

立法會
Legislative Council

Ref : CB2/BC/2/01

LC Paper No. CB(2) 740/02-03

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

**Minutes of meeting
held on Monday, 2 December 2002 at 8:30 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Miriam LAU Kin-yee, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Dr Hon LAW Chi-kwong, JP
Hon Michael MAK Kwok-fung
Hon Audrey EU Yuet-mee, SC, JP

Member absent : Hon WONG Sing-chi

Clerk in attendance : Mrs Constance LI
Chief Assistant Secretary (2) 5

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Joanne MAK
Senior Assistant Secretary (2) 2

I. Way forward

(LC Paper Nos. CB(2)473/02-03, CB(2)488/02-03(01) and CB(2)514/02-03(01)-(03))

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. Members discussed the options on the way forward, as detailed in paragraph 16(a)-(c) of LC Paper No. CB(2)473/02-03. Most members were in favour of option (b) and suggested that the Administration should be requested to give undertakings on the following -

- (a) to provide to the relevant Panel(s) the findings of the consultancy study on alternative measures to handle unruly children once the report was available;
- (b) to consider members' suggestion raised at the last meeting on 13 November 2002 [paragraphs 2(b) and 4 of LC Paper No. CB(2)488/02-03(01)];
- (c) to consider the suggestion made by Dr LAW Chi-kwong that the scope of PSDS should be extended to cover those juvenile offenders below the revised minimum age of criminal responsibility so that they could also be referred for services; and
- (d) expanding the scope of the care and protection orders to provide greater flexibility for the issue of such orders to those children at risk and who were below the revised minimum age of criminal responsibility.

3. The Chairman suggested that the Administration should be required to make the above undertakings during the resumption of the Second Reading debate on the Bill. Members agreed.

4. Members also agreed that the Administration should be required to put in place concrete measures to enhance the existing system of handling children below or above the minimum age of criminal responsibility, before the Bill came into operation if it was enacted. In this connection, members considered that the Administration should report to the Panel on Security the implementation plan of such measures, and that members of this Bills Committee should be invited to attend the discussion.

Proposed amendment to the minimum age of criminal responsibility

5. The Bills Committee discussed whether the minimum age of criminal responsibility should be raised to ten or 12 years. The following members supported that the minimum age should be raised to 12 years : Miss Margaret NG, Ms Cyd HO, Ms Miriam LAU, Dr LAW Chi-kwong, Mr Michael MAK and Mr WONG Sing-chi (as advised by Dr LAW Chi-kwong). Mr Jasper TSANG and Mr Ambrose LAU said that while they personally considered the Administration's proposal of raising the minimum age to ten years acceptable, they would further discuss the Bills Committee's proposal of raising the minimum age to 12 years with Members belonging to their respective parties.

6. Members agreed that the Administration should first be asked to consider whether it would move a Committee Stage amendment to the Bill to raise the minimum age to 12 years.

7. Members agreed to hold the next meeting on 12 December 2002 at 8:30 am.

(Post-meeting note : At the request of the Administration and with the concurrence of the Chairman, the next meeting will be postponed to mid-January 2003. A visit to observe the operation of PSDS will take place on 12 December 2002 instead.)

8. There being no other business, the meeting ended at 9:30 am.

Council Business Division 2
Legislative Council Secretariat
20 December 2002

**Bills Committee on Juvenile Offenders (Amendment) Bill 2001
Meeting on Monday, 2 December 2002 from 8:30 am to 9:30 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000001-001139	Chairman Hon Jasper TSANG Hon Audrey EU Hon Cyd HO Hon Michael MAK Hon Ambrose LAU	Consideration of options on the way forward. [LC Paper No. CB(2) 473/02-03]	
001140-002509	Dr Hon LAW Chi-kwong Chairman Hon Ambrose LAU Hon Jasper TSANG	The Administration should be required to give undertakings during the resumption of the Second Reading debate on the Bill that improvements would be made to the existing system of handling children below and above the minimum age of criminal responsibility, and the relevant Panel(s) would be briefed on the progress of such improvements before the Bill came into operation.	The Clerk to convey members' views to the Administration.
002510-002607	Chairman Clerk	The Administration should provide written response on the specific issues that the Bills Committee had raised at previous meetings. [LC Paper No. CB(2)488/02-03(01)]	The Clerk to convey members' suggestions to the Administration for response.
002608-002637	Dr Hon LAW Chi-kwong	Suggestion of extending the coverage of the Police Superintendent's Discretion Scheme (PSDS) to children below the revised minimum age of criminal responsibility.	

002638-004531	Chairman Hon Cyd HO Dr Hon LAW Chi-kwong Hon Michael MAK Hon Ambrose LAU Hon Miriam LAU	Proposed amendment to the Bill to further raise the minimum age of criminal responsibility to 12 years.	The Clerk to convey members' views to the Administration.
004532-005345	Dr Hon LAW Chi-kwong Hon Cyd HO Hon Ambrose LAU Chairman Clerk	Date of next meeting	
005346-005430	Hon Michael MAK Chairman	Proposed visit to observe the operation of PSDS	The Clerk to follow up.

Note : The audio records of the above proceedings are kept at the LegCo Library

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