

For information

Legislative Council
Panel on Administration of Justice and Legal Services

Juvenile Justice System

Enhanced Support Measures
for Unruly Children and Young Offenders

Purpose

This paper informs Members of the progress and effectiveness of the enhanced support measures introduced by the Administration since October 2003 targeting at unruly children and young offenders.

Background

2. Subsequent to raising the minimum age of criminal responsibility from 7 to 10 in 2003, the Government commissioned the City University to conduct a consultancy study on the measures adopted by overseas countries in handling unruly children below, and juveniles above, the minimum age of criminal responsibility. The Legislative Council subsequently set up a Subcommittee on Juvenile Justice System in November 2003 to follow up the consultancy report and other issues related to the juvenile justice system. During discussion at the Subcommittee meetings, the Administration reported that a number of enhanced measures had been introduced in 2003 to strengthen the support for unruly children and young offenders and undertook to introduce some further enhanced measures in this regard. At its last meeting on 14 May 2004, the Subcommittee recommended that the Administration should report to Legislative Council in the 2004/05 term on, among others, the effectiveness of the enhanced support measures introduced by the Administration since October 2003.

Progress and Effectiveness of the Enhanced Support Measures

3. The progress and effectiveness of the different enhanced support measures are summarized in the ensuing paragraphs.

Extension of Juvenile Protection Section (JPS)¹ aftercare service to unruly children below the age of 10 if the circumstances of the case so justify

4. Since September 2004, the JPS aftercare service of the Police has been extended to unruly children below the age of 10 if the circumstances of the case so justify (as a result of the change in the minimum age of criminal responsibility from July 2003 onwards). The objective of the arrangement is to provide this group with the support services they need. The JPS service mainly includes supervisory visits to the homes of the unruly children to ensure that they do not lapse into crime or be associated with undesirable characters.

5. Children under 10 deemed to be in need of support services will be referred to the Social Welfare Department (SWD) with parental consent. Should the Divisional Superintendent consider the circumstances of the case so warrant, even in the absence of parental consent, he/she may refer the unruly children's data to the SWD for the latter's assessment of and follow-up on the support services which the children require, or subject to parental consent and choice arrange for JPS supervision visits to be made to the unruly children for a maximum of two years.

6. In 2004, a total of 130 unruly children below the age of 10 came to police attention. The majority of them were involved in minor offences including theft and fighting. Four cases were referred to SWD for follow-up services. This figure however does not include those cases whereby the parents who, based on the information in the Youth Information Services Leaflet (please see paragraph 9 below), sought follow-up service with SWD direct. No cases were assessed to be suitable for referral to JPS during the period.

Further enhanced referral mechanism between the Police and SWD/ Education and Manpower Bureau (EMB)

7. All along there are a variety of established mechanisms² for referring unruly

¹ JPS in each Police Region is overseen by the Regional Crime Prevention Officer who is at Chief Inspector rank. A juvenile who has been cautioned under the Police Superintendent's Discretion Scheme will be referred to the JPS of the Police Region where the juvenile resides for arranging follow-up visits.

² Apart from the enhanced referral mechanism, referral mechanisms are also in place for juveniles under Police Superintendents' Discretion Scheme (PSDS). After a caution has been administered, the Superintendent may consider

children between 10 and below 18 coming to the Police's attention to the relevant Government departments and/or other agencies for support services. Depending on their needs, the unruly children are referred to the JPS, SWD, the EMB and non-governmental organizations (NGOs). The Police make over 3 000 referrals annually under these referral mechanisms. Among these mechanisms, since 1 July 2003, an enhanced direct referral mechanism has been established between the Police and SWD/EMB. Under this mechanism, District Social Welfare Officers (DSWOs) of the SWD and inspectors of the Non-attendance Cases Team and the Education Psychology Service (Professional Support) Section of the EMB act as contact points at the district level to take up police referrals required to be dealt with directly and expediently. Liaison and cooperation at frontline working level have also been strengthened.

8. As at April 2005, the Police had referred a total of 41 cases (aged over 10) to SWD and EMB for necessary follow-up services under this enhanced mechanism. With this additional source of referrals, SWD and EMB have been able to provide assistance to the youth concerned early. Many of them have now resumed schooling, taken up vocational training, got employment or experienced positive behavioural changes. We consider that the mechanism is effective and functioning smoothly.

