

立法會
Legislative Council

LC Paper No. CB(2)2100/03-04
(These minutes have been seen
by the Administration)

Ref : CB2/HS/2/03

Subcommittee on juvenile justice system

**Minutes of meeting held on
Thursday, 5 February at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon Emily LAU Wai-hing, JP
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi
- Members absent** : Hon LEUNG Yiu-chung
Hon Miriam LAU Kin-ye, JP
Hon Audrey EU Yuet-mee, SC , JP
- Public officers attending** : Miss Diane WONG
Principal Assistant Secretary for Health, Welfare and Food
(Welfare)
- Ms Winnie NG
Principal Assistant Secretary for Security (E)
- Miss Angela LEE
Assistant Secretary for Security (E)
- Mr CHEUNG Hing-wah
Assistant Director (Youth & Corrections)
Social Welfare Department

Miss Cecilia LI
Chief Social Work Officer (Family and Child Welfare)
Social Welfare Department

Mr Ian MACKNESS
Chief Superintendent (Crime) (Support)
Hong Kong Police Force

Ms Cecilia NG
Superintendent (Crime) (Support)
Hong Kong Police Force

Attendance by invitation : Hong Kong Family Law Association

Mr Peter BARNES
Chairman

Mr Thomas J. MULVEY
Committee Member

The Hong Kong Council of Social Service

Ms Angela NG
Chief Officer
Service Development (Children & Youth)

Ms Klare CHAN
Officer
Service Development (Children & Youth)

The Boys' & Girls' Clubs Association of Hong Kong

Mr CHAN Wing-kin
Supervisor

Mr AU Wai-kwong
YOT Team Leader

Evangelical Lutheran Church Social Service Hong Kong

Mr CHUK Wing-hung
Social Worker

Miss HO Kam
Social Worker

The Hong Kong Federation of Youth Groups

Mr Gary TANG Leung-shun

Hong Kong Playground Association

Mr WAN Lap-man
Social Work Officer (Strategy and Development)

Ms CHENG Mei-duen
"New Horizon" Community Support Service Scheme Team
Leader

Hong Kong Committee on Children's Rights

Ms Billy WONG
Executive Secretary

Dr CHOW Chun-bong
Chairman

Hong Kong Family Welfare Society

Mr Otto LAU
Regional Manager (Kowloon Region)

Ms Annie LO
Principal Social Worker

Clerk in attendance : Mr Paul WOO
Senior Council Secretary (2)3

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

Ms Amy WONG
Senior Council Secretary (2)1

Action

I. Confirmation of minutes of meeting
(LC Paper No. CB(2)1173/03-04)

The minutes of the meeting held on 18 December 2003 were confirmed.

II. Meeting with deputations and Administration to discuss the Consultancy Report on "Measures Alternative to Prosecution for Handling Unruly Children and Young Persons : Overseas Experiences and Options for Hong Kong" (the Consultancy Report)
(LC Paper No. CB(2)1128/03-04 (01) - (08); 1158/03-04 (01) - (05); 1196/03-04(01))

2. The Administration provided copies of the translated version of the Consultancy Report in Chinese to members and the deputations at the meeting.
3. The Subcommittee received oral representations from the eight deputations on their written submissions on the Consultancy Report (index of proceedings attached at Annex).
4. Members noted that written views had also been received from six other organizations which had not nominated representatives to attend the meeting. Their submissions had also been issued to the Subcommittee.

General views of deputations

5. In general, the deputations agreed that the Consultancy Report provided practical options for handling unruly children and young persons and that the Administration should conduct wide consultation on the possibility of implementing the various recommendations. They supported, inter alia, the use of family conference to deal with relatively minor offences and a co-ordinated multi-disciplinary approach in achieving restorative justice for unruly youth and improving supportive measures, e.g. enhancing training in the relevant disciplines.
6. Some deputations considered that the role of the Police in referring young offenders to seek follow-up support services should be strengthened, after the minimum age of criminal responsibility was raised to 10.
7. Some deputations pointed out that the Chinese terminology for "unruly" (頑劣) child/young person carried a too negative connotation. They preferred to substitute it with (違規).

