

**Re: Comments on further consultation on
Juvenile Offenders (Amendment) Bill 2001**

In response to the letter from the Bills Committee dated 25 October 2002, we wish to reinstate our original position of:

- a) raising the minimum age of criminal responsibility from 7 to 10 years of age,
- b) retaining the rebuttable common law presumption of doli incapax of children aged between the revised minimum age of 10 and below 14. The burden of rebutting the presumption continues to rest with the prosecution.

However, we do not object to raising the age of criminal responsibility to 12, but we have great reservation in raising such age beyond 12.

The legal system should take into account the actual social environment and the practical limitations - whether sufficient and effective alternative services could be provided for youths who are 'decriminalized' by the new law.

Learning to bear the consequences of one's criminal act would facilitate one's moral development. One should also be given the opportunities to learn and practice corrective behaviours.

The shortcomings of the existing mechanism include:

- a) the development of child and adolescent psychology (esp. for 'problem' behaviours) in the areas of early identification, assessment, intervention and evaluation is rather slow compared to other developed countries;
- b) interdisciplinary collaboration for at-risk children and problem youth is weak;
- c) research in this area is ad hoc, uncoordinated, and weak.

It is important to:

- a) develop strategies for early identification and management of at-risk children and youth starting from primary school (e.g. prevention of drug trading);
- b) develop an integrated system regarding referrals, assessment, placement and services provision involving family and school participation;
- c) construct age-appropriate, cultural-specific and evidence-based intervention models.

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November 2002