Improved Youth Information Services Leaflet

9. With effect from July 2003, the Police have enhanced the accessibility of professional support services for unruly children and youngsters who have come to the Police's attention by providing them and their parents with a Youth Information Services Leaflet. The leaflet contains useful information on a wide range of services provided by both government departments and NGOs. Such services include counselling for those with emotional problems, advice on education and career opportunities, and assistance for those with drug-related problems.

10. In September 2004, the contents of the leaflet were further enriched to include website addresses of major youth-related NGOs. Apart from Chinese and English, the leaflet is also available in other languages to cater for the needs of ethnic minorities.

referring the cautioned juvenile to the JPS for follow-up visits and/or the Community Support Service Scheme (CSSS) for counselling and assistance. Depending on the needs of the juvenile, the Superintendent may consider referring the juvenile to the SWD and/or EMB for professional after-care measures. The cautioned juvenile may also be referred for Family Conference where professionals are pulled together to devise follow-up plans for the juvenile.

Introduction of the pilot Family Conference (FC) scheme for those aged between 10 and below 18 and the plan to extend the pilot scheme to those aged below 10

11. The pilot scheme of FC was introduced in October 2003 for children/juveniles aged between 10 and below 18 cautioned under the Police Superintendent's Discretion Scheme. A review of the pilot scheme covering the first year of implementation from October 2003 to September 2004 has been conducted by SWD, with the assistance of the Police and other stakeholders. A summary of the review is at the Annex.

12. During this pilot period, FCs for 44 cases were successfully conducted. According to the findings among major stakeholders of the pilot scheme, it was generally agreed that the mechanism of FC can fulfil its stated objectives of pulling together the juveniles, their parents and multi-disciplinary professionals to identify needs and to devise suitable follow-up plans in addressing these needs through joint effort. There is a general consensus in the welfare sector supporting the continuation of the FC scheme. Some operational improvements will be introduced at the suggestion of the stakeholders. Moreover, SWD will continue to monitor the implementation of the scheme and review it where necessary. Having regard to the experiences gained, both SWD and the Police are in support of extending the mechanism to children below the age of 10 and will work out the necessary administrative and logistical arrangements accordingly.

Security Bureau
Education and Manpower Bureau
Health, Welfare and Food Bureau
Social Welfare Department
Hong Kong Police Force
August 2005

Summary of the Review Report on Family Conference

Background

As part of the Administration's response to enhance the support measures for children / juveniles upon raising the minimum age of criminal responsibility in July 2003, the Hong Kong Police Force (HKPF) and the Social Welfare Department (SWD) had jointly introduced the pilot scheme of Family Conference (FC) effective from 1 October 2003 for children / juveniles cautioned under the Police Superintendent's Discretion Scheme (PSDS). The Administration has undertaken a review on the effectiveness of the FC during the period from October 2003 to September 2004.

Objectives of FC

2. The objectives of FC are to bring together the cautioned juveniles, their family members as well as professionals from relevant Government Departments / Non-Government Organizations (NGOs) to assess the needs of the juveniles and to draw up follow-up plans to address the needs identified through joint efforts.

Referral for FC and Profile of Cases

3. The FC scheme is operated on a voluntary basis for juveniles aged 10 to below 18 and cautioned under the PSDS who are in need of the services from three or more Government Departments / NGOs or the juvenile is being cautioned for a second time or more.

4. During the pilot period, there were 2 998 juveniles put under PSDS, out of which 242 cases (about 8%) fitted the criteria for FC and finally 73 cases (30.2%) with parental consent for conducting FC were referred to SWD. Among these referrals, FCs were conducted for 44 cases (60.2%) and alternative follow-up actions / services were arranged by SWD / NGOs for the remaining cases. Analysis of the profile of the 44 FC cases showed that most of the juveniles involved were males aged between 13 and 15 and the majority of them were students. The most common type of offences they committed was property-related crimes such as shop theft.

Effectiveness of FC

5. Since FC seeks to provide a forum for juveniles, their families and relevant professionals to sit together for assessing the needs of individual juveniles and draw up follow-up plans through joint efforts, the effectiveness of FC hinged upon whether the parents and different professionals were successfully engaged through the mechanism and what appropriate follow-up services were recommended for the juveniles and their families.