Action

Restorative justice for young offenders

8. In response to Mr Michael MAK, Ms Annie LO from Hong Kong Family Welfare Society (HKFWS) said that HKFWS was of the view that it was important to ensure that any sanctions and restorative measures targeted at young offenders should be proportionate to the seriousness of the offence, and that the offenders could reap the best advantages out of the measures. Moreover, the interests of all relevant parties, including that of the victims, should be balanced.

Assessment panels (APs)

9. Ms Cyd HO asked what measures might be used to deal with collective unruly behavior such as school violence.

10. Mr CHAN Wing-kin from the Boys' & Girls' Clubs Association of Hong Kong (BGCA) responded that BGCA proposed the establishment of APs on a regional basis which could also deal with cases of group school violence. The APs might be tasked with the responsibility of investigating and assessing cases and proposing remedial measures, such as referral of the offenders with family problems to juvenile homes and hostels. He said that BGCA hoped that the Administration could actively consider the proposal.

Admin

11. Principal Assistant Secretary for Health, Welfare and Food (Welfare) said that the inter-departmental working group would consider the proposal in the context of examining the recommendations in the Consultancy Report.

Role of the Police

12. In response to the Chairman, Chief Superintendent (Crime Support) advised that according to available record, there were a total of 33 children aged below 10 who had come to police attention for commission of crime, from July to December 2003. They were mostly warned after enquiries. Information leaflets on follow up services available from relevant professional service providers were also served to 12 of them.

13. Principal Assistant Secretary for Security (E) supplemented that these records might not capture full details on actions taken towards these offenders who were under 10. At the request of the Subcommittee, the Administration undertook to provide the following information -

- (a) the number of referrals of unruly children aged below 10 made by the Police to service providers for follow-up support services;
- (b) the number of offenders (including children below the age of 10 and those aged between 10 to 17) dealt with under PSDS and the number of offenders who had received caution under PSDS for more than once;

Action

- (c) how cases dealt with under PSDS were followed up so as to assess the effectiveness of the scheme; and
- (d) how the Police would take more proactive measures to help unruly children aged below 10 and their parents gain access to professional support services.

14. Mr AU Wai-kwong from BGCA and Mr Gary TANG from Hong Kong Federation of Youth Groups shared the view that collaboration between the Police and social workers of various agencies had improved. Mr TANG opined that it was necessary to strengthen training for frontline police officers in handling the cases.

Referral mechanism

15. Ms LI Fung-ying asked whether there were channels, apart from the Police, for referring unruly children and young offenders and their families to receive suitable support services.

16. Ms Annie LO from HKFWS said that at present, every school had a social worker assisting in dealing with cases of unruly behaviour of young persons in school and at home and making referrals to relevant service providers. Non-government welfare organisations also provided a range of services for the youngsters and their families.

17. Mr CHAN Wing-kin from BGCA suggested that a comprehensive one-stop telephone service hotline should be established to answer enquiries and advise on the services available.

Family Group Conference (FGC)

18. Ms Annie LO from HKFWS opined that FGC should be implemented by phases, with careful selection of cases involving participation of the victims. Clear guidelines should be set for conducting FGC and the facilitator must be adequately trained.

19. The Administration was requested to respond in writing to the proposal that mandatory participation in FGC should be imposed on young offenders and their parents in special circumstances.

Ex-offender as "mentors" for young offenders

20. Ms Cyd HO pointed out that the Social Welfare Department was operating a scheme under which ex-offenders took part in rehabilitation programmes as "mentors" for young offenders. She opined that useful experiences could be drawn from such scheme.

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21. The Administration was requested to provide information on the scheme, with case examples to illustrate its effectiveness.

Work plan and progress of the Administration's inter-departmental working group

22. The Chairman and Ms Emily LAU enquired about the anticipated timeframe for completion of the inter-departmental working group's study of the recommendations of the Consultancy Report and report to the Legislative Council on its conclusions.

23. The Subcommittee requested the Administration to respond in writing on the progress of work of the working group and how the Administration would take forward the recommendations arising from the consultancy study.

