

立法會
Legislative Council

Ref : CB2/BC/2/01

LC Paper No. CB(2) 34/02-03
(These minutes have been seen
by the Administration)

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

**Minutes of meeting
held on Thursday, 19 September 2002 at 8:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon Miriam LAU Kin-ye, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Michael MAK Kwok-fung
- Members absent** : Hon James TO Kun-sun
Dr Hon LAW Chi-kwong, JP
Hon WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP
- Public Officers attending** : Miss Eliza YAU
Principal Assistant Secretary for Security (E)
- Miss Angela LEE
Assistant Secretary for Security (E)
- Mr CHAN Yiu-kwok
Acting Chief Superintendent (Crime) (Support)
Hong Kong Police Force
- Mrs WONG CHAN Po-chu
Acting 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)
Social Welfare Department

Ms Stella CHAN
Government Counsel
Department of Justice

**Attendance by : Against Child Abuse
invitation**

Dr Patricia IP
Chairperson of the Executive Committee

Mrs Priscilla LUI
Director

Mrs A E Strickland
Executive Committee Member

Miss Elain CHENG
UNCRC — Child Ambassador

The Boys' & Girls' Clubs Association of Hong Kong

Ms LAW Shuk-kwan
Assistant Director

Ms YAU Yuk-lan
Supervisor

Mr AU Wai-kwong
Social Worker I

Caritas Outreaching Social Work Team - Aberdeen

Mr CHAN Chi-sing
Team Leader

Hong Kong Christian Service

Dr KWOK Ngai-kuen
Professional Assistant

Hong Kong Committee on Children's Rights

Dr CHOW Chun-bong
Chairman

Dr Mark Mason
Executive Committee Member

Ms Anna HUI
Executive Committee Member

Ms Billy WONG
Executive Secretary

The Hong Kong Family Law Association

Mr Peter Barnes

Hong Kong Family Welfare Society

Mr Thomas J Mulvey, JP
Executive Director

Miss Sarah IP
Clinical Psychologist

Mr Otto LAU
Principal Social Worker

Hong Kong Federation of Youth Groups

Mr Paul CHAN
Deputy Executive Director

Mr Gary TANG
Supervisor (Neighbourhood Services)

The Hong Kong Psychological Society

Ms Mary LEE Wing-ming
President

Ms Mary WONG Mei-fun
Chairman
Division of Clinical Psychological

Individuals

Mr Andrew Bruce
Senior Counsel

Dr Nirmala Rao
Associate Professor, Department of Education
The University of Hong Kong

Ms Corinne Remedios
Barrister-at-law

Dr LEE Sze-bay
Wong Tai Sin District Council member

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) 2777/01-02)

The minutes of the meeting on 17 July 2002 were confirmed.

II. Meeting with deputations and the Administration

(LC Papers Nos. CB(2) 2775/01-02(01) - (21))

2. The Bills Committee met with representatives of the deputations and the Administration. Representatives from nine organisations and four individuals gave oral representations to the Bills Committee. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. The Bills Committee noted that 20 submissions had been received from 19 organisations/individuals (one organisation provided two submissions). Of these, eleven organisations/individuals expressed support for raising the minimum age of criminal responsibility to ten, and seven organisations/individuals were in favour of raising the age of criminal responsibility to 14 years. The Hong Kong Bar Association proposed to raise the minimum age of criminal responsibility to 12 years, while the Law Society of Hong Kong would submit its views on the Bill after a meeting on 24 September 2002.

4. The Bills Committee also noted that for those who supported raising the minimum age of criminal responsibility to ten years, they all supported retaining the rebuttable common law presumption of *doli incapax* for children between the revised minimum age of ten and below 14.

5. At the request of the Chairman, some deputations gave further views on the proposals of raising the age of criminal responsibility to 12 years or 14 years. While most deputations had no objection to further raising the age of criminal responsibility to 12 or 14, some expressed concern about the availability of appropriate services to juvenile offenders who were not arrested or prosecuted. Some deputations and members also raised concern about the exploitation of children by adults in criminal activities, and the system for determining what services should be provided to the juvenile offenders.

