

Rehabilitation Centres Regulation

(Made by the Chief Executive in Council under section 13
of the Rehabilitation Centres
Ordinance (Cap. 567))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires---

"Board" (委員會) means a Board of Review appointed under section 12(1);

"dangerous drug" (危險藥物) means a dangerous drug within the meaning of the Dangerous Drugs Ordinance (Cap. 134);

"disciplinary offence" (違紀行爲) means a disciplinary offence under section 17(3) or 18;

"officer" (人員) means a correctional services officer;

"Officer-in-charge" (主管人員) means an officer appointed under section 3(2)(b) to be in charge of a rehabilitation centre;

"Superintendent" (監督) means an officer appointed under section 3(2)(a) to assist the Commissioner in the administration of a rehabilitation centre.

3. Administration of rehabilitation centres

(1) The Commissioner shall have the general charge and control of all rehabilitation centres.

(2) The Commissioner shall---

(a) appoint for each rehabilitation centre an officer to be Superintendent of the centre to assist him in the administration of the centre;

(b) appoint for each rehabilitation centre an officer to be Officer-in-charge of the centre; and

(c) appoint such other officers as he may consider necessary for services in rehabilitation centres.

4. Reception of offenders

The Commissioner shall, upon delivery to him of a detention order, cause to be made all necessary arrangements for the reception of the offender named in the detention order.

5. Medical examination

Every offender shall, on the day of his admission or as soon as possible after his admission to a rehabilitation centre, be separately examined by a medical

officer.

6. Personal record of offenders

Every offender shall, as soon as possible after his admission, be interviewed by the Officer-in-charge, who shall, with reference to rule 12 of the Prison Rules (Cap. 234 sub. leg.), cause to be entered in the offender's record such personal particulars as the Officer-in-charge considers necessary.

7. Classification

The Commissioner shall classify all offenders, having regard to their character, previous history and other relevant circumstances and shall arrange for each offender to receive his training at the rehabilitation centre which is, in the opinion of the Commissioner, most suitable.

8. Grades

- (1) Offenders shall be divided into such grades as the Commissioner may approve.
- (2) The privileges of each grade shall be specified by the Commissioner.

9. Diet

Every offender shall be supplied with food in accordance with scales of diet as the Chief Executive may approve from time to time.

10. Training

(1) Every offender, unless excused by a medical officer on medical grounds, shall from the beginning of his sentence be engaged in suitable work calculated to assist his reintegration into society on discharge.

(2) No offender shall be engaged in any work unless he has been certified by a medical officer to be fit for work of that description.

(3) An offender upon his release from a rehabilitation centre, may receive a cash grant in accordance with an earnings scheme approved by the Commissioner.

11. Religious services and instruction

The Officer-in-charge may, if satisfied that an offender belongs to a religious denomination, if the offender so desires and it is reasonably practicable to do so, make arrangements for the offender to attend or receive appropriate religious services or instruction.

12. Board to make recommendations for offender's promotion and discharge

(1) The Commissioner shall appoint for each rehabilitation centre a Board of Review consisting of the Superintendent and the Officer-in-charge of the centre and such other officers as the Commissioner may select, to watch the behaviour of each offender and to make recommendations for his promotion to a higher grade and discharge.

- (2) The Board shall cause an offender to be brought before it once a month or

as more frequently as the Board considers necessary during his detention.

13. Functions of Board

The functions of a Board shall be---

- (a) to assess each offender's progress and make recommendations to the Commissioner concerning the offender's promotion to a higher grade;
- (b) to make recommendations to the Commissioner in respect of the transfer of an offender to a training centre or prison;
- (c) to make recommendations to the Commissioner relating to the release of any offender having regard to the objective of securing the offender's rehabilitation and his reintegration into society, and the need to protect the public from potential harm from the offender.

14. Supervision order

A supervision order shall be read and explained to an offender by the Officer-in-charge before the release of the offender from the rehabilitation centre.

15. Conditions of a supervision order

Conditions that may be specified for inclusion in a supervision order may relate to matters referred to in Schedule 1.

16. Procedures relating to drug tests

Where an offender is required under a condition of a supervision order to supply a urine specimen for drug test, the procedures to be followed by officers are those set out in Schedule 2.

