4302	Chairman	Ditto	
4303-4421	Admin	Ditto	
4422-4443	Chairman	Ditto	
4444-4625	Admin	Provision of religious services and instruction to offenders	
4626-4649	Chairman	Need for an offender to belong to a religious denomination before he could receive religious instruction	
4650-4655	Admin	Ditto	
4656-4748	Chairman	Ditto	
4749-4753	Admin	Ditto	
4754-4804	Chairman	Ditto	
4805-4824	Admin	Ditto	
4825-4906	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
4907-5053	Mrs Sophie LEUNG	Need for an offender to belong to a religious denomination before he could receive religious instruction	
5054-5155	Admin	Ditto	
5156-5304	Ms Cyd HO	Proof of belonging to a religious denomination	
5305-5423	Chairman	Proposed amendments to section 11 to protect religious freedom of offenders	
5424-5440	Ms Cyd HO	Ditto	
5441-5541	Mrs Sophie LEUNG	Proof of belonging to a religious denomination	
5542-5547	Chairman	Ditto	
5548-5611	Mrs Sophie LEUNG	Ditto	
5612-5654	Miss CHOY So-yuk	Ditto	
5655-5912	Admin	Ditto	
5913-010003	Chairman	Need for an offender to belong to a religious denomination before he could receive religious instruction	
010004-010044	Mrs Sophie LEUNG	Ditto	
010045-010139	Chairman	Need to amend the drafting of section 11 to ensure the provision of religious services and instruction to offenders who belong to a religious denomination	
010140-010151	Miss CHOY So-yuk	Ditto	
010152-010155	Chairman	Ditto	
010156-010210	Miss CHOY So-yuk	Ditto	
010211-010220	Chairman	Ditto	
010221-010227	ALA	Ditto	
010228-010305	Chairman	Ditto	
010306-010342	Ms Cyd HO	Religious services available to offenders in CSD institutions	
010343-010353	Chairman	Ditto	
010354-010529	Admin	Ditto	
010530-010624	Miss CHOY So-yuk	Ditto	
010625-010715	Admin	Ditto	
010716-010720	Chairman	Ditto	
010721-010725	Ms Cyd HO	Permissible activities for offenders	
010726-010743	Chairman	Ditto	
010744-010753	Miss CHOY So-yuk	Ditto	
010754-010958	Chairman	Ditto	
010959-011131	ALA	Permissible activities for offenders and participation in activities outside Hong Kong	

Time	Speaker	Subject(s)	Action required
011132-011232	Ms Cyd HO	Right of an offender to receive religious services and instruction	
011233-011357	Chairman	Ditto	
011358-011439	Ms Cyd HO	Need for an offender to belong to a religious denomination before he could receive religious instruction	
011440-011444	Chairman	Ditto	
011445-011514	Ms Cyd HO	Ditto	
011515-011611	Chairman	Need to amend the drafting of section 11 to ensure the provision of religious services and instruction to offenders who belong to a religious denomination	
011612-011647	Miss CHOY So-yuk	Ditto	
011648-011716	Chairman	Ditto	
011717-011753	Miss CHOY So-yuk	Ditto	
011754-011802	Chairman	Ditto	
011803-011811	Miss CHOY So-yuk	Ditto	
011812-011819	Chairman	Ditto	
011820-011918	Miss CHOY So-yuk	Ditto	
011919-011950	Mrs Sophie LEUNG	Balance between protection of religious freedom and maintenance of prison discipline	
011951-012017	Chairman	Ditto	
012018-012136	Mrs Sophie LEUNG	Ditto	
012137-012326	Miss CHOY So-yuk	Ditto	
012327-012419	Chairman	Genuine need of an offender to receive religious services and instruction	
012420-012501	Miss CHOY So-yuk	Ditto	
012502-012527	Chairman	Ditto	
012528-012654	Ms Cyd HO	Ditto	
012655-012718	Chairman	Ditto	
012719-012953	Admin	Balance between protection of religious freedom and maintenance of prison discipline	
012954-012957	Chairman	Ditto	
012958-013001	Ms Cyd HO	Ditto	
013002-013045	Chairman	Ditto	
013046-013139	Admin	Briefing on its response to members' proposal to amend the drafting of sections 12 and 13 concerning the Board of Review	

Time	Speaker	Subject(s)	Action required
013140-013201	Chairman	Section 14 - Supervision order	
013202-013250	Admin	Briefing on its proposed amendment to section 14 in order to put the administrative arrangement for serving a supervision order, or a varied supervision order, on a statutory footing	
013251-013315	Chairman	Admin's proposed resolution to amend section 14	
013316-013444	ALA	Drafting of the proposed resolution to amend section 14	
013445-013457	Chairman	Ditto	
013458-013630	ALA	Ditto	
013631-013643	Chairman	Ditto	
013644-013812	ALA	Ditto	
013813-013922	Admin	Ditto	
013923-014055	ALA	Ditto	
014056-014252	Admin	Admin to review the drafting of its proposed amendment to section 14 in order to more adequately reflect the legislative intent	✓
014253-014300	Chairman	Way of serving a supervision order on an offender after release from a CSD institution	
014301-014313	Admin	Ditto	
014314-014321	Chairman	Ditto	
014322-014532	Admin	(a) Way of serving a supervision order on an offender after release from a CSD institution; (b) Procedures for drug tests; and (c) Leave of absence	
014533-014548	Chairman	Extension of the period of leave of absence	
014549-014552	Admin	Ditto	
014553-014601	Chairman	Ditto	
014602-014607	Miss CHOY So-yuk	Ditto	
014608-014641	Mrs Sophie LEUNG	Ditto	
014642-014837	Admin	Reports of disciplinary offences against offenders	
014838-014852	Chairman	Schedule 1 – Conditions of a supervision order	
014853-015005	Admin	Schedule 1	
015006-015113	Chairman	Scope of paragraphs (j) and (k) of Schedule 1	
015114-015327	Admin	Ditto	
015328-015457	Chairman	Ditto	

Time	Speaker	Subject(s)	Action required
015458-015553	Miss CHOY So-yuk	Scope of paragraphs (j) and (k) of Schedule 1	
015554-015614	Chairman	Ditto	
015615-015715	Mrs Sophie LEUNG	Ditto	
015716-015734	Chairman	Ditto	
015735-015827	Admin	Ditto	
015828-015928	Chairman	Ditto	
015929-020038	Mrs Sophie LEUNG	Ditto	
020039-020137	Miss CHOY So-yuk	Ditto	
020138-020139	Chairman	Ditto	
020140-020146	Admin	Admin to reconsider extending the scope of paragraphs (j) and (k) of Schedule 1 to cover any other offence of which an offender had previously been convicted	✓
020147-020323	ALA	Scope of paragraphs (j) and (k) of Schedule 1	
020324-020350	Chairman	ALA to prepare draft amendments to Schedule 1 in the light of members' views	✓
020351-020403	Chairman	Assistance to offenders with problematic family background	
020404-020603	Admin	Ditto	
020604-021115	Chairman, members and Admin	(a) Date of next meeting; and (b) Clerk to check with Ms Cyd HO on whether she would move an amendment to section 11	✓

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

Council Business Division 2
Legislative Council Secretariat
 23 November 2001