6. In response to the concerns raised by deputations and members, the Chairman requested the Administration to provide further information on the following -

- (a) whether the Administration anticipated any problems (e.g. adequacy of services to juvenile offenders) if the minimum age of criminal responsibility was raised to 12 or 14 years; and
- (b) any change in the crime rate in overseas jurisdictions after raising their minimum age of criminal responsibility.

III. Date of the next meeting

7. The Bills Committee agreed to hold the next meeting in October 2002 to further consider whether amendments should be made to the Bill in respect of the minimum age of criminal responsibility. The Clerk would issue a circular to inform members of the date of the next meeting.

8. There being no other business, the meeting ended at 10:45 am.

Council Business Division 2
Legislative Council Secretariat
9 October 2002

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001
Meeting on Thursday, 19 September 2002 at 8:30 am
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action Required
000000-000309	Chairman	Confirmation of minutes of meeting on 17 July 2002	
000310-000847	Dr Patricia IP	Presentation by representatives of Against Child Abuse	
000848-001441	Ms LAW Shuk-kwan Mr AU Wai-kwong Ms YAU Yuk-lan	Presentation by representatives of the Boys' & Girls' Clubs Association of Hong Kong	
001442-001652	Mr CHAN Chi-sing	Presentation by representative of Caritas Outreaching Social Work Team - Aberdeen	
001653-002053	Dr KWOK Ngai-kuen	Presentation by representative of Hong Kong Christian Service	
002054-002540	Dr CHOW Chun-bong Dr Mark Mason	Presentation by representatives of Hong Kong Committee on Children's Rights	
002541-003000	Mr Peter Barnes	Presentation by representative of the Hong Kong Family Law Association	
003001-003508	Mr Otto LAU Miss Sarah IP	Presentation by representatives of Hong Kong Family Welfare Society	
003509-004129	Mr Paul CHAN	Presentation by representative of the Hong Kong Federation of Youth Groups	
004130-004857	Ms Mary WONG Mei-fun	Presentation by representative of the Hong Kong	

		Psychological Society	
004858-005148	Mr Andrew Bruce	Presentation of views on the Bill	
005149-005657	Dr Nirmala Rao	Presentation of views on the Bill	
005658-010612	Ms Corinne Remedios	Presentation of views on the Bill	
010613-010804	Dr LI Sze-bay	Presentation of views on the Bill	
010805-012851	Chairman Ms LAW Shuk-kwan Dr KWOK Ngai-kuen Mr Andrew Bruce Mr Paul CHAN Mr CHAN Chi-sing Ms Mary WONG Mei-fun Hon Cyd HO Sau-lan	Discussion on a proposal of raising the minimum age of criminal responsibility to 12 years	
012852-013810	Administration	Existing alternative measures to prosecution in respect of children and young persons, and the services provided by the Social Welfare Department to facilitate early intervention/prevention of juvenile crime	
013811-015004	Hon Cyd HO Sau-lan Dr CHOW Chun-bong Mr AU Wai-kwong Mr CHAN Chi-sing Ms YAU Yuk-lan Mrs Priscilla LUI Chairman Ms LAW Shuk-kwan Mr Paul CHAN Mr Thomas J Mulvey Ms Corinne Remedios Administration	Views on raising the minimum age of criminal responsibility	

015005-015227	Hon Miriam LAU Kin-ye	Presumption of doli incapax	
015228-015450	Hon Michael MAK Kwok-fung	Implications on crime rates in overseas countries after raising the minimum age of criminal responsibility Impact of crimes on victims	Admin to provide response
015451-020129	Administration	Response to issues raised by deputations and members	
020130-020326	Chairman	Date of next meeting	The Clerk to issue a circular to inform members the date of the next meeting

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

Council Business Division 2
Legislative Council Secretariat
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