(Post-meeting note : The Administration's written responses to the issues raised at this meeting was issued to the Subcommittee vide LC Paper No. CB(2)1659/04-04(01))

III. Date of next meeting

24. The next meeting was scheduled for 12 March 2004 at 8:30 am.

25. The meeting ended at 10:50 am.

Council Business Division 2
Legislative Council Secretariat
21 April 2004

**Proceedings of the meeting of the
Subcommittee on juvenile justice system
on Thursday, 5 February 2004 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
000000 - 000506	Chairman	Confirmation of minutes of meeting held on 18 December 2003 (LC Paper No. CB(2)1173/03-04)). Invitation of the deputations and Administration to the meeting.	
000507 - 001244	Hong Kong Family Law Association	Oral presentation.	
001245 - 002032	Hong Kong Council of Social Service	Oral presentation.	
002033 - 002752	Boys' & Girls' Clubs Association of Hong Kong	Oral presentation.	
002753 - 003714	Evangelical Lutheran Church Social Service Hong Kong	Oral presentation.	
003715 - 004555	Hong Kong Federation of Youth Groups	Oral presentation.	
004556 - 005407	Hong Kong Playground Association	Oral presentation.	
005408 - 005824	Hong Kong Committee on Children's Rights	Oral presentation.	
005825 - 010900	Hong Kong Family Welfare Society	Oral presentation.	
010901 - 011039	Chairman	Organisations not attending the meeting but have submitted written views on the Consultancy Report. Summary of views of the deputations.	

Time marker	Speaker(s)	Subject(s)	Action required
011040 - 011716	Admin Chairman Ms Emily LAU	Preliminary response to views and concerns of deputations. Work plan and progress of the Administration's inter-departmental working group in examining the recommendations of the Consultancy Report, and the anticipated timeframe for completion of the Administration's study.	Admin to respond in writing.
011717 - 011930	Chairman Ms Cyd HO	Determination of the point in time that the unruly youth be institutionalised. Need for follow-up action for collective unruly behaviour such as school violence.	
011931 012311	Boys' & Girls' Clubs Association of Hong Kong	Proposal to establish assessment panels on a regional basis to investigate cases and recommend follow up measures to deal with unruly children and young persons.	Admin to comment in writing on the proposal.
012312 - 012933	Chairman Admin	The Police Superintendents' Discretion Scheme. Referrals made by the Police to service providers for follow-up support services.	Admin to provide relevant information (paragraph 13(a), (b) and (c) of minutes of meeting refers).
012934 013202	Chairman Hong Kong Federation of Youth Groups	Police referral of unruly children under 10 years of age to service providers for follow-up service.	
013203 - 013553	Chairman Admin	Referrals of unruly children aged below 10. Proactive measures of the Police in helping unruly children and their families in gaining access to support services.	Admin to respond in writing.

Time marker	Speaker(s)	Subject(s)	Action required
013554 - 014317	Evangelical Lutheran Church Social Service Hong Kong Chairman	Collective unruly behaviour at school. Participation in Family Group Conference (FGC).	
014318 - 014502	Ms LI Fung-ying	Channels for rendering assistance to unruly children and young offenders.	
014503 - 015045	Chairman Hong Kong Family Welfare Society Ms LI Fung-ying	Handling of school violence and unruly behaviour of children and young persons at home and in school.	
015046 - 015211	Boys' & Girls' Clubs Association of Hong Kong	Provision of one-stop service to unruly children and young persons and their families.	
015212 - 015612	Admin Chairman	Existing youth services with focus on prevention of unruly behaviour of children and young persons.	
015613 - 020035	Mr Michael MAK Chairman	Attitude of police officers in handling offence cases of unruly children and young persons. Points raised in the submissions from the Hong Kong Playground Association and the Hong Kong Family Welfare Society.	
020036 - 020420	Hong Kong Playground Association	Attitude of police officers in handling unruly young persons.	
020421 - 020731	Hong Kong Family Welfare Society	Responsibility of young persons for their own actions. FGC with participation of the victims.	
020732 - 020915	Chairman Boys' & Girls' Clubs Association of Hong Kong	Role of the Police in handling cases of unruly young persons.	

Time marker	Speaker(s)	Subject(s)	Action required
020916 - 021145	Hong Kong Federation of Youth Groups	Role of the Police in handling cases of unruly young persons. Procedure for conducting FGC.	
021146 - 021319	Chairman Mr Michael MAK	Proposal on mandatory participation by young offenders and their parents in FGC.	Admin to comment on the proposal.
021320 - 021428	Ms Cyd HO Chairman	Ex-offenders as "mentors" for young offenders.	Admin to provide information on the scheme with case examples.
021429 021755	Chairman Admin	Date of next meeting.	

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