

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

Consultancy Study on Measures in Handling Unruly Children

Purpose

This paper presents information on the objectives and the scope of the consultancy study commissioned by the Administration to examine measures in handling unruly children.

Background

2. The Law Reform Commission (LRC) in its Report on "Minimum Age of Criminal Responsibility in Hong Kong" recommends, amongst other things, that the Administration should conduct a general review on the juvenile justice system. The purpose of the review is to ensure that there are effective alternatives to prosecution which on the one hand provide adequate security to the community, and on the other hand prevent errant youngsters from degenerating into hardened criminals.

The Consultancy Study

3. To take forward the review, we see merits to learn from the experience of overseas jurisdictions which have a higher or the same minimum age of criminal responsibility as Hong Kong and examine their measures in handling unruly children and juveniles.

4. In this connection, a consultancy study has been commissioned. The

objective of the study is to provide the Administration with information on measures adopted by overseas countries in handling unruly children below the minimum age of criminal responsibility and mischievous juveniles above the minimum age. The information will facilitate the Administration to identify effective means in dealing with and rehabilitating misbehaving children and young persons in Hong Kong after the minimum age has been raised.

5. The scope of the consultancy study include –

- (a) in-depth research on the measures alternative to prosecution adopted in selected overseas jurisdictions for handling unruly children (i.e. those below the minimum age of criminal responsibility) and young persons (i.e. those below the age of majority but above the minimum age of criminal responsibility). Specifically, the consultant is requested to provide an account of the objectives of the measures, the circumstances in which the measures apply, the groups of persons targeted by the measures, and how the measures operate;
- (b) assessment on the effectiveness of the measures adopted overseas in preventing and diverting children and young persons from going astray; and
- (c) recommendations on whether there is a case to introduce new measures alternative to prosecution in Hong Kong to deal with unruly children and young persons.

Time-table

6. A consultant was appointed in July 2002 and the study commenced in

September 2002. The study is expected to take around 9 months and costs about \$500,000. It involves data collection from overseas countries and the organization of a symposium on juvenile justice in Hong Kong. Based on the information gathered from overseas jurisdictions and the symposium, the consultant will examine whether effective measures implemented in other countries should be adopted in Hong Kong and, if yes, whether and how suitable adjustments should be made to suit the local circumstances.

Advice Sought

7. Members are invited to note the objective and the scope of the consultancy study.

Security Bureau

November 2002