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政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT

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HONG KONG

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來函檔號 YOUR REF:

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26 January 2005

Mrs Percy MA
Clerk to Panel
3rd floor, Citibank Tower,
3 Garden Road,
Hong Kong
(Fax: 2509 9055)

Dear Mrs Ma,

**Panel on Administration of Justice and Legal Services
Juvenile Justice**

Thank you for your letter dated 5 November 2004. The following is a joint reply from the relevant bureaux and departments.

In respect of the enhanced support measures introduced by the Administration since 2003, you may wish to note the following progress –

(a) Pilot Family Conference (FC) Scheme

Having launched the pilot scheme for those aged from 10 to below 18 since October 2003, the Social Welfare Department (SWD), with the assistance of the Police, is reviewing the effectiveness of the programme and identifying areas for possible improvement. Based on the overall observations and recommendations of the review, SWD will consult the various stakeholders including the Hong Kong Council of Social Service and non-government organizations (NGOs) concerned. The views so collected will be taken into account. If the scheme is proven to be effective, we will continue with the scheme and may also consider extending it to cover unruly children aged below 10.

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(b) *Enriched Youth Information Services Leaflet*

The content of the information leaflet has been further enriched to include website addresses of major youth-related NGOs which organize programmes for juveniles and their families. The Police have also translated the leaflet into other languages to cater for the needs of young offenders and their parents/guardians who are ethnic minorities. Parents and guardians of unruly children and youth under the age of 18 who have come to the attention of the Police will be given the leaflets.

(c) *Enhanced Referral Mechanism between the Police and Social Welfare Department/Education and Manpower Bureau*

The enhanced direct referral mechanism in respect of unruly children between 10 and below 18 has been in place between the Police and SWD/EMB since 1 July 2003 and is working well and smoothly. In addition, the police referral mechanism has been extended since 13 September 2004 so that children under 10 deemed to be in need of support services will be referred to the SWD or the Juvenile Protection Section with consent. In more warranting situation, non-consensual referral of these children's data to the SWD may also be made.

As regards the suggestion for the development of a new juvenile justice system incorporating principles and practices of restorative justice, the relevant bureaux and departments have been considering how best to take it forward. They include the following –

- (a) Department of Justice;
- (b) Security Bureau;
- (c) Health, Welfare and Food Bureau;
- (d) Education and Manpower Bureau;
- (e) Social Welfare Department; and
- (f) the Police.

They have taken stock of the considerable number of measures already available for dealing with young offenders in Hong Kong.

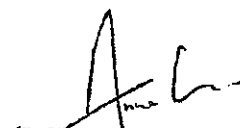
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The discussions on restorative justice are still continuing and no conclusions have been made. The Bureaux and departments involved note that introduction of even a limited form of restorative justice would have far-reaching implications for our juvenile justice system. Therefore the Administration would have to take into account, for example, our existing prosecution policy, the possible need for legislation, the society's general receptiveness of restorative justice, overseas experience, the differences in social and cultural contexts between Hong Kong and other places, resource implications, availability of expertise and other relevant considerations before reaching a view. In the process, we will also take into account the views of our young offenders, the victims and the general public.

In terms of timing for reporting back to LegCo, for the first item concerning the enhanced support measures, the Administration should be able to report to the Panel by mid-2005. As regards the second item in respect of the juvenile justice system, since the relevant bureaux and departments are still at an early stage of deliberations and the subject matter is a complex one, we are not able to commit to a firm time frame for concluding the discussions for the time being. We will let you know once we are in a position to report progress.

Please contact me at 2810 2068 if you need any clarification.

Yours sincerely,


(Miss Anna CHOR)
for Secretary for Security

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