

LEGISLATIVE COUNCIL BRIEF

Protection of Children and Juveniles Ordinance
(Chapter 213)
Juvenile Offenders Ordinance
(Chapter 226)

PLACES OF DETENTION (JUVENILE OFFENDERS)
APPOINTMENT (CONSOLIDATION)
(AMENDMENT) ORDER 1999
REMAND HOME (AMENDMENT) RULES 1999
PROTECTION OF CHILDREN AND JUVENILES (PLACES
OF REFUGE) (AMENDMENT) ORDER 1999

At the meeting of the Executive Council on 14 September 1999, the Council ADVISED and the Acting Chief Executive ORDERED that

- (a) the Places of Detention (Juvenile Offenders) Appointment (Consolidation) (Amendment) Order 1999 at Annex A;
- (b) the Remand Home (Amendment) Rules 1999 at Annex B; and
- (c) the Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 1999 at Annex C

should be made to update the lists of designated places of detention and remand homes under the Juvenile Offenders Ordinance and the list of designated places of refuge under the Protection of Children and Juveniles Ordinance.

BACKGROUND AND ARGUMENT

2. Under the Juvenile Offenders Ordinance, children (aged under 14) or young persons (aged 14 to 16) may be detained in a place of detention when, for example, the child or young person is found guilty of an offence punishable with imprisonment if he were an adult. Under section 16(1)(a) of the Ordinance, the Chief Executive may by order appoint any place to be a place of detention. The appointed places of detention are listed in the Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order at Annex D.

3. Under section 17 of the Juvenile Offenders Ordinance, the Chief Executive has made the Remand Home Rules at Annex E, which apply to the remand sections of appointed places of detention (except police stations). The Remand Home Rules provide for the inspection of places of detention, as well as the classification, treatment, employment, and control of children and young persons detained therein.

4. As the Ma Tau Wai Girls' Home, the Pui Yin Juvenile Home and the Begonia Road Boys' Home are currently designated as places of

detention, the Remand Home Rules will apply to their remand sections. The following changes to these institutions have however taken place over the past few years:

- (a) The Ma Tau Wai Girls' Home has ceased to serve as a place of detention and a remand home since 1994. It is currently serving as a place of refuge under the Protection of Children and Juveniles Ordinance for children and juveniles in need of care and protection, and a place of detention under the Immigration Ordinance to accommodate illegal immigrants aged eight to 18. Girls on remand have been accommodated in the Begonia Road Boys' Home since 1994.
- (b) The Pui Yin Juvenile Home, which used to be a remand home for boys, was closed in July this year, as part of the rationalisation exercise for residential services for young offenders. The boys previously accommodated in the Home have since been relocated to the Begonia Road Boys' Home.

It is therefore necessary to remove the Ma Tau Wai Girls' Home and the Pui Yin Juvenile Home from the Order and the Rules, and to rename the "Begonia Road Boys' Home", which also provides accommodation for girls on remand, as the "Begonia Road Juvenile Home".

5. Places of refuge accommodate children or juveniles in need of care or protection pursuant to orders issued under section 34(1) of the Protection of Children and Juveniles Ordinance. These involve mainly children or juveniles who have been assaulted, ill-treated, neglected, sexually abused, or whose health, development or welfare is being neglected or avoidably impaired.

6. Under section 2A of the Protection of Children and Juveniles Ordinance, the Chief Executive may by order declare any place to be a place of refuge for the purpose of this Ordinance. Six institutions are at present designated as places of refuge, as listed in the Protection of Children and Juveniles (Places of Refuge) Order at Annex F. Of these, the Begonia Road Boys' Home and the Pui Yin Juvenile Home have not served as places of refuge in recent years. As mentioned in paragraph 4, the Pui Yin Juvenile Home was closed down in July of this year. It is therefore necessary to delist the two institutions as places of refuge from the Order.

THE ORDERS AND THE RULES

7. The Places of Detention (Juvenile Offenders) Appointment (Consolidation) (Amendment) Order 1999 at Annex A, amends the Schedule to the Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order by delisting the Ma Tau Wai Girls' Home and Pui Yin Juvenile Home, and renaming the "Begonia Road Boys' Home" as the "Begonia Road Juvenile Home".

8. The Remand Home (Amendment) Rules 1999 at Annex B, also amends the Schedule to the Remand Home Rules to delist the two institutions and rename the Begonia Road Boys' Home, as set out in paragraph 9.

9. The Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 1999 at Annex C, seeks to remove the Begonia Road Boys' Home and Pui Yin Juvenile Home from the list of places of refuge specified for the purposes of the Protection of Children and Juveniles Ordinance.

LEGISLATIVE TIMETABLE

10. We will gazette the two amendment Orders and the set of amendment Rules on 30 September 1999, and table them before the Legislative Council on 6 October 1999 in accordance with section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

BASIC LAW IMPLICATIONS

11. The Department of Justice advises that the proposed Orders and Rules do not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

12. The Department of Justice advises that the proposed Orders and Rules are consistent with the human rights provisions of the Basic Law.