17. Leave of absence

(1) The Commissioner may grant to an offender permission to be absent from a rehabilitation centre for a period not exceeding 5 consecutive days at any one time.

(2) An offender permitted to be absent under subsection (1) shall be given a pass signed by the Commissioner stating the period during which the offender is permitted to be absent from the rehabilitation centre and the address at which the offender is required to reside during his absence.

(3) An offender who, without reasonable excuse, fails to return to the rehabilitation centre at or before the expiration of the period for which he has been granted leave shall be guilty of a disciplinary offence.

18. Disciplinary offences

An offender who commits any of the offences enumerated in rule 61 of the Prison Rules (Cap. 234 sub. leg.) as applied by section 12 of the Ordinance shall be guilty of a disciplinary offence.

19. Investigation of disciplinary offences, and awards, by Superintendent

- (1) Every allegation of a disciplinary offence shall be reported forthwith to

the Superintendent and the Superintendent shall investigate every report of such an offence not later than the following day, unless that day is a public holiday.

(2) If, upon investigation, the Superintendent determines that the disciplinary offence is proved, he shall make one or more of the following awards---

- (a) caution;
- (b) forfeiture of privileges for a period not exceeding 1 month;
- (c) demotion of grade;
- (d) deduction from earnings of the cost of any Government property lost or wilfully damaged.

(3) For the purpose of subsection (2), "privileges" (特惠) shall be taken to include association, games and entertainment.

(4) An offender may appeal to the Commissioner against a determination or an award made by the Superintendent under subsection (2) within 48 hours after the making of the determination or award, as the case may be, by giving notice in writing to the Superintendent, who shall forthwith notify the Commissioner and stay execution of the determination or award pending the outcome of the appeal.

(5) The Commissioner may confirm, vary or reverse the determination or award against which the appeal is made or may substitute for such award any other award which the Superintendent was competent to make under subsection (2).

20. Report

No report under section 19 against an offender shall be dealt with by an officer of the rehabilitation centre except the Superintendent.

21. Offenders may be kept apart pending adjudication of disciplinary offence

When an offender has been reported for a disciplinary offence, the Officer-in-charge may order him to be kept apart from other offenders, pending adjudication if and only if he is satisfied---

- (a) that such order is necessary to prevent collusion between the offender concerned and other offenders in respect of the disciplinary offence in the interest of the administration of justice; or
- (b) that such order is necessary to protect the offender concerned from potential harm from other offenders, or vice versa.

22. Offenders given opportunity to defend against allegation of a disciplinary offence

An offender shall, before a report is dealt with, be informed of the disciplinary offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence.

23. Forms

The forms set out in Schedule 3 shall be used for the purposes specified therein.

SCHEDULE 1 [s. 15]

Conditions of a Supervision Order

Conditions in a supervision order may include conditions relating to the offender's---

- (a) reporting requirements under the order;
- (b) employment;
- (c) schooling;
- (d) place of residence;
- (e) remaining within any geographical area;
- (f) attendance for medical treatment;
- (g) supplying his urine specimen for drug test if required;
- (h) being or not being at a specified place at certain days or time of a day;
- (i) refraining from abusing dangerous drugs;
- (j) refraining from associating with persons who have any connection with the offence for which he was sentenced; and
- (k) refraining from visiting any place connected with the offence for which he was sentenced.

SCHEDULE 2 [s. 16]

Procedures Relating to Drug Tests

1. Where an offender is reasonably suspected to have abused any dangerous drugs during the period when he is subject of a supervision order, the officer who has been designated to supervise him may, after obtaining endorsement from the Superintendent, require the offender to supply a urine specimen for drug test.
2. The officer shall serve a notice in Form 8 of Schedule 3 on the offender in the presence of a witness who may be a family member of the offender or another officer.
3. If the offender upon whom a notice has been served does not wish to give consent for supplying a urine specimen, he may indicate so in the acknowledgment form attached to the notice and make written representations to the Commissioner stating his reasons why the requirement is considered not justified within 48 hours after his receipt of the notice.
4. The Commissioner shall decide, having regard to all relevant circumstances, whether the offender is required to supply his urine specimen and the decision of the Commissioner shall be final.
5. The offender shall be informed of the decision of the Commissioner.

