

A Summary of the Drug Addiction Treatment Centres Ordinance (Cap. 244);
Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165);
Drug Addicts Treatment and Rehabilitation Ordinance (Cap. 326) and
Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill

| | Drug Addiction Treatment Centres Ordinance Cap. 244 | Hospitals, Nursing Homes and Maternity Homes Registration Ordinance Cap. 165 | Drug Addicts Treatment and Rehabilitation Ordinance Cap 326 | Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Bill |
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| Year of enactment | 1968 | 1936. Major amendments in 1966 to bring the private hospitals under regulation. | 1960 | N/A |
| Objective | To provide for the cure and rehabilitation of persons found guilty of criminal offences who are suffering from addiction to a dangerous drug. | To provide for the registration and inspection of hospitals, nursing homes and maternity homes and for purposes connected therewith. | To establish centres for the treatment and rehabilitation of addicts of drugs and of intoxicants and for purposes connected therewith. | To provide for the licensing, control and inspection of drug dependence treatment centres which provide residential accommodation for persons voluntarily undergoing the treatment or rehabilitation after the treatment; and provide for connected and incidental matters. |

| Enforcement | Commissioner of Correctional Services | Director of Health | Superintendent of an Addiction Treatment Centre | Director of Social Welfare |
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| Target of control | <p>Person who is found guilty of a relevant offence and the court is satisfied that in the circumstances of the case and having regard to his character and previous conduct it is in his interest and the public interest that he should undergo a period of cure and rehabilitation in an addiction treatment centre.</p> | <ul style="list-style-type: none"> • Establishments for the care of the sick, injured or infirm who require medical treatment, including a nursing home, and premises used or intended to be used for the reception of pregnant women or of women immediately after childbirth. • Does not include any hospital or maternity home maintained by the Government or any public hospital within the meaning of the Hospital Authority Ordinance (Cap. 113). | <p>A person who, by reason of his addiction to drugs or to intoxicants, is dangerous either to himself or to others or is incapable of managing himself or his affairs or of ordinary proper conduct or is in serious danger of physical or mental disorder.</p> | <p>Drug treatment and rehabilitation centres providing residential accommodation and treatment to drug dependent persons.</p> |
| Span/scope of control | <ul style="list-style-type: none"> • Detain in an addiction treatment centre for such period of not less than 2 months and not more than 12 months from the date of the detention | <ul style="list-style-type: none"> • The Director of Health may refuse registration if the applicant or any person employed is not a fit person to carry on or to be employed at such | <ul style="list-style-type: none"> • Any person being admitted to treatment centres shall sign an undertaking and submit to the following rules: - if required by the | <ul style="list-style-type: none"> • Any place used or intended to be used for the treatment for drug dependence or rehabilitation of 4 or more drug dependent |