BINDING EFFECT

13. The Places of Detention (Juvenile Offenders) Appointment (Consolidation) (Amendment) Order 1999 and the Remand Home (Amendment) Rules 1999 will not affect the current binding effect of the Juvenile Offenders Ordinance and its subsidiary legislation.

14. The Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 1999 will not affect the current binding effect of the Protection of Children and Juveniles Ordinance and its subsidiary legislation.

FINANCIAL AND STAFFING IMPLICAITONS

15. There are no financial or staffing implications.

PUBLICITY

16. A press release will be issued on 28 September 1999. A spokesman will be available to answer media enquiries.

ENQUIRY

17. For enquiries please contact Mr David Yip, Assistant Secretary for Health and Welfare, on 2973 8128.

Health and Welfare Bureau
September 1999

**Place of Detention (Juvenile Offenders)
Appointment (Consolidation) (Amendment) Order 1999
Remand Home (Amendment) Rules 1999
Protection of Children and Juveniles
(Places of Refuge) (Amendment) Order 1999**

Annexes

- Annex A - Places of Detention (Juvenile Offenders) Appointment
(Consolidation) (Amendment) Order 1999
- Annex B - Remand Home (Amendment) Rules 1999
- Annex C - Protection of Children and Juveniles (Places of Refuge)
(Amendment) Order 1999
- Annex D - Places of Detention (Juvenile Offenders) Appointment
(Consolidation) Order
- Annex E - Remand Home Rules
- Annex F - Protection of Children and Juveniles (Places of Refuge)
Order

**PLACES OF DETENTION (JUVENILE OFFENDERS) APPOINTMENT
(CONSOLIDATION) (AMENDMENT) ORDER 1999**

(Made under section 16 of the Juvenile Offenders
Ordinance (Cap. 226) after consultation
with the Executive Council)

1. Schedule amended

The Schedule to the Places of Detention (Juvenile Offenders) Appointment
(Consolidation) Order (Cap. 226 sub. leg.) is amended -

- (a) in item 3, by repealing "The Begonia Road Boys' Home situate at Begonia Road, Yau Yat Chuen, Kowloon" and substituting "The Begonia Road Juvenile Home situate at 62 Begonia Road, Yau Yat Chuen, Kowloon";
- (b) by repealing items 5 and 7.

Chief Executive

1999

Explanatory Note

This Order amends the name and address of the Begonia Road Boys' Home and removes the Ma Tau Wei Girls' Home and the Pui Yin Juvenile Home from the list of places of detention appointed for the purposes of the Juvenile Offenders Ordinance (Cap. 226).

REMAND HOME (AMENDMENT) RULES 1999

(Made under section 17(3) of the Juvenile Offenders
Ordinance (Cap. 226) after consultation
with the Executive Council)

1. Schedule amended

The Schedule to the Remand Home Rules (Cap. 226 sub. leg.) is amended -

- (a) in item 1, by repealing "Begonia Road Boys' Home" and substituting "Begonia Road Juvenile Home";
- (b) by repealing items 2 and 4.

Chief Executive

1999

Explanatory Note

After amendment, the Remand Home Rules (Cap. 226 sub. leg.) cease to apply to the remand sections of Ma Tau Wei Girls' Home and Pui Yin Juvenile Home. Furthermore, these Rules also amend the name of Begonia Road Boys' Home.

**PROTECTION OF CHILDREN AND JUVENILES (PLACES OF REFUGE)
(AMENDMENT) ORDER 1999**

(Made under section 2A of the Protection of Children
and Juveniles Ordinance (Cap. 213) after
consultation with the Executive Council)

1. Places of refuge

The Schedule to the Protection of Children and Juveniles (Places of Refuge) Order (Cap. 213 sub. leg.) is amended by repealing items 5 and 10.

Chief Executive

1999

Explanatory Note

This Order removes Begonia Road Boys' Home and Pui Yin Juvenile Home from the list of places of refuge specified for the purposes of the Protection of Children and Juveniles Ordinance (Cap. 213).

CAP.226 *Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order*

[Subsidiary]

**PLACES OF DETENTION (JUVENILE OFFENDERS)
APPOINTMENT (CONSOLIDATION) ORDER**

(Cap.226, section 16)

[20 May 1955]

1. Citation

This order may be cited as the Places of Detention (Juvenile Offenders) Appointment (Consolidation) Order.

2. Appointment of places of detention

The places specified in the first column of the Schedule are appointed as places of detention for the purposes stated in the second column opposite each place.

SCHEDULE

Place	Purpose
1. <i>(Repealed L.N.337 of 1983)</i>	
2. All the police stations in the Colony. <i>(G.N.A.57 of 1955)</i>	For the purposes of sections 5, 7 and 8 of the Ordinance.
3. The Begonia Road Boys' Home situate at Begonia Road, Yau Yat Chuen, Kowloon. <i>(L.N.36 of 1963)</i>	For all purposes of the Ordinance.
4. <i>(Repealed L.N.337 of 1983)</i>	
5. The Ma Tau Wei Girls' Home situate at 51 Sheung Shing Street, Homantin, Kowloon. <i>(L.N.337 of 1983)</i>	For all purposes of the Ordinance.
6. <i>(Repealed L.N.24 of 1986)</i>	
7. The Pui Yin Juvenile Home situate at 464 Ma Tau Wei Road, Kowloon. <i>(L.N.23 of 1986)</i>	For all purposes of the Ordinance.

