

**立法會**  
**Legislative Council**

Ref : CB2/BC/2/01

LC Paper No. CB(2) 1164/02-03  
(These minutes have been seen by  
the Administration)

**Bills Committee on  
Juvenile Offenders (Amendment) Bill 2001**

**Minutes of meeting  
held on Wednesday, 22 January 2003 at 8:30 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Miriam LAU Kin-yee, JP  
Dr Hon LAW Chi-kwong, JP  
Hon Michael MAK Kwok-fung  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Cyd HO Sau-lan  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon WONG Sing-chi
- Public Officers attending** : Miss Eliza YAU  
Principal Assistant Secretary for Security (E)
- Miss Angela LEE  
Assistant Secretary for Security (E)
- Mr Stephen WONG  
Deputy Solicitor General  
Department of Justice
- Ms Stella CHAN  
Government Counsel  
Department of Justice
- Mr Armond CHAN  
Senior Superintendent (Crime) (Support)  
Hong Kong Police Force

Miss Shirley CHU  
Superintendent (Crime) (Support)  
Hong Kong Police Force

Mr Simeon CHOI  
Acting Assistant Director of Social Welfare  
(Youth & Corrections)

Mrs Justina HO  
Chief Social Work Officer (Family & Child Welfare) 1  
Social Welfare Department

**Clerk in attendance** : Mrs Constance LI  
Chief Assistant Secretary (2)5

**Staff in attendance** : Mr LEE Yu-sung  
Senior Assistant Legal Adviser 1

Mr Watson CHAN  
Head, Research and Library Services

Mr Michael YU  
Research Officer 7

Ms Joanne MAK  
Senior Assistant Secretary (2)2

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**I. Confirmation of minutes of meeting**  
(LC Paper No. CB(2) 740/02-03)

The minutes of the meeting held on 2 December 2002 were confirmed.

**II. Meeting with the Administration**

2. The Bills Committee deliberated (Index of proceedings attached at **Annex**).

Enhancing existing measures for dealing with arrested children who are below the minimum age of criminal responsibility  
(LC Paper No. CB(2) 965/02-03(02))

3. The Chairman suggested that the family group conference arrangements, as set out in paragraphs 11 and 12 of the Administration's paper, should also be made available to arrested children who were below the minimum age of criminal responsibility, and the parents concerned should be persuaded to receive the necessary support services. She added that the Social Welfare Department should be involved, as soon as a child was arrested, to assess whether a care or protection order should be applied for the child, particularly if the parents/guardians did not cooperate.

4. The Chairman said that the Panel on Administration of Justice and Legal Services should discuss how the procedures and court proceeding for the granting of care or protection order could be improved, with a view to minimising the impact on the child. The discussion may also cover whether the present juvenile court system should be improved.

Enhancing existing measures for dealing with arrested children who have reached the minimum age of criminal responsibility and are below 14 years

5. Ms Miriam LAU suggested that the Administration should make reference to the experience of overseas jurisdictions and put in place a mechanism of "conditional release" to require a juvenile offender to participate in rehabilitative or support programmes before a decision was taken on whether to prosecute him or not. The performance of the offender in his participation of these programmes would be evaluated for a decision on whether he should be prosecuted or cautioned under the Police Superintendent's Discretion Scheme.

6. The Bills Committee requested the Administration to provide written response to the suggestions in paragraphs 3 and 5 above. The Administration agreed.

Raising the minimum age of criminal responsibility to 12 years

7. The Administration informed the Bills Committee that it was more appropriate to raise the minimum age of criminal responsibility to ten years instead of 12 years, before the additional support services for children aged between ten to 12 years were put in place.

8. Mr Jasper TSANG said that while Members belonging to the Democratic Alliance for Betterment of Hong Kong (DAB) agreed that the existing system(s) in dealing with juvenile offenders would need improvements, these Members were concerned that further raising the minimum age of criminal responsibility to 12 years might not bring any real benefits to the young offenders if there were inadequate supportive measures for those below the minimum age. He further said that Members belonging to DAB therefore supported the Administration's proposal of raising the minimum age to ten years.

