

Your ref. CB2/PL/AJLS

Our ref. SC(CR) 25/2/1 Pt 10

17 July 2003

Clerk to LegCo AJLS Panel
(Attn. Mr. Paul Woo)
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(Fax : 2509 9055)

Dear Mr. Woo,

**LegCo Panel on Administration of Justice and Legal Services
Meeting on 26 May 2003**

1. In paragraph 2 of your letter of 30 June, I was asked to respond in writing to three issues raised in paragraphs 18, 21 and 23 of the draft minutes of the above meeting. My comments are as follows.

Paragraph 18 : Selection of Magistrates to handle juvenile cases

2. The laws do not impose additional requirements for a Magistrate handling juvenile cases beyond the basic qualifications for appointment as a permanent Magistrate. However, in assigning a Magistrate to deal with juvenile cases, the Chief Magistrate will take into account :

- (a) the experience and competence of the judicial officer concerned;
- (b) his aptitude in dealing with juvenile issues, in particular his sensitivity towards the needs of young persons going through judicial proceedings; and
- (c) his interest in dealing with juvenile cases.

3. As far as training is concerned, there are organised training programmes and talks on the operation of the juvenile courts in induction and refresher courses for Magistrates. Issues related to juvenile matters are discussed in regular Sentencing Conferences for Magistrates. Organised visits to institutions for the detention of juvenile offenders, such as boys' home, hostels, reformatory schools and rehabilitation centers are frequently conducted. Talks by clinical psychologists, social workers and government officers on drug abuse, drug treatment programmes and community service order programme are also held.

4. Overseas experience is also a useful source of exposure. In this connection, a Principal Magistrate and a juvenile Magistrate attended the International Conference "Youth Justice 2000 : Managing a New World in Transit" in Singapore in September 2000.

5. Further training in the pipeline includes seminars in late 2003/early 2004 for all Magistrates on 'Problems with juveniles in detention' and 'Psychological aspects of juvenile delinquency'.

Paragraph 21 : Handling of juvenile offenders in police cells

6. Handling of offenders in police cells is a matter not within the purview of the Judiciary. I have written to the Police relaying the concerns of Members and requested them to give you a reply direct.

Paragraph 23 : Plans to improve the setting of juvenile courts

7. In the design of our juvenile courts, the aim is to minimise the anxiety of the juveniles while maintaining the security and authority of the courts.

8. At present, our juvenile courts have the following features :

- (a) the Magistrate's bench is at the same level as the juvenile;
- (b) there is no dock for the juvenile offenders and parents, guardians and case social workers are allowed to sit with them during the proceedings;
- (c) a probation officer is present to render immediate professional advice;

- (d) the public is excluded from the hearings;
- (e) private waiting rooms and discussion rooms are available for the use of the juveniles, their family members, lawyers, probation officers and social workers involved; and
- (f) the Magistrate has the discretion to dispense with the formality of an ordinary court, e.g. not wearing robes himself; parties can remain seated while addressing the court.

9. For care and protection hearings, apart from the above features, the juvenile Magistrate and the parties sit around a table and the formalities of the proceedings are further minimised.

10. Two improvement measures are being planned. The first is to improve the interior design and the furniture of the waiting rooms and the discussion rooms to provide a “homely” environment, with sofas and magazines.

11. Secondly, although due to structural reasons, we may not be able to provide in all Magistrates Court Buildings a separate lift and passage leading directly to the juvenile court, as in the case of the new Fanling Magistrates Court Building, we will relocate all juvenile courts to separate floors from the adult courts in all Magistrates Court Buildings as the planned merger of existing Magistrates Courts take place in the next few years.

Yours sincerely,

(Wilfred Tsui)
Judiciary Administrator