

立法會
Legislative Council

Ref : CB2/BC/2/01

LC Paper No. CB(2) 276/02-03
(These minutes have been seen
by the Administration)

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

**Minutes of meeting
held on Monday, 21 October 2002 at 10:45 am
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 WONG Sing-chi
- Member absent** : 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 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 TAM Yiu-keung
Senior Superintendent (Intellectual Property Investigation
Bureau)
Customs and Excise Department

Mr CHEUNG Hing-wah
Assistant Director of Social Welfare (Youth & Corrections)

Mrs Justina HO
Chief Social Work Officer (Family & Child Welfare)
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) 34/02-03)

The minutes of the meeting on 19 September 2002 were confirmed.

II. Meeting with the Administration
(LC Paper Nos. CB(2) 75/02-03(01) & CB(2) 77/02-03)

2. The Bills Committee deliberated (index of proceedings attached at **Annex**). The Bills Committee noted that many deputations had expressed concern about the availability of services to juvenile offenders. The Bills Committee agreed that these organisations should be invited to provide further views or information on the following -

- (a) what are the shortcomings of the existing mechanism for the provision of support services to unruly children who were below the minimum age of criminal responsibility and suggestions for improvements;
- (b) what changes or enhancements should be made to the mechanism in (a) if the minimum age of criminal responsibility was to be raised to 10, 12 or 14 years; and
- (c) the proceedings and procedures adopted in overseas jurisdictions for handling children who had committed crimes and were below the minimum age of criminal responsibility (especially those within the age of 10 - 14).

3. The Bills Committee also requested the Administration to provide the following information to facilitate further deliberation -

- (a) information on measures adopted in overseas jurisdictions for handling children who had offended and were below the minimum age of criminal responsibility (for example, the procedures for convening round table conferences attended by social workers and parents, and procedures for determining whether the child offender should be referred to other agencies for services);
- (b) copies of the following documents/publications that the Administration had made reference to at the meeting -
 - (i) extracts from "Textbook of Criminal Law" by Mr Glanville Williams; and
 - (ii) the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).
- (c) elaboration on the Police Superintendent's Discretion Scheme (PSDS) -
 - (i) the criteria for and the persons involved in determining whether an arrested child should or should not be referred to other agencies or organisations for follow-up services;
 - (ii) whether children who were discharged without being cautioned would still be referred for services;
 - (iii) whether the police encountered any problems in making these referrals (e.g. parents' objections); and

- (iv) success rate of rehabilitation of children dealt with by PSDS.
- (d) statistics on juvenile offenders aged below 18 who were recidivists.

III Clause-by-clause examination
(LC Paper No. CB(2) 2581/01-02(02))

4. Members agreed to defer clause-by-clause examination of the Bill until the concerns about the adequacy of services for juvenile offenders had been thoroughly discussed.

IV. Date of the next meeting

- 5. Members agreed that the next meeting be held on 13 November 2002 at 8:30 am.
- 6. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 2
Legislative Council Secretariat
5 November 2002

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001
Meeting on Monday, 21 October 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Counter	Speaker	Subject(s)	Action Required
000001-000119	Chairman	Confirmation of minutes of meeting on 19 September 2002	
000120-001200	Chairman Hon WONG Sing-chi Hon Cyd HO Administration	Invitation of further information from deputations which had previously given views to the Bills Committee	Clerk to issue letters
001201-002907	Administration	Introduction of the Administration's paper entitled "Whether the minimum age of criminal responsibility should be raised to 12 or 14" [LC Paper No. CB(2) 75/02-03(01)]	Admin to provide information on the proceedings (or procedures) in overseas jurisdictions for handling children below the minimum age of criminal responsibility
002908-003956	Dr Hon LAW Chi-kwong Chairman Administration	Provision of services and timely intervention in cases involving children who had offended but were below the minimum age of criminal responsibility	
003957-005405	Hon Miriam LAU Administration	Application of the rebuttable presumption of doli incapax	
005406-005711	Hon Miriam LAU Administration	Early intervention by social workers and the coverage of the care or protection orders	
005712-010003	Hon Ambrose LAU Administration	Request for copies of the documents that the Administration had made reference to at the meeting	Admin to provide the information
010004-010247	Hon Jasper TSANG	Statistics on young offenders arrested for crimes	

010248-010837	Chairman Administration	Timetable of the comprehensive review of juvenile justice commissioned by the Administration	
010838-011743	Hon Jasper TSANG Chairman Administration Dr Hon LAW Chi-kwong	Proceedings of the juvenile courts	
011744-013133	Hon Michael MAK Administration Chairman	Statistics on the types of offences committed by children from 10 to 13 and the basis of the presumption of doli incapax for children between the ages of 7 and 14	
013134-015003	Hon Cyd HO Administration Chairman Hon WONG Sing-chi	a. Provision of services and intervention in cases involving children who had offended but were below the minimum age of criminal responsibility b. Actual operation of the Police Superintendent Discretion Scheme (PSDS)	Admin to provide information on PSDS
015004-015100	Hon WONG Sing-chi Administration	Statistics on children and young persons aged below 18 who were recidivists	Admin to provide information
015101-015401	Hon Jasper TSANG	The stance of the Democratic Alliance for the Betterment of Hong Kong on the Bill	
015402-020331	Chairman Members Clerk	Date of next meeting	

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

Council Business Division 2
Legislative Council Secretariat
5 November 2002