

立法會
Legislative Council

Ref : CB2/BC/2/01

LC Paper No. CB(2) 484/02-03
(These minutes have been seen
by the Administration)

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

**Minutes of meeting
held on Wednesday, 13 November 2002 at 8:30 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
Dr Hon LAW Chi-kwong, JP
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Ambrose LAU Hon-chuen, GBS, 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 Simeon CHOI
Acting 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

Mr Watson CHAN
Head, Research and Library Services

Mr Michael YU
Research Officer 7

Ms Joanne MAK
Senior Assistant Secretary (2) 2

I. Confirmation of minutes of meeting
(LC Paper No. CB(2) 276/02-03)

The minutes of the meeting on 21 October 2002 were confirmed.

II. Meeting with the Administration

(LC Paper Nos. CB(2) 298/02-03(01)-(04), CB(2) 313/02-03(01), CB(2) 328/02-03(01) and IN 05/02-03)

2. The Bills Committee noted the Administration's papers and an information note prepared by the Research and Library Services Division. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. The Bills Committee requested the Administration to consider -

- (a) putting in place a formalised system requiring the Police to consult and involve, at an early stage, the Social Welfare Department and relevant parties, in deciding the appropriate measure(s) to deal with a young offender; and
- (b) introducing more effective measures, e.g. under the Police Superintendent's Discretion Scheme (PSDS), to ensure active participation of the young offenders and their parents/guardians in the supportive/rehabilitative programmes.

The Administration agreed to consider the suggestions.

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

- (a) an analysis of the types of sentences for the juvenile offenders arrested in 1997-2001 (Annexes C and D to the Administration's paper on PSDS);
- (b) the general proceedings of the juvenile courts in Hong Kong;
- (c) the objectives and findings of the reviews conducted on PSDS in the past few years; and
- (d) the reasons for the Administration to propose a minimum age of criminal responsibility which is lower than that in the Mainland and in Taiwan.

5. The Research and Library Services Division of the Secretariat was requested to provide the following supplementary information -

- (a) the recidivism rates of juvenile offenders in Canada, the United Kingdom and Singapore; and

- (b) the background for introducing legislative changes in Canada in May 2001 to lower the age limit for presumption of adult sentence from 16 to 14 years.

6. Members expressed concern that there was currently no scientific or objective yardstick to assess the effectiveness of PSDS and the welfare/support services rendered to juvenile offenders. The Bills Committee agreed to further discuss this at the next meeting.

III. Date of the next meeting

7. Members agreed to hold the next meeting on 2 December 2002 from 8:30 am to 9:30 am to discuss the way forward, and that the Administration would not be required to attend the meeting.

8. There being no other business, the meeting ended at 10:25 am.

Council Business Division 2
Legislative Council Secretariat
27 November 2002

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001
Meeting on Wednesday, 13 November 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000001-000624	Chairman Hon Jasper TSANG Clerk	The way forward and the date of the next meeting	
000625-001759	Hon Michael MAK H(RL) Hon Audrey EU Chairman	Presentation of the Information Note prepared by the Research and Library Services Division (RLSD) of the Secretariat (LC Paper No. IN05/02-03)	
001800-004020	Administration Chairman	Introduction of the Administration's papers provided for the meeting [LC Papers Nos. 298/02-03(01)-(03)]	RLSD to provide recidivism rates of juvenile offenders in Canada, UK and Singapore
004021-005443	Hon Audrey EU Chairman Administration H(RL)	Consultancy study on measures in handling unruly children and operation of the Police Superintendent's Discretion Scheme (PSDS)	
005444-011210	Dr Hon LAW Chi-kwong Administration Chairman Hon Michael MAK Administration	a. System for the Police to refer juvenile offenders to the Social Welfare Department or other agencies for services b. Queries on Annexes C & D to LC Paper No. 298/02-03(02)	Admin to provide a. breakdown of information in Annexes C & D to LC Paper No. 298/02-03(02) b. information on proceedings in juvenile courts in Hong Kong

011211-012108	Hon Miriam LAU Administration Chairman H(RL)	Follow-up visits conducted by Juvenile Protection Section to juveniles cautioned under PSDS	
012109-012549	Hon Miriam LAU Administration Chairman	Effectiveness of PSDS and support services	Admin to provide information on the objectives and findings of the review on PSDS
012550-013621	Hon Audrey EU Administration Chairman H(RL)	Involvement of social workers (or other professionals) in the process of determining referrals for appropriate services	
013622-014503	Hon WONG Sing-chi Administration Chairman	Cooperation between the Police and social workers in dealing with juvenile offenders	
014504-014715	Dr Hon LAW Chi-kwong	Suggestion of deferring the decision of prosecuting or cautioning a juvenile offender under PSDS, subject to his satisfactory completion of the rehabilitative/support programme(s)	
014716-014806	Hon Miriam LAU	Suggestion of "conditional release" under PSDS	
014807-015330	Hon Michael MAK Chairman Administration	Concern about discrepancy in the standards applied by different superintendents under PSDS	
015331-015744	Chairman Hon Audrey EU	Requests for further information from the Administration and RLSD	Admin and RLSD to provide further information

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