第 226 章

拘留地方（少年犯）指定（綜合）令

[附屬法例]

拘留地方（少年犯）指定（綜合）令

（第 226 章第 16 條）

[1955 年 5 月 20 日]

1. 引稱

本命令可引稱為《拘留地方（少年犯）指定（綜合）令》。

2. 拘留地方的指定

為附表第 2 欄所述明的目的，現指定附表第 1 欄中與該等目的逐一相對的指明地方為拘留地方。

附表

地方	目的
1. <i>(由 1983 年第 337 號法律公告廢除)</i>	
2. 香港境內所有警署。 <i>(1955 年 A57 號政府公告)</i>	為施行本條例第 5、7 及 8 條。
3. 位於九龍又一□海棠路的海棠路男童院。 <i>(1963 年第 36 號法律公告)</i>	為施行本條例。
4. <i>(由 1983 年第 337 號法律公告廢除)</i>	
5. 位於九龍何文田常盛街 51 號的馬頭圍女童院。 <i>(1983 年第 337 號法律公告)</i>	為施行本條例。
6. <i>(由 1986 年第 24 號法律公告廢除)</i>	
7. 位於九龍馬頭圍道 464 號的培賢兒童院。 <i>(1986 年第 23 號法律公告)</i>	為施行本條例。

D4 **CAP.226** *Remand Home Rules*

[Subsidiary]

(3) A juvenile who, without reasonable cause, fails to return to the Remand Home before the expiry of his period of leave or absence or who fails to comply with paragraph (2) shall be deemed to have escaped from his place of detention.

(L.N.389 of 1983)

SCHEDULE

[rule 1]

The remand sections of —

1. Begonia Road Boys' Home.
2. Ma Tau Wei Girls' Home.
3. *(Repealed L.N.29 of 1986)*
4. Pui Yin Juvenile Home. *(L.N.28 of 1986)*

(L.N.389 of 1983)

第 226 章

羈留院規則

[附屬法例]

(3) 少年如無合理因由而不在離院許可期限屆滿前返回羈留院，或沒有遵守第(2)款的規定，須當作已從其拘留地方逃走。

(1983 年第 389 號法律公告)

附表

[第 1 條]

下列羈留院的羈留部——

1. 海棠路男童院。
2. 馬頭圍女童院。
3. *(由 1986 年第 29 號法律公告廢除)*
4. 培賢男童院。 *(1986 年第 28 號法律公告)*

(1983 年第 389 號法律公告)

CAP.213 *Protection of Children and Juveniles
(Places of Refuge) Order*

Subsidiary]

PROTECTION OF CHILDREN AND JUVENILES (PLACES OF REFUGE) ORDER
(*L.N.279 of 1993*)

(Cap.213, section 2A)

[29 October 1965]

1. (*Repealed L.N.279 of 1993*)

2. Declaration of places of refuge

The places specified in the Schedule are hereby declared to be places of refuge for the purposes of the Ordinance.

SCHEDULE

[para. 2]

PLACES OF REFUGE

Hem	Place of refuge
1.	The Po Leung Kuk.
2.	(<i>Repealed L.N.557 of 1994</i>)
3.	The Chuk Yuen Children's Reception Centre.
4.	The Ma Tau Wai Girls' Home.
5.	Begonia Road Boys' Home. (<i>L.N.13 of 1971</i>)
6.	(<i>Repealed L.N.557 of 1994</i>)
7.	(<i>Repealed L.N.530 of 1996</i>)
8.	Pui Chi Boys' Home. (<i>L.N.309 of 1984</i>)
9.	(<i>Repealed L.N.26 of 1986</i>)
10.	Pui Yin Juvenile Home. (<i>L.N.25 of 1986</i>)

第 213 章 *保護兒童及少年（收容所）令*

附屬法例]

保護兒童及少年（收容所）令
(*1993 年第 279 號法律公告*)

(第 213 章第 2A 條)

[1965 年 10 月 29 日]

1. (*由 1993 年第 279 號法律公告廢除*)

2. 宣佈成為收容所

現宣佈附表指明的地方乃就本條例而言的收容所。

附表

[第 2 條]

收容所

項	收容所
1.	保良局。
2.	(<i>由 1994 年第 557 號法律公告廢除</i>)
3.	竹園兒童院。
4.	馬頭圍女童院。
5.	海棠路男童院。 (<i>1971 年第 13 號法律公告</i>)
6.	(<i>由 1994 年第 557 號法律公告廢除</i>)
7.	(<i>由 1996 年第 530 號法律公告廢除</i>)
8.	培志男童院。 (<i>1984 年第 309 號法律公告</i>)
9.	(<i>由 1986 年第 26 號法律公告廢除</i>)
10.	培賢兒童院。 (<i>1986 年第 25 號法律公告</i>)