

立法會
Legislative Council

LC Paper No. CB(2)2274/03-04
(These minutes have been seen
by the Administration)

Ref : CB2/HS/2/03

Subcommittee on juvenile justice system

**Minutes of meeting held on
Friday, 12 March 2004 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi
- Members absent** : Hon Cyd HO Sau-lan
Hon LI Fung-ying, JP
Hon Audrey EU Yuet-mee, SC , JP
- Public officers attending** : Security Bureau

Ms Winnie NG
Principal Assistant Secretary for Security (E)

Miss Rosalind CHEUNG
Assistant Secretary for Security (E3)

Health, Welfare and Food Bureau

Miss Diane WONG
Principal Assistant Secretary for Health,
Welfare and Food (Welfare)

Social Welfare Department

Mr CHEUNG Hing-wah
Assistant Director (Youth and Corrections)

Ms WONG Yin-yee
Senior Social Work Officer (Family)

Hong Kong Police Force

Mr Ian MACKNESS
Chief Superintendent (Crime Support) (Crime Wing)

Ms Cecilia NG
Superintendent (Crime Support) and
(Child Protection Policy Unit) (Crime Wing)

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

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

Mr Paul WOO
Senior Council Secretary (2)3

Action

The Chairman informed members that Hon LEUNG Yiu-chung had notified the Secretariat in writing on 23 February 2004 that he decided to withdraw from serving as member of the Subcommittee. The withdrawal took effect from 23 February 2004.

I. Meeting with the Administration

(LC Paper Nos. CB(2)1237/03-04(01) and (02), 1659/03-04(01))

2. The Subcommittee deliberated (index of proceedings attached at **Annex.**)

3. The Administration responded to the various issues raised by members at the meeting.

Action

The Administration's response to the recommendations of the Consultancy Report

4. Members' comments and major concerns on the Administration's response were set out below.

Referrals of unruly children/juveniles for follow-up support services

5. On the enhanced measures to be introduced to further strengthen the support to unruly children and young offenders (paragraph 12 of the Administration's paper (LC Paper No. CB(2)1659/03-04(01)), members noted that the Administration had received legal advice that the Police could refer the personal data of unruly children aged below 10 to the Social Welfare Department (SWD) for follow up on the children's well-being, when prevention of injury to life was at issue, even in the absence of parental consent. The Police could therefore make cross-departmental referrals for unruly children and young offenders even without parental consent, if the Police considered that there was a need to do so.

6. Ms Emily LAU and Mr MAK Kwok-fung said that it was important that frontline police officers were well aware of their duties and the scope and limitations of their powers to ensure that they could handle the cases in a proper manner.

7. Mr WONG Sing-chi said that he was concerned that the proposed enhanced measures might not be adequate to ensure that all cases which came to the notice of the Police would be appropriately followed up. He urged the Administration to strengthen the referral and follow-up mechanism, in particular the systematic liaison and cooperation between the Police, SWD and non-Government service providers. The Chairman agreed that an integrated approach should be adopted.

8. Ms Miriam LAU considered that there was a gap in the provision of support services for unruly children under 10. She pointed out that there were offence cases, particularly cases of a relatively minor nature, where the parents of the children took no proper action to rectify the behaviour of their children and prevent re-offending. Nonetheless, such cases might not have been referred by the Police to SWD for follow up because the parents did not give consent for the referral, or referral in the absence of parental consent was considered unjustified. She opined that the Government should introduce suitable measures to ensure that these cases could also be properly taken care of. The Administration was requested to provide a written response to Ms LAU's concern.

Admin

Action

9. Ms Emily LAU noted that between July and December 2003, 33 unruly children aged below 10 came to Police attention. The Police in most cases warned and release the children with a Youth Services Information Leaflet served. The purpose of the leaflet was to facilitate unruly children/juveniles and their parents to seek follow-up support services from relevant Government departments and non-Government organizations. In response to Ms LAU, the Administration tabled for members' reference a copy of the leaflet (the leaflet was issued after the meeting vide LC Paper No. CB(2)1721/03-04(01)).

Admin

10. Ms Emily LAU asked the Administration to provide information on the number of cases in which the parents of the children were present when such cases were handled and the follow up actions taken on the 33 cases.

Family Conferences (FCs)

11. Members noted the Administration's advice that from October to December 2003, a total of 10 cases had been considered under the pilot scheme on FCs as to whether FCs should be convened for the juveniles (of age between 10 and below 18) and their family members. Of these 10 cases, four FCs were convened. An interim review on the pilot scheme would be conducted six months after the scheme was introduced in October 2003.