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| | <p>order.</p> <ul style="list-style-type: none"> • A person released from an addiction treatment centre may, for a period of 12 months from the date of his release, be subject to a supervision order as imposed by the Commissioner of Correctional Services. • A person who fails to comply with any requirement of a supervision order may be subject to a recall order requiring him to return to an addiction treatment centre. | <p>premises; that for reasons connected with situation, construction, accommodation, equipment or staffing, the hospital or maternity home is not fit, proper or desirable to be used for a hospital or maternity home; or that the premises is not under the charge or superintendence of duly qualified medical personnel e.g. doctor, nurse or midwife.</p> <ul style="list-style-type: none"> • The Director of Health may cancel the registration of a person in respect of any hospital or maternity home on any ground which would entitle her to refuse an application for registration, or if such or any other person has been convicted of an offence against the Ordinance in respect of | <p>superintendent shall remain and may be detained in the centre for a period not exceeding 6 months or, in the case of a young person, 12 months from the date of his first admission, in case of escape, he may be retaken within 90 days of such escape by the superintendent or by any police officer and conveyed to and received and detained in the centre from which he escaped;</p> <ul style="list-style-type: none"> - submit himself to such treatment as may be prescribed by the superintendent; and - obey all lawful orders given to him by the superintendent or by any person authorized by the superintendent. | <p>persons undergoing such treatment or rehabilitation on a voluntary basis and for providing residential accommodation for such persons while they undergo the treatment or rehabilitation but does not include treatment centres managed and controlled by the Hospital Authority.</p> <ul style="list-style-type: none"> • The Director of Social Welfare may issue a licence to an applicant or refuse to issue a licence if it appears to him or her that the applicant is not a fit person; or that for reasons connected with the size, staffing or equipment, the place to be used for the treatment centre is not fit to be used as a treatment centre; or that the place to be used as a treatment |
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| | | the hospital or maternity home. | | <p>centre does not comply with fire and building safety requirements.</p> <ul style="list-style-type: none"> the Director may impose conditions which may relate to, in particular, the accommodation, staffing and equipment of the treatment centre in issuing the licence. |
| Penalty | <p><u>While in custody</u> An inmate who commits any of the offences enumerated in rule 61 of the Prison Rules (Cap. 234 sub. leg.) shall be guilty of a disciplinary offence.</p> <p><u>After Release</u> A person who fails to comply with any requirement specified in a supervision order made against him commits an offence and is liable to a fine of \$5,000 and to imprisonment for 12 months OR subject to recall by an order made by the</p> | Generally speaking, any person who is guilty of an offence against this Ordinance shall in respect of each offence be liable on summary conviction to a fine of \$1,000, and, in the case of a continuing offence, to a further fine of \$50 in respect of each day on which the offence continues after conviction. | <ul style="list-style-type: none"> Any person who, without permission, sends to or brings or throws into a centre any dangerous drugs to which the Dangerous Drugs Ordinance (Cap. 134) applies or any alcoholic liquor, tobacco or tool shall be liable to a fine of \$10,000 and to imprisonment for 2 years. Any person who, | <ul style="list-style-type: none"> Any person who operates or exercises control over the management of a treatment centre without licence; fails to comply with any requirement of an order of cessation of use of any place as a treatment centre; or commits offence in relation to section 18 (generally referred to as obstruction in the exercise of inspection power) is liable to |

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| | <p>Commissioner of Correctional Services.</p> | | <p>without the permission of the superintendent, sends or delivers to any patient any money, clothing, food, drink, paper, book, letter or other thing shall be guilty of an offence and liable to a fine of \$5,000.</p> <ul style="list-style-type: none"> Any attendant, nurse, servant or other person employed in a centre who ill-treats or wilfully neglects any patient in the centre shall be guilty of an offence and shall be liable on summary conviction to a fine of \$10,000 and to imprisonment for 2 years. | <p>conviction to a fine of \$100,000 and imprisonment for 6 months and to a fine of \$5,000 for each day during which the offence continues</p> <ul style="list-style-type: none"> Any person who makes false statement in or in connection with application under this Ordinance or fails to comply with requirements of a direction given by the Director of Social Welfare is liable to a fine of \$100,000 and 6 months imprisonment. Any person who takes part in the management of a treatment centre without a licence or a certificate of exemption is liable to a fine of \$10,000. |
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| Regulation/schedule | <p>Drug Addiction Treatment Centres Regulations, Addiction Treatment Centre (Consolidation) Order, Drug Addiction Treatment Centre (Hei Ling Chau Addiction Treatment Centre) Order, Drug Addiction Treatment Centre (Chi Ma Wan Drug Addiction Treatment Centre).</p> <p>In accordance with Section 10 of the DATC Ordinance, the Chief Executive in Council may make regulations generally for the better carrying out of the purposes of the DATC Ordinance.</p> | <p>Schedule on fees are prescribed.</p> <p>First registration \$6,815 Subsequent registration \$ 900</p> | <p>Drug Addicts Treatment and Rehabilitation Regulations</p> <p>The Chief Executive in Council may make regulations generally for the carrying into effect of the provisions of the Ordinance.</p> | <p>The Chief Executive in Council may make regulation generally for carrying into effect the provisions of the Bill.</p> |
| Appeal | <p>A convicted person may appeal to the Court of Appeal against his conviction and sentence in accordance with Criminal Procedure Ordinance.</p> | <p>Any person aggrieved by an order refusing an application for registration or canceling any registration may appeal against it by way of a petition to the Chief Executive in Council.</p> | <p>A person aggrieved by his detention, he may appeal in writing to the Addiction Treatment Centre Appeal Board</p> | <p>A person aggrieved by a decision of the Director of Social Welfare in respect of refusal to issue or renew a licence or certificate of exemption or to cancel a licence or certificate of exemption may appeal to the Administrative Appeals</p> |

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| | | | | Board within 21 days after he/she has received notice of the decision. |
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