9. The Chairman, Dr LAW Chi-kwong and Mr Michael MAK said that they supported raising the minimum age of criminal responsibility to 12 years. Dr LAW Chi-kwong added that the Members belonging to the Democratic Party also supported raising the minimum age of criminal responsibility to 12 years.

10. The Bills Committee agreed to move Committee Stage amendments (CSAs) to raise the minimum age of criminal responsibility to 12 years. The Chairman requested Senior Assistant Legal Adviser 1 (SALA 1) to prepare draft CSAs to this effect.

11. Ms Miriam LAU said that if the Administration could put in place a mechanism of "conditional release" for arrested children who had reached the minimum age of criminal responsibility as proposed in paragraph 5 above, she might support raising the minimum age of criminal responsibility to ten years.

#### Clause-by-clause examination

12. The Bills Committee completed clause-by-clause examination of the Bill.

#### Date of next meeting

13. Members agreed to hold the next meeting on 14 February 2003 at 3:30 pm (immediately after the House Committee meeting) to consider -

- (a) the Administration's response to issues raised at the meeting;
- (b) proposed transitional arrangements for arrested children who would be affected by the proposed revision of the minimum age of criminal responsibility to ten years;
- (c) consequential amendment to repeal section 19(2) of the Reformatory Schools Ordinance (Cap. 225); and
- (d) the draft CSAs to be moved by the Bills Committee to raise the minimum age of criminal responsibility to 12 years.

### **III. Any other business**

14. There being no other business, the meeting ended at 10:15 am.

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001  
Meeting on Wednesday, 22 January 2003 at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
0001-0337	Chairman	Confirmation of minutes of meeting on 2.12.2002	
0338-2037	Administration Chairman	Administration's response to issues raised by members at the last meeting [LC Paper No. CB(2)965/02-03(02)]	
2038-3340	Hon Miriam LAU Administration Chairman	(a) Consideration factors of the Police in deciding whether a juvenile offender should be prosecuted, or cautioned under the Police Superintendent's Discretion Scheme (PSDS)  (b) Timetable for the consultancy study and implementation of additional supportive measures for unruly children below the minimum age of criminal responsibility	
3341-3742	Chairman	Enhancing existing measures for dealing with unruly children below the minimum age of criminal responsibility, e.g. expanding the scope of the Care and Protection Order	
3743-010009	Hon Jasper TSANG Chairman Administration Dr Hon LAW Chi-kwong	(a) Position of the Democratic Alliance for Betterment of Hong Kong on the Bill  (b) Expansion of scope of Care and Protection Orders	

010010-012026	Hon Miriam LAU Hon Jasper TSANG Administration Chairman Dr Hon LAW Chi-kwong	Suggestion of "conditional release" as a means to require juvenile offenders to participate in support programmes before a decision is taken on prosecution or cautioning under the PSDS	
012027-012408	Chairman	(a) Administration to consider making family group conference also available to arrested children who are below minimum age of criminal responsibility  (b) The Panel on Administration of Justice and Legal Services (AJLS Panel) to discuss whether the juvenile court system should need improvements	<b>Clerk to refer to AJLS Panel for follow up</b>
012409-013137	Hon Jasper TSANG Chairman Dr Hon LAW Chi-kwong Hon Michael MAK SALA1	Discussion on whether the Bills Committee should move Committee Stage amendments to raise the minimum age of criminal responsibility to 12 years	<b>SALA1 to prepare draft CSAs</b>
013138-013218	Chairman	Clause-by-clause examination of the Bill	
013219-013932	Administration Chairman Hon Miriam LAU	Administration to provide response to outstanding issues	<b>Admin to provide response to outstanding issues and suggestions raised at this meeting</b>
013933-014219	Chairman	Date of next meeting	

**Note : The audio records of the above proceedings are kept at the LegCo Library**