SCHEDULE 3 [s. 23 & Sch. 2]

Forms

Form 1 [s. 4(3) of the Ordinance]

Rehabilitation Centres Ordinance

(Cap. 567)

WARRANT OF REMAND IN CUSTODY PENDING RECEIPT OF REPORT

AS TO SUITABILITY FOR A SENTENCE OF DETENTION

(For Magistrate's Court only)

In the Magistrate's Court of the Hong Kong Special Administrative

Region held at

Case No. of

To each and all of the police officers of the Hong Kong Special Administrative Region and to the Commissioner of Correctional Services (hereinafter called "the Commissioner").

[Name of defendant]

(hereinafter called "the defendant") being apparently of or over 14 but under 21 years of age, has this day been convicted of a relevant offence:

(1)

(2)

The further hearing of the case being adjourned pending receipt of a report from the Commissioner as to the suitability of the defendant for a sentence of detention.

YOU, the police officers are therefore required to convey the defendant and deliver him to the Commissioner together with this warrant; and you, the Commissioner to receive the defendant

into your custody and keep him until the day

of 20....., and on

that day you, the said police officers are required to convey him before the Magistrate's Court

sitting at Court No. at the hour of in

the noon to be further dealt

with according to law, unless otherwise ordered in the meantime.

Dated this day of

20.....

Charge sheet, summary of facts and criminal record attached.

Magistrate

Note: (1) State the substance of the offence.

(2) Specify the Ordinance and the relevant section.

Form 2 [s. 4(3) of the Ordinance]

Rehabilitation Centres Ordinance

(Cap. 567)

Warrant of Remand in Custody Pending Receipt of Report
as to Suitability for a Sentence of Detention

(For District/High Court*only)

In the District Court/Court of First Instance of the High Court* of
the Hong Kong Special Administrative Region held
at

Case No. of

To the Commissioner of Correctional Services of the Hong Kong Special
Administrative Region (hereinafter called "the Commissioner").

[Name of defendant]

(hereinafter called "the defendant") being apparently of or over 14 but under 21 years
of age, has this day been convicted of a relevant offence:

- (1)
- (2)

The further hearing of the case being adjourned pending receipt of a report from
the Commissioner as to the suitability of the defendant for a sentence of detention.

YOU, the Commissioner are therefore required to receive the defendant into your
custody

and keep him until the day of
20....., and on that day you, the

Commissioner are required to convey him before the District Court/Court of First
Instance of the

High Court* sitting at Court No. at the hour of in
the noon to be

further dealt with according to law, unless otherwise ordered in the meantime.

Dated this day of
20..... .

Charge sheet, summary of facts and criminal record attached.

Judge/District Judge*

Note: (1) State the substance of the offence.

(2) Specify the Ordinance and the relevant section.

* Delete where applicable.

Form 3 [s. 4(1) of the Ordinance]

Rehabilitation Centres Ordinance

(Cap. 567)

Detention Order

(For Magistrate's Court only)

In the Magistrate's Court of the Hong Kong Special Administrative Region held at
Case No. of

To each and all of the police officers of the Hong Kong Special Administrative Region and to the Commissioner of Correctional Services (hereinafter called "the Commissioner").

[Name of defendant]

(hereinafter called "the offender") being apparently of or over 14 and under 21 years of age, was

on the day of 20..... duly found guilty of a relevant offence, for

that he on the day of

20..... in the Hong Kong Special

Administrative Region did (1)

contrary to

(2)

and a detention order has been made against him under section of the Rehabilitation Centres Ordinance (Cap. 567).

This order therefore commands you, the police officers to take the offender and deliver him to the Commissioner together with this order; and you, the Commissioner to receive the offender and keep him in your custody in accordance with the provisions of the Ordinance, and this shall be your authority to do so.

Dated this day of
20.....

Magistrate

Note: (1) State the substance of the offence.

(2) Specify the Ordinance and the relevant section.

Form 4 [s. 4(1) of the Ordinance]

Rehabilitation Centres Ordinance

(Cap. 567)

Detention Order

(For District/High Court* only)

In the District Court/Court of First Instance of the High Court* of the Hong Kong Special Administrative Region held

at

Case No. of

To the Commissioner of Correctional Services of the Hong Kong Special Administrative Region and to (hereinafter called "the Commissioner").