Admin

12. The Administration was requested to provide details of the four cases for which FCs were held and an assessment of the effectiveness of the FCs.

Way forward

Admin

13. The Administration was requested to provide a paper (in the form of a table) before 30 April 2004 to set out the following -

- (a) the recommendations made in the Consultancy Report on the measures for handling unruly children and young persons;
- (b) the comments and suggestions made by the deputations at the meeting of the Subcommittee on 5 February 2004;
- (c) the comments and suggestions made by the Subcommittee at previous meetings;
- (d) the Administration's responses to (a) to (c) above; and
- (e) the Administration's views on how the Government might follow up the wider issue of the development of a new juvenile justice system taking account of recent developments in the use of restorative justice for juveniles.

Action

14. Members agreed that after receipt of the Administration's written response, the Subcommittee should provide the paper to the deputations which had made written submissions to the Subcommittee on the Consultancy Report and invite them to provide further views on the issues raised. A meeting would then be held for the deputations to present their views and discuss relevant issues with the Subcommittee.

15. The Chairman said that the Subcommittee would make a report on its deliberations and recommendations to the House Committee before the end of the current legislative term.

II. Date of next meeting

16. The next meeting was scheduled for 14 May 2004 at 4:30 pm to meet with the Administration and deputations.

17. The meeting ended at 10:20 am.

Council Business Division 2
Legislative Council Secretariat
6 May 2004

**Proceedings of the meeting of the
Subcommittee on juvenile justice system
on Friday, 12 March 2004 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000553 - 000821	Chairman	Withdrawal of Hon LEUNG Yiu-chung from membership of the Subcommittee with effect from 23 February 2004. Matters raised at previous meetings of the Subcommittee.	
000822 - 003012	Admin	Admin's written response to the recommendations of the consultancy report on measures alternative to prosecution for handling unruly children and young persons (LC Paper No. CB(2)1659/03-04(01)).	
003013 - 004027	Ms Emily LAU Chairman Admin	Police referrals of unruly children aged below 10 to service providers for follow-up support services. Cross-departmental referrals for unruly children in the absence of parental consent.	
004028 - 005011	Ms Emily LAU Admin Chairman	Effectiveness of the Youth Services Information Leaflet given by the Police to unruly children/young offenders and their parents to assist them to seek follow-up services. Cases involving 33 unruly children under the age of 10 which came to Police attention between July and December 2003 and in which the information leaflet was served by the Police after giving warning to the children.	Admin to advise in writing on the number of cases in which the parents of the unruly children were present when such cases were handled by the Police.
005012 - 010211	Mr WONG Sing-chi Admin Chairman	Strengthened liaison and cooperation between the Police and Government / non-Government organizations to ensure that all cases involving unruly children and young offenders which came to	

Time Marker	Speaker(s)	Subject(s)	Action required
		Police attention would be appropriately followed up.	
010212 - 010907	Mr Michael MAK Admin Chairman	Family Conferences (FCs) introduced since October 2003 for unruly children and young offenders aged between 10 and below 18.	
010908 - 011240	Ms Emily LAU Admin Chairman	Follow-up actions taken on cases involving 33 unruly children aged below 10 between July and December 2003. Cases considered under the pilot scheme on FCs and the number of FCs actually held.	Admin to advise in writing. Admin to provide details of the cases for which FCs had been held.
011241 - 012035	Mr WONG Sing-chi Admin Chairman	Enhanced referral mechanism between the Police and the Social Welfare Department and the Education and Manpower Bureau.	
012036 - 013041	Ms Miriam LAU Chairman Admin	Cases where the parents of the unruly children took no proper action to prevent re-offending but referral of such cases to service providers was considered unjustified because of absence of parental consent.	Admin to respond in writing on how to fill the gap in providing support services to deal with such cases.
013042 - 013642	Ms Emily LAU Admin Chairman	Interim review on the pilot scheme on FCs.	Admin to explain in writing the effectiveness of the FCs convened under the pilot scheme.
013643 - 014837	Chairman Mr WONG Sing-chi Admin	Way forward for deliberation of the Subcommittee. Invitation for deputations to attend the next meeting of the Subcommittee on 14 May 2004 to give views on Admin's latest response.	Admin to provide a paper to respond to the issues raised (paragraph 13 of the minutes refers).