

立法會  
*Legislative Council*

LC Paper No. CB(2)246/03-04

Ref : CB2/PL/AJLS

**Paper for the House Committee meeting  
on 7 November 2003**

**Report of the Panel on Administration of Justice and Legal Services  
and Panel on Security on review on juvenile justice system**

**Purpose**

This paper seeks Members' advice on the setting up of a subcommittee under the House Committee to follow up the policy issues arising from the review on juvenile justice system.

**Background**

2. The Juvenile Offenders (Amendment) Bill 2001 sought to implement the recommendation of the Law Reform Commission to raise the minimum age of criminal responsibility from seven years of age to 10 years of age. The Bills Committee formed to study the Bill was advised that the Administration had commissioned a consultancy study on measures adopted by overseas countries in handling unruly children below the minimum age of criminal responsibility and mischievous juveniles above the minimum age. The Administration would propose to raise the minimum age of criminal responsibility further from 10 to 12 years of age after taking into account the findings of the consultancy study.

3. At the suggestion of the Bills Committee, the Panel on Administration of Justice and Legal Services (AJLS Panel) agreed to follow up -

- (a) what improvement should be made to the existing juvenile court system and proceedings; and
- (b) the recommendations of the consultancy study on the review of services for juvenile offenders.

## **Subsequent developments**

### Visit to juvenile courts

4. On 13 March 2003, members of the AJLS Panel made a visit to the respective juvenile courts at the Eastern Magistrates' Courts and the Kowloon City Magistrates' Courts to familiarize themselves with the existing operation of juvenile courts.

5. In the course of the visit, members took the opportunity to visit the detention facilities at the two Magistrates' Courts and were briefed on how juvenile offenders were handled before and after they were taken to appear in court. The observations made by members regarding the detention facilities have been referred to the Police and the Judiciary Administration for consideration and follow up.

### Research report on operation of juvenile courts in overseas countries

6. To facilitate members' consideration, the AJLS Panel requested the Research and Library Services Division (RLSD) of the Legislative Council Secretariat to undertake a research project on the operation of juvenile courts in overseas countries.

7. At its meeting on 26 May 2003, the AJLS Panel received a briefing on the Research Report on "Operation of Youth Courts in Selected Overseas Places"(RP07/02-03). The Research Report provides an overview of the juvenile justice system and the operation of youth courts in the United Kingdom, Canada, and New Zealand, focusing on the jurisdiction and constitution of a youth court, procedures after arrest of a juvenile offender, court procedures, sentencing and court environment. The observations made by members of the AJLS Panel, such as the selection of Magistrates to handle juvenile cases and improvements to the design of juvenile courts, were conveyed to the Judiciary Administration for consideration.

### The consultancy study

8. The consultancy study (paragraph 2 above refers) commissioned by the Security Bureau was completed in end August 2003. The consultancy study examined a total of six countries, namely, Singapore, England and Wales, Belgium, Canada, Australia (Queensland) and New Zealand.

9. The AJLS Panel and the Panel on Security held a joint meeting on 27 October 2003 to receive a briefing on the Consultancy Report on "Measures Alternatives to Prosecution for handling Unruly Children and Young Persons : Overseas Experiences and Options for Hong Kong" prepared by the Youth Studies Net, City University of Hong Kong.

10. Having regard to the international trend towards restorative justice options, and the fact that the minimum age of criminal responsibility has recently been raised

from seven to ten years of age in Hong Kong, the Consultancy Report has recommended four options for handling unruly children below the minimum age of ten years, and two options for handling young offenders aged from ten to below 18.

11. The Panels have noted that -

- (a) the Administration has, on 1 October 2003, put into trial run a family conference system for needy children/juveniles, one of the recommendations of the Consultancy Report. The Administration will review the operation of the family conference pilot scheme in 12 months' time; and
- (b) an interdepartmental working group comprising representatives from Security Bureau, Health, Welfare and Food Bureau, Education and Manpower Bureau, Social Welfare Department, the Police and Department of Justice has been formed to consider how to take forward the other recommendations in the Consultancy Report. The working group will also draw up plans to consult relevant parties, in particular providers of children and youth services. The Administration will keep Members informed of progress of deliberations.

### **Recommendation**

12. The AJLS Panel and the Panel on Security have noted that the policy issues arising from the review on juvenile justice system straddle the policy portfolios of a number of bureaux, hence falling within the terms of reference of different Panels. The two Panels have therefore recommended that a subcommittee should be set up under the House Committee to follow up the relevant issues. This would obviate the need for the relevant Panels to hold joint meetings and allow Members who are not members of the relevant Panels to join the subcommittee.

13. The Panels have further recommended that the subcommittee, if formed, should consult those deputations that had given views to the Bills Committee on the Juvenile Offenders (Amendment) Bill 2001 on the findings and recommendations of the Consultancy Report.

### **Advice sought**

14. Members' advice is sought on the recommendation of the Panels.