

立法會
Legislative Council

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**Paper for the House Committee Meeting
of the Legislative Council
on 12 November 1999**

**Legal Service Division Report on
Rehabilitation Centres Bill**

Object of the Bill

To provide for the appointment of rehabilitation centres for the detention and rehabilitation of offenders of or over 14 and under 21 years of age and for related matters.

LegCo Brief Reference

2. SBCR 11/2856/98 issued by the Security Bureau on 21 October 1999.

Date of First Reading

3. 10 November 1999.

Comments

4. The Bill establishes the legal basis for :-
 - (a) the appointment of rehabilitation centres by the Secretary for Security which could be a place of confinement in which a young offender (i.e. a person of or over 14 and under 21 years of age) may be detained in custody or an institution in which he may be required to reside after studying, working or engaging in other activities approved by the Commissioner of Correctional Services ("the Commissioner") (Clause 3); and
 - (b) the power of the Courts to make a detention order (Clause 4).

5. A detention order may be made against a young offender who is a first offender and not drug dependant and for whom a short-term custodial sentence is appropriate. Such order shall be for a period in aggregate not less than 3 months and not exceeding 9 months. The period of each order shall comprise an initial detention period of not less than 2 months and not exceeding 5 months and a following period of residence of a duration varying from 1 to 4 months. The order will lapse if the young offender becomes subject to another immediate custodial sentence.

6. It is also provided that a young offender released from a rehabilitation centre will be subject to a supervision order for a fixed term of one year. Upon any breach of such supervision order, the Commissioner may make a recall order against him requiring him to return to the rehabilitation centre (clause 7).

7. A fuller picture of the operation of the proposed scheme may be gained from the proposed Rehabilitation Centres Regulation attached as Annex B to the LegCo Brief. The Regulation should be made by the Chief Executive in Council. It would be subsidiary legislation subject to the scrutiny of LegCo under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

Public Consultation

8. There has not been any public consultation on the Bill.

Consultation with LegCo Panel

9. The Security Panel has been briefed on the legislative proposal at the Panel meeting on 3 December 1998. Most of the members present supported the proposal in principle.

Conclusion

10. This Division is seeking clarification from the Administration on certain drafting matters. Since the Bill signifies a new step in tackling juvenile delinquency, Members may wish to form a Bills Committee to study the proposed legislation in detail.

Prepared by

KAU Kin-wah
Assistant Legal Adviser
Legislative Council Secretariat
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