6. The review findings showed that the mechanism of FC could, to a very large extent (43 out of 44 cases), engage parents in the process of needs assessment and formulation of follow-up plans for their children.¹ The scheme had also successfully solicited the participation of a variety of disciplines / professionals such as social workers from different service settings including family service, probation service, medical social service, community support services scheme, school social work service etc. from both SWD and NGOs, police officers from crime investigation units and Juvenile Protection Section (JPS), teachers, guidance teachers and school personnel, educational psychologist, clinical psychologist, child psychiatrist, paediatrician and psychiatric nurse etc. The professionals involved could share information and exchange views at an early stage so that better mutual understanding and tighter co-operation could be achieved in future intervention. The range of follow-up services recommended by FCs was diversified and included JPS supervision, welfare services provided by family and young people services units, psychological services as well as services from the education and medical sectors. It showed that FC could achieve its objectives in providing a forum for the young offenders, their families and relevant professionals to sit together and to enable parties concerned to develop appropriate action plans to address the identified needs through joint efforts.

Feedbacks from Stakeholders

7. SWD had collected views and feedbacks from stakeholders including parents and Chairpersons who had participated in the FCs as well as social workers who had been appointed as Key Worker in following up the cases through questionnaires. Focus Groups were also conducted with NGOs and within SWD to collect views and comments on the scheme. On the other hand, HKPF had solicited feedbacks from their frontline police officers on the

¹ In one case, the only parent suffered from ill health and hence could not attend the FC. Subsequent to the FC, the Key Worker had briefed the parent of the follow-up plan recommended by the professionals and she agreed to and welcomed all the suggestions.

implementation of the FC.

8. The findings showed that the parents involved were positive towards the experience of FCs. They were satisfied with the necessary follow-up plans. They regarded the FCs helpful for them to better understand the needs of their children, to receive professional advice and to obtain appropriate referral services. Both the Chairpersons and the Key Workers agreed in general that FCs could facilitate more comprehensive and in-depth needs assessments and strengthen cross-disciplinary collaborations in addressing the needs of the juveniles and their families. The Key Workers, who were responsible for coordinating the follow-up works, also indicated a majority view that the juveniles and their families were more receptive to subsequent interventions after their participation in the FCs and the mechanism had facilitated them in arranging follow-up services. The Police was also in support of the spirit of FC mechanism in providing timely and co-ordinated support to children/juveniles cautioned under PSDS. They have further suggested some improvements to the existing logistical arrangements to smooth out the mechanism.

9. Members from both the Focus Group of SWD and NGOs supported the pilot scheme of the FCs, though they suggested improvements in certain operational arrangements. Representatives generally agreed that the objectives of needs assessment and formulation of follow-up plans for the juveniles and their families through joint effort could be achieved in the FCs. The participation of the juveniles and their families is a meaningful attempt to enable the service recipients to express their own views and concerns in the interventions to be made. The forum of FCs also facilitated multi-disciplinary cooperation in rendering follow-up services.

10. Some NGOs representatives expressed a strong preference to introduce legal back up for the scheme so that legal sanction would be possible should the juveniles fail to comply with the agreed follow-up plans. They wished that the Administration could consider initiating relevant legislative amendment so as to enhance the effectiveness of the interventions subsequent to the FCs. This could however have far-reaching implications on the juvenile justice system and should be carefully considered with wide consultation in the community.

11. A draft report which has incorporated the welfare sector's views was sent to the NGOs participating in the FC and the Hong Kong Council of Social Service (HKCSS) for their comments. A focus group meeting with these NGOs, the HKCSS and the Police was also convened on 25 July 2005 during which the content and recommendations of the report were agreed.

Way Forward

12. On the basis of the review findings, there are merits of continuing with the FC for needy juveniles. SWD, together with other stakeholders including the Police and NGOs, shall jointly continue to operate FC as a regular support measure for young people who are cautioned under the PSDS. We shall also see to the future smooth operation of FC. Having regard to the experiences gained in FC, both SWD and the Police are in support of the extending mechanism to children under 10 and would work out the relevant administrative and logistical arrangements accordingly.

Social Welfare Department
August 2005