

DRAFT RESEARCH OUTLINE

Operation of Youth Courts in Selected Overseas Places

1. Background

1.1 The Panel on Administration of Justice and Legal Services (the Panel), at its meeting on 27 January 2003, requested the Research and Library Services Division (RLSD) to conduct a research on the operation of youth courts in overseas places. In particular, the Panel would like to study how the interests of juveniles who have to appear in courts are taken care of during court proceedings.

2. Proposed research outline

2.1 RLSD proposes the following outline for the research:

Part 1 -- Introduction

This part provides the background information of the research.

Part 2 -- Overview of the Juvenile Justice Systems

This part discusses the juvenile justice systems of selected overseas places, including the constitution and jurisdiction of the youth court.

Part 3 -- Operation of Youth Courts

This part provides a detailed discussion of the procedures of youth courts in selected overseas places, including:

- (a) trial proceedings
 - (i) pre-trial procedures
 - (ii) hearing
 - (iii) family conferencing, if required, and other pre-sentencing procedures
 - (iv) sentencing;
- (b) roles of relevant parties in the proceedings;
- (c) appeals procedures; and
- (d) press reporting.

Part 4 -- Analysis

This part compares the procedures of the youth courts studied, and provides references for Hong Kong.

3. Proposed overseas places to be studied

3.1 RLSD proposes to study the following places:

- (a) the United Kingdom (UK);
- (b) New Zealand; and
- (c) Canada

3.2 The UK, New Zealand and Canada are selected because their court systems are similar to that of Hong Kong.

3.3 The UK embarked on measures to reform its juvenile justice system in the late 1990s. An innovative pilot project was implemented during 1998-2000 aiming at, among other things, changing the physical layout of the courtroom to create a more open and approachable atmosphere.

3.4 Family conferencing features prominently in New Zealand's juvenile justice system. It is required by law to convene a family conference before a youth court judge can make any sentence. In Canada, the enactment of a new legislation - Youth Criminal Justice Act - provides for the use of conferences to assist in making decisions regarding young persons who are involved in the juvenile justice system. The study of the New Zealand and Canada experience should serve as references for Hong Kong in the integration of family conferencing in the juvenile justice system.

4. Proposed completion date

4.1 RLSD proposes to complete the research project in April 2003.