

立法會
Legislative Council

LC Paper No. LS18/08-09

**Paper for the House Committee Meeting
on 28 November 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 21 November 2008**

Date of tabling in LegCo : 26 November 2008

Amendment to be made by : 17 December 2008 (or 14 January 2009 if extended by resolution)

PART I THREE ORDERS MADE BY THE SECRETARY FOR SECURITY

Detention Centres Ordinance (Cap. 239)

Detention Centre (Consolidation) (Amendment) Order 2008 (L.N. 246)

Prisons Ordinance (Cap. 234)

Prisons (Amendment) (No. 2) Order 2008 (L.N. 247)

Rehabilitation Centres Ordinance (Cap. 567)

Rehabilitation Centres (Appointment) (Amendment) (No. 2) Order 2008 (L.N. 248)

The Secretary for Security has made the three Orders to amend –

- (a) the Detention Centre (Consolidation) Order (Cap. 239 sub. leg. B) to provide that Block C of the buildings situated at 35 Shek Pik Reservoir Road, Lantau Island will no longer form part of Sha Tsui Detention Centre (STDC). (L.N. 246)
- (b) the Schedule to the Prisons Order (Cap. 234 sub. leg. B) to discontinue the use of Block C of the buildings situated at 35 Shek Pik Reservoir Road, Lantau Island as a prison. (L.N. 247)
- (c) Schedule 1 to the Rehabilitation Centres (Appointment) Order (Cap. 567 sub. leg. B) to provide that Block C of the buildings situated at 35 Shek Pik Reservoir Road, Lantau Island will form part of Lai Chi Rehabilitation Centre (LCRC). (L.N. 248)

2. The Panel on Security has not been briefed on L.N. 246 to L.N. 248.
3. The Legal Service Division has asked the Administration to provide information about the reason for the said arrangements. In response, the Administration has explained that the LCRC and STDC are located adjacent to each other at the same site on Lantau Island. LCRC is designed to accommodate young offenders of or over 14 and under 21; whereas STDC is designed to accommodate young offenders of or over 14 and under 25. The demand for penal places at LCRC is on the rise; while that at STDC is quite steady. To alleviate the overcrowding situation at LCRC, there is a need to detach Block C from STDC to form part of LCRC.
4. L.N. 246 to L.N. 248 will come into operation on 19 January 2009.

PART II PREVENTION OF BRIBERY ORDINANCE

Prevention of Bribery Ordinance (Cap. 201)

Prevention of Bribery Ordinance (Amendment of Schedule 1) Order 2008 (L.N. 245)

5. The purpose of this Order is to amend Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) (the Ordinance) so as to add Wave Media Limited as a public body for the purposes of the Ordinance. The effect of the addition is that Wave Media Limited will become a public body. Its members and employees will become public servants under the Ordinance and provisions of the Ordinance will apply to them.
6. Members may refer to LegCo Brief File Ref: CTB(CR)9/2/27(08) Pt. 4 of 11 November 2008 issued by the Commerce and Economic Development Bureau for background information.
7. The Panel on Security has not been briefed on L.N. 245 (this Order).
8. The Order will come into operation on 15 January 2009.
9. There are no difficulties identified in relation to the legal or drafting aspect of the above items of subsidiary legislation.

Prepared by

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