

立法會
Legislative Council

LC Paper No. LS93/99-00

**Paper for the House Committee Meeting
of the Legislative Council on 3 March 2000**

**Legal Service Division Report on
Drug Dependent Persons Treatment and
Rehabilitation Centres (Licensing) Bill**

Objects of the Bill

- (a) To establish a regulatory scheme of treatment centres providing voluntary residential treatment and rehabilitation for drug dependants; and
- (b) to repeal the Drug Addicts Treatment and Rehabilitation Ordinance (Cap. 326).

LegCo Brief Reference

- 2. NCR 2/4/1 Pt.XI issued by the Security Bureau on 9 February 2000.

Date of First Reading

- 3. 23 February 2000.

Comments

- 4. The existing Drug Addicts Treatment and Rehabilitation Ordinance provides for the establishment and administration of centres for the treatment and rehabilitation of drug dependants. Under the Ordinance the Chief Executive in Council may by order declare any place to be an Addiction Treatment Centre for the detention, custody, treatment, care and rehabilitation of drug addicts. Admission into these centres is voluntary, but the treatment and rehabilitation is on a detention basis. Currently only two centres operated by the Society for the Aid and Rehabilitation of Drug Abusers have been declared as Addiction Treatment Centres, one on the island of Shek Kwu Chau and a women's centre in Shatin. Voluntary treatment centres operated by other non-government organizations are not covered by the Ordinance.

5. After reviewing the Ordinance and the existing treatment and rehabilitation policy, the Administration considers that the Ordinance is obsolete, and there is a need for uniform control of all centres providing voluntary residential treatment and rehabilitation services.

6. The Bill mainly deals with licensing aspects of treatment centres. Under the Bill, a treatment centre means any place used or intended to be used for the treatment of drug dependence or rehabilitation of 4 or more drug dependant persons on a voluntary and residential basis. In particular, the Bill provides for the procedure and criteria for the issue and revocation of licences, inspection of treatment centres, issue of Codes of Practice, and regulation-making powers of the Chief Executive in Council. The Codes of Practice would set out the principles, procedures or guidelines for the operation, management and control of treatment centres. On the other hand, subsidiary legislation to be made by the Chief Executive in Council may prescribe for the management, physical requirements and supervision of such centres.

Public Consultation

7. Paragraph 29 of the LegCo Brief states that the proposed licensing scheme is supported by the public, affected agencies, Provisional District Boards and the Action Committee Against Narcotics.

Consultation with the LegCo Panel

8. The Panel on Security was briefed on the proposed licensing scheme on 11 February 1999. In the meeting Members generally supported the proposal.

Conclusion

9. The Legal Service Division is still scrutinizing the legal aspects of the Bill and would submit a further report in due course. Meanwhile, Members may wish to consider whether a Bills Committee is necessary to consider the policy aspects of the proposed regulation scheme for treatment centres.

Prepared by
LEE Yu-sung
Senior Assistant Legal Adviser
Legislative Council Secretariat
1 March 2000