

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001**  
**Summary of views expressed by organisations/individuals**  
 (As at 16 October 2002)

<p align="center"><b>Organisation/Individual (LC Paper No. of submission)</b></p>	<p align="center"><b>Comments made in the submissions on the proposals of the Bill</b></p>	<p align="center"><b>Views expressed at the meeting on 19 September 2002 on suggestions of raising the minimum age of criminal responsibility to 12 or 14 years</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 years 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>	<ul style="list-style-type: none"> <li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</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 7 to 10, 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>	<ul style="list-style-type: none"> <li>- <u>does not oppose</u> to upward revision of the minimum age of criminal responsibility, provided that it can be ensured that appropriate services will be made available to juvenile offenders who are below the minimum age (e.g. those of age between 11-12)</li> <li>- <u>express concern</u> about the problem of children being exploited by adults in criminal activities if the minimum age of criminal responsibility is further raised to 12</li> </ul>

<p>3. Caritas Outreaching Social Work Team - Aberdeen [LC Paper No. CB(2) 2778/01-02(03)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> in principle raising the minimum age of criminal responsibility from 7 to 10 years</li><li>- <u>urges</u> the Administration to provide adequate support services to help children below the minimum age of criminal responsibility</li></ul>	<ul style="list-style-type: none"><li>- <u>does not oppose</u> to upward revision of the minimum age of criminal responsibility</li><li>- <u>expresses concern</u> about the availability of counselling and support services to juveniles who have committed crimes but are not prosecuted after the minimum age of criminal responsibility is raised</li><li>- <u>expresses concern</u> about the impact of raising the minimum age of criminal responsibility on the provision of probation services, as such services are presently provided only to persons on conviction</li></ul>
<p>4. Hong Kong Christian Service [LC Paper No. CB(2) 2778/01-02(04)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from 7 to 10 years, and retaining the rebuttable common law presumption of doli incapax for children aged between the revised minimum age of 10 and below 14</li></ul>	<ul style="list-style-type: none"><li>- <u>does not oppose</u> to raising the minimum age of criminal responsibility to 12 years</li><li>- <u>considers</u> that if the minimum age of criminal responsibility is raised to 12 years, the Administration should explain to the public the rationale for doing so and strengthen civic education for children. It should also take measures to prevent exploitation of children aged below 12 by adults to undertake criminal activities</li></ul>

<p>5. Hong Kong Committee on Children's Rights [LC Paper No. CB(2) 2778/01-02(05)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</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 7 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>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</li><li>- <u>considers</u> that children should not be subject to the criminal justice system</li></ul>
<p>6. The Hong Kong Family Law Association [LC Paper No. CB(2) 2778/01-02(06)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</li></ul>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</li></ul>
<p>7. Hong Kong Family Welfare Society [LC Paper No. CB(2) 2778/01-02(07)]</p>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</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 years</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>	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years; but as an interim measure, it can be raised to 12 years and then to 14 years after review.</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 7 to 10 years</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>	<ul style="list-style-type: none"> <li>- <u>does not oppose to</u> raising the minimum age of criminal responsibility to 12 years provided that a mechanism is put in place to ensure that professional services would be available as early as possible to children-in-need</li> <li>- <u>stresses</u> the need to adopt measures outside the criminal justice system for handling 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 7 to 10 years as proposed in the Bill</li> </ul>	<ul style="list-style-type: none"> <li>- <u>does not oppose to</u> raising the minimum age of criminal responsibility to 12 years but there should be support services or alternatives to those below 12 years</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 7 to 10 years</li> <li>- <u>supports</u> retaining the rebuttable common law presumption of doli incapax</li> </ul>	<ul style="list-style-type: none"> <li>- <u>supports</u> raising the minimum age of criminal responsibility to 12 years</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 7 to 14 years</li> </ul>	<ul style="list-style-type: none"> <li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</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 to be in line with other provisions for the protection of children e.g. the special procedure for child witnesses below the age of 14 under the Criminal Procedure Ordinance</li> </ul>	<ul style="list-style-type: none"> <li>- <u>supports</u> raising the minimum age of criminal responsibility to 14 years</li> <li>- <u>considers</u> that public resources put into in police investigations and abortive prosecutions should be better spent on</li> </ul>

	<ul style="list-style-type: none"> <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> <li>- <u>points out</u> that the LegCo Brief on the Bill fails to mention the results of a telephone survey conducted by the Law Reform Commission whereby more than half of the persons surveyed preferred a minimum age of 14 or above</li> </ul>	preventive and rehabilitative measures for vulnerable juveniles
13. Fight Crime Committee [LC Paper No. CB(2) 2778/01-02(13)]	<ul style="list-style-type: none"> <li>- <u>supports</u> raising the minimum age of criminal responsibility from 7 to 10 years</li> </ul>	No representative attended the meeting
14. Home Affairs Bureau [LC Paper No. CB(2) 2778/01-02(14)]	<ul style="list-style-type: none"> <li>- <u>supports</u> the proposals made under the Bill</li> </ul>	No representative attended the meeting
15. The Hong Kong Council of Social Service [LC Paper No. CB(2) 2778/01-02(15)]	<ul style="list-style-type: none"> <li>- <u>supports</u> raising the minimum age of criminal responsibility from 7 to 10 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>	No representative attended the meeting

16. St. John's Cathedral Counselling Service [LC Paper No. CB(2) 2778/01-02(16)]	<ul style="list-style-type: none"><li>- <u>supports</u> raising the minimum age of criminal responsibility from 7 to 10, and retaining the rebuttable common law presumption of doli incapax for children aged between the revised minimum age of 10 and below 14</li> <li>- <u>considers</u> that raising the minimum age of criminal responsibility to the age of 10 will bring Hong Kong more in line with many countries</li></ul>	No representative attended the meeting
17. Tai Po District Fight Crime Committee [LC Paper No. CB(2) 2778/01-02(17)]	<ul style="list-style-type: none"><li>- <u>supports</u> the proposals made under the Bill</li></ul>	No representative attended the meeting
18. Mr YEUNG Wai-sing, a member of Eastern District Council [LC Paper No. CB(2) 2778/01-02(18)]	<ul style="list-style-type: none"><li>- <u>supports</u> the proposals made under the Bill</li></ul>	No comments
19. Hong Kong Bar Association [LC Paper No. CB(2) 2778/01-02(19)]	<ul style="list-style-type: none"><li>- <u>proposes</u> raising the minimum age of criminal responsibility to 12 years</li> <li>- <u>considers</u> that the proposed amendment of raising the minimum age of criminal responsibility to 10 years is only a "minimum step in the right direction"</li></ul>	No representative attended the meeting
20. The Law Society of Hong Kong [LC Paper No. CB(2) 77/02-03(01)]	<ul style="list-style-type: none"><li>- <u>supports</u> the proposals made under the Bill</li></ul>	No representative attended the meeting