[Name of defendant]

(hereinafter called "the offender") being apparently of or over 14 and under 21 years of age, was

on the day of 20..... duly found guilty of a relevant offence, for

that he on the day of

20..... in the Hong Kong Special

Administrative Region did (1)

contrary to

(2)

and a detention order has been made against him under section of the Rehabilitation

Centres Ordinance (Cap. 567).

This order therefore commands you, the Commissioner to receive the offender and keep him in your custody in accordance with the provisions of the Ordinance, and this shall be your authority to do so.

Dated this day of

20.....

Judge/District Judge*

Note: (1) State the substance of the offence.

(2) Specify the Ordinance and the relevant section.

* Delete where applicable.

Form 5 [s. 6(1) of the Ordinance]

Rehabilitation Centres Ordinance

(Cap. 567)

Supervision Order

To (1)

I HEREBY ORDER that upon your release from

Rehabilitation Centre on the day of

20....., you shall be subject

to supervision by officers on aftercare duties of

Rehabilitation Centre, until the day

of 20..... and during such

period of supervision you shall comply with the following conditions:

Dated this day of
20..... .

Commissioner of Correctional Services

Note: (1) Insert name of offender detained in rehabilitation centre.

Form 6 [s. 6(6) of the Ordinance]

Rehabilitation Centres Ordinance

(Cap. 567)

Recall Order

To (1)

(2)

Being satisfied that (1)

a person against whom a supervision order was made dated

and who was released subject to supervision by (2) has been

ordered by (Magistrate/District Judge/

Judge*) in the Magistrate's Court/District Court/Court of First Instance of the High Court* of the

Hong Kong Special Administrative Region on to be made subject of

a recall order, I do hereby order the recall of (1)

..... to

Rehabilitation Centre.

Dated this day of
20..... .

Commissioner of Correctional Services

Note: (1) Insert name of offender detained in rehabilitation centre.

(2) Insert name(s) of officer(s) designated by the Commissioner of Correctional Services.

* Delete where applicable.

Form 7 [s. 7(1) of the Ordinance]

Rehabilitation Centres Ordinance

(Cap. 567)

Recall Order

To (1)

(2)

Being satisfied that (1)
a person against whom a supervision order was made dated
and who was released subject to supervision by (2)
has failed to comply with the requirements of the supervision order,
I do hereby order the recall of (1) to

.....
Rehabilitation Centre.

Dated this day of
20..... .

Commissioner of Correctional Services

Note: (1) Insert name of offender detained in rehabilitation centre.

(2) Insert name(s) of officer(s) designated by the Commissioner of Correctional Services.

Form 8 [s. 16 & Sch. 2]
Rehabilitation Centres Regulation
(L.N. 195 of 2001)

Notice to Supply Urine Specimen for Testing

1. By virtue of section 16 of the Rehabilitation Centres Regulation (L.N. 195 of 2001), you,

(name of offender) are required to supply your urine specimen to
..... (name of officer)
for testing upon receipt of this notice.

2. If you do not consent to supply a urine specimen for testing, you may make a written representation to the Commissioner of Correctional Services within 48 hours after receipt of this notice.

3. The Commissioner of Correctional Services will decide whether you are required to act in accordance with this notice and his decision is final. You will be informed of the decision.

4. You will be in breach of a condition of the supervision order if you refuse to act in accordance with the decision of the Commissioner of Correctional Services.

Dated this day of
20..... .

Superintendent,
Rehabilitation Centre

Acknowledgment of Notice to Supply
Urine Specimen for Testing

1. I (name of offender) acknowledge receipt of a copy of the notice requiring me to supply a urine specimen for testing and
I am fully aware of my rights set out in the notice.
2. I consent/do not consent* to supply a urine specimen for testing.
3. I wish/do not wish* to make a written representation to the Commissioner of Correctional Services in this regard.

(Signature)

Name:

Date:

Time:

Witnessed by:

Name:

Date:

* Delete where applicable.

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

25 September 2001

Explanatory Note

This Regulation is made under the Rehabilitation Centres Ordinance (Cap. 567) ("the principal Ordinance") and provides for---

- (a) the operation and management of rehabilitation centres;
- (b) the treatment, employment, discipline, control and welfare of offenders detained in a rehabilitation centre;
- (c) conditions that may be imposed under a supervision order and the related procedures to be followed by officers; and
- (d) forms to be adopted for the purposes of the principal Ordinance and this Regulation.