

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001**  
**Summary of views expressed by organisations/individuals**

(As at 18 September 2002)

<p align="center"><b>Organisation/Individual</b> <b>(LC Paper No. of written submission)</b></p>	<p align="center"><b>Response</b></p>
<p>1. Against Child Abuse [LC Papers Nos. CB(2) 2778/01-02(01) &amp; (20)]</p>	<ul style="list-style-type: none"> <li>- <u>proposes</u> to raise the minimum age of criminal responsibility to 14 as currently enforced in China and Taiwan</li> <li>- <u>considers</u> that criminal sanction is not the only and most effective way to curb crime</li> <li>- <u>proposes</u> that separating the delinquent child from the community and providing him/her with effective counselling and therapy can better meet the full interests of children and the society</li> </ul>
<p>2. The Boys' &amp; Girls' Clubs Association of Hong Kong [LC Paper No. CB(2) 2778/01-02(02)]</p>	<ul style="list-style-type: none"> <li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten, and retaining the rebuttable common law presumption of doli incapax for children aged between the revised minimum age of ten and below 14</li> <li>- <u>proposes</u> that the Police should consult a panel of professionals comprising psychologists and social workers before deciding whether to bring about prosecution against children aged below 14</li> <li>- <u>proposes</u> extending existing rehabilitation and counselling services to all juvenile offenders</li> </ul>

3. Caritas Outreaching Social Work Team - Aberdeen [LC Paper No. CB(2) 2778/01-02(03)]	<ul style="list-style-type: none"><li>- <u>supports</u> in principle raising the minimum age of criminal responsibility from seven to ten</li><li>- <u>urges</u> the Administration to provide adequate support services to help children below the minimum age of criminal responsibility</li></ul>
4. Hong Kong Christian Service [LC Paper No. CB(2) 2778/01-02(04)]	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten, and retaining the rebuttable common law presumption of doli incapax for children aged between the revised minimum age of ten and below 14</li></ul>
5. Hong Kong Committee on Children's Rights [LC Paper No. CB(2) 2778/01-02(05)]	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14</li><li>- <u>considers</u> that intensive family and community rehabilitative programme works much better than incarceration and punishment</li><li>- <u>considers</u> that leaving decision of whether to institute criminal proceedings against a child aged between seven and 14 to the discretion of the Police and/or the Prosecution, subject to the doli incapax presumption, as unsatisfactory, and inconsistent standards may be applied</li></ul>
6. The Hong Kong Family Law Association [LC Paper No. CB(2) 2778/01-02(06)]	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14</li></ul>
7. Hong Kong Family Welfare Society [LC Paper No. CB(2) 2778/01-02(07)]	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14</li><li>- <u>considers</u> that children should not be required to undergo the trial process under the criminal justice system at a young age i.e. below 14</li><li>- <u>considers</u> that the present minimum age is inconsistent with other legislative provisions which protect children up to and, in some cases, beyond the age of 14</li><li>- <u>proposes</u> that existing rehabilitation services be reviewed to explore alternatives to criminalising young people aged below 14</li></ul>

<p>8. The Hong Kong Federation of Youth Groups [LC Paper No. CB(2) 2778/01-02(08)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten</li><li>- <u>proposes</u> to adopt a "decriminalizing" approach in handling juvenile delinquency and provide a wider range of sentencing options for juvenile offenders</li></ul>
<p>9. The Hong Kong Psychological Society [LC Paper No. CB(2) 2778/01-02(09)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten as proposed in the Bill</li></ul>
<p>10. Mr Andrew Bruce, SC [LC Paper No. CB(2) 2778/01-02(10)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten</li><li>- <u>supports</u> retaining the rebuttable common law presumption of doli incapax</li></ul>
<p>11. Dr Nirmala Rao [LC Paper No. CB(2) 2778/01-02(11)]</p>	<ul style="list-style-type: none"><li>- <u>considers</u> that the minimum age of criminal responsibility should be raised from seven to 14</li></ul>
<p>12. Ms Corinne Remedios [LC Paper No. CB(2) 2778/01-02(12)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> that the appropriate age of criminal responsibility should be set at 14, and not ten as proposed by the Administration, so as to exclude children aged ten to 13</li><li>- <u>supports</u> the principle that children under the age of 14 should be presumed incapable of committing a crime</li><li>- <u>supports</u> the retention of the doli incapax presumption, in the event that the minimum age of criminal responsibility remains below 14</li></ul>
<p>13. Fight Crime Committee [LC Paper No. CB(2) 2778/01-02(13)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten</li></ul>
<p>14. Home Affairs Bureau [LC Paper No. CB(2) 2778/01-02(14)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> the proposals made under the Bill</li></ul>

<p>15. The Hong Kong Council of Social Service [LC Paper No. CB(2) 2778/01-02(15)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten and retaining the rebuttable presumption of "doli incapax" for persons between the revised age and 14 years</li><li>- <u>expresses concern</u> about the provision of rehabilitation and support service to juvenile delinquency and young offenders</li></ul>
<p>16. St. John's Cathedral Counselling Service [LC Paper No. CB(2) 2778/01-02(16)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from seven to ten, and retaining the rebuttable common law presumption of doli incapax for children aged between the revised minimum age of ten and below 14</li><li>- <u>considers</u> that raising the minimum age of criminal responsibility to the age of ten will bring Hong Kong more in line with many countries</li></ul>
<p>17. Tai Po District Fight Crime Committee [LC Paper No. CB(2) 2778/01-02(17)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> the proposals made under the Bill</li></ul>
<p>18. Mr YEUNG Wai-sing, a member of Eastern District Council [LC Paper No. CB(2) 2778/01-02(18)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> the proposals made under the Bill</li></ul>
<p>19. Hong Kong Bar Association [LC Paper No. CB(2) 2778/01-02(19)]</p>	<ul style="list-style-type: none"><li>- <u>proposes</u> raising the minimum age of criminal responsibility to 12</li><li>- <u>considers</u> that the proposed amendment of raising the minimum age of criminal responsibility to 10 is only a "minimum step in the right direction"</li></ul>