

**立法會**  
**Legislative Council**

Ref : CB2/BC/2/01

LC Paper No. CB(2) 1338/02-03  
(These minutes have been seen by  
the Administration)

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

**Minutes of meeting  
held on Friday, 14 February 2003 at 3:40 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)  
Hon Cyd HO Sau-lan  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Miriam LAU Kin-yee, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Dr Hon LAW Chi-kwong, JP  
Hon Michael MAK Kwok-fung  
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : 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 CHEUNG Hing-wah  
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

Ms Joanne MAK  
Senior Assistant Secretary (2)2

---

**I. Confirmation of minutes of meeting**  
[LC Paper No. CB(2) 1164/02-03]

The minutes of the meeting held on 22 January 2003 were confirmed.

**II. Meeting with the Administration**  
[LC Paper No. CB(2) 1158/02-03(01) - (03)]

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

Committee Stage amendments (CSAs) proposed to be moved by the Administration

3. Members examined the following CSAs proposed by the Administration to provide for -

- (a) a transitional arrangement so that as from the commencement of the Juvenile Offenders (Amendment) Ordinance 2003, no proceedings shall lie against a child in respect of an offence committed by him before that commencement if at the time the offence was committed the child was of an age that, had the offence been committed after that commencement, he would not be liable to proceedings for that offence by virtue of section 3 of the Juvenile Offenders Ordinance; and

- (b) a consequential amendment to repeal section 19(2) of the Reformatory School Ordinance (Cap. 225).

Members did not raise objection to the proposed CSAs. Senior Assistant Legal Adviser 1 (SALA1) confirmed that the CSAs were in order from the legal and drafting points of view.

#### CSAs to be moved by the Bills Committee

4. Members examined the draft CSAs to be moved by the Bills Committee to raise the minimum age of criminal responsibility to 12 years. The Chairman said that as agreed by the majority of members who were present at the last meeting, she would move the CSAs on behalf of the Bills Committee.

#### Suggestions on family group conference and conditional release of juvenile offenders

5. The Administration briefed members on the salient points in its paper [LC Paper No. CB(2) 1158/02-03(01)].

6. Ms Miriam LAU suggested that the proposed mechanism of "conditional release" should be made available to all juvenile offenders, except those who had committed serious criminal offences such as manslaughter. The Administration noted the suggestion.

7. The Chairman informed members that the Panel on Administration of Justice and Legal Services (AJLS) would follow up the subject of whether and how the juvenile court system could be improved. The AJLS Panel had also requested the Research and Library Services Division to conduct studies on the operation of Juvenile Courts in overseas countries. She added that the studies would also cover arrangements for family group conference.

8. Referring to paragraph 6(c) of the Administration's paper, the Chairman requested the Administration to provide the AJLS Panel and the Bills Committee with a copy of the guidelines on referral of cases by the Police to the Social Welfare Department and Education and Manpower Bureau. Principal Assistant Secretary for Security (E) (PAS(S)(E)) agreed. The Chairman also suggested that when the AJLS Panel had scheduled meeting(s) to discuss the operation of the Juvenile Courts, members of this Bills Committee should be invited to attend the relevant meeting(s).

#### Legislative time-table

9. The Chairman said that as the Bills Committee had completed scrutiny of the Bill, a report would be provided to the House Committee on 28 February 2003. Members agreed.

10. In response to the Chairman, PAS(S)(E) said that the Administration intended to resume the Second Reading debate on the Bill on 12 March 2003. The Chairman said that the deadline for giving notice of CSAs was 3 March 2003.

**III. Any other business**

11. The Chairman thanked members for their support to the scrutiny work of the Bills Committee.

12. There being no other business, the meeting ended at 4:05 pm.

Council Business Division 2  
Legislative Council Secretariat  
28 February 2003

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001  
Meeting on Friday, 14 February 2003 at 3:40 pm  
in Conference Room A of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
0001-0214	Chairman	Confirmation of minutes of the last meeting [LC Paper No. CB(2) 1164/02-03]	
0215-0353	Administration Chairman SALA1	Committee Stage amendments (CSAs) proposed to be moved by the Administration [LC Paper No. CB(2) 1158/02-03(02)]	
0354-0644	Chairman Hon Jasper TSANG SALA1	CSAs proposed to be moved by the Bills Committee [LC Paper No. CB(2) 1158/02-03(03)]	
0645-1404	Chairman Administration	Suggestions on family group conference and conditional release of juvenile offenders [LC Paper No. CB(2) 1158/02-03(01)]	
1405-1714	Hon Miriam LAU Administration	Timeframe for introducing the proposed mechanism of "conditional release" for juvenile offenders and suggestion of Hon Miriam LAU regarding "conditional release"	<b>Admin to consider Hon Miriam LAU's suggestion</b>
1715-1843	Hon Cyd HO Administration	Guidelines on referral of cases by the Police to the Social Welfare Department and the Education and Manpower Bureau	<b>Admin to provide a copy of the guidelines to the Panel on Administration of Justice and Legal Services (AJLS) and members of this Bills Committee</b>

1844-2201	Chairman Administration	- The AJLS Panel to follow up on the improvements to the juvenile court system  - Legislative time table and report to the House Committee	<b>Clerk to AJLS Panel to follow up</b>
-----------	----------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------

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

Council Business Division 2  
Legislative Council Secretariat  
28 February 2003