

**For information on  
14 May 2004**

**Administration's Response to Matters Raised in Paragraph 3 of  
the Letter from the LegCo Secretariat dated 16 March 2004**

- (a) Of the 33 offence cases handled by the Police between July and December 2003 involving unruly children under 10 years of age, to provide information on the number of cases in which the parents of the children had participated in the process and the actions taken on the 33 cases.**

Of the 33 cases handled by the Police between July and December 2003 involving unruly children under 10 years of age, the Police in most cases warned and released the children with information leaflet served and there was one referral to the Social Welfare Department (SWD) during that period. There was also the possibility that some parents, based on the information in the leaflet, would seek follow-up services at a latter date. In all cases, the Police would only release the unruly children to the parents or an adult guardian, usually a family member, who would therefore be aware of the reported offences and encouraged to seek follow-up services.

- (b) To provide details of the four cases for which Family Conferences (FCs) have been convened during the period from October to December 2003, including an assessment of the effectiveness of the FCs.**

Since FCs were only introduced in October 2003 and the follow-up professional services normally take some time before they would make an impact with noticeable difference on young offenders, a meaningful assessment of the effectiveness of FCs cannot be done at such an early stage. Therefore, we are only able to provide some basic statistics and information relating to FCs held so far. Please see at the Annex.

In the past six months from 1 October 2003 to 31 March 2004, the Police referred a total of 35 juveniles cautioned under the Police Superintendent's Discretion Scheme to the SWD to assess whether FCs should be organized. As at end March 2004, among the 35 cases, FCs had been held for 18 cases so far and another 4 cases were under assessment or waiting for the actual convening of FCs. As regards the remaining 13 cases, SWD considered that FCs were not necessary because appropriate support services could

already be determined and provided through consultation with the Police, Non-Governmental Organizations and parents without having to conduct a formal FC.

The profile of the juveniles involved, the involvement of parents and professionals in the FCs, key social workers responsible for follow-up actions and the types of follow-up services recommended are also set out at the Annex. It can be seen that supervision by the Juvenile Protection Section (JPS) of the Police is recommended for all the 18 cases, while counselling services by SWD and follow-up actions by school social worker service / Student Guidance Personnel are recommended for about two-thirds of the cases.

We will review the effectiveness of FCs one year after its implementation, to allow time for the follow-up professional services to show their effects and a meaningful assessment on the effectiveness of FCs to be made; and after we have gathered more experience in conducting FCs.

- (c) **To address a member's concern that there is a gap in the provision of services for unruly children under the age of 10 who have committed minor offences. For example, cases where the parents of the children take no proper action to rectify the behaviour of their children and prevent re-offending. However, such cases could not be referred to the Social Welfare Department for follow up because parental consent is not given for the referral, and referral in the absence of parental consent is not justified. Some members of the Subcommittee are of the view that the Government should also have a role to play in such cases.**

The Administration is mindful in ensuring that, where necessary, children and their parents in need are directed to the appropriate support services. In the event that the parent or guardian consents to referral, whether of their own volition or at the suggestion of the Police, referral would be made to service providers for follow-up support services. When prevention of injury to life is at issue, cross-departmental referrals would also be made even without parental consent. In all cases, even when the offence is considered to be minor and isolated, and there are no other factors indicating that a referral without consent should be made, the child and his/her parents/guardians would be given information on how to obtain support services if they wish to do so. Under this mechanism, it is considered that parents and children in need should have been properly looked after.

In this connection, there are programmes provided by the 131 Integrated Children and Youth Services Centres (of which 18 are designated teams to provide young night drifter services), 34 Children and Youth Centres, 16 District Youth Outreaching Social Work Teams, 5 Counselling Centres for Psychotropic Substance Abusers, 5 Community Support Service Schemes for young people cautioned under the Police Superintendent's Discretion Scheme, 66 Family Service Centres / Integrated Family Service Centres and the Junior Police Call. The Administration would continue to enhance services in this regard as appropriate to provide further assistance to parents and their children including those who have committed minor offences and not been referred to SWD for follow-up services.

Against the above background and all the positive actions that would be taken, we should carefully strike a balance between rendering assistance to children under the minimum age of criminal responsibility and their parents, and avoiding "excessive" intervention targeted at them when the "wrongful" act is considered to be trivial. Appropriateness of Government intervention has to be carefully balanced against the wishes of individual parents.

**Health, Welfare and Food Bureau  
Security Bureau  
Social Welfare Department  
Hong Kong Police Force**

**May 2004**

**Statistics relating to the Family Conference for Juveniles cautioned under  
the Police Superintendent's Discretion Scheme  
(October 2003 to March 2004)**

**I. Overall Statistics**

<b>Month</b>	<b>No. of referral received from Police (i)</b>	<b>No. of case for which Family Conference was held (ii)</b>	<b>No. of case for which follow up action was taken &amp; therefore Family Conference was considered not necessary (iii)</b>	<b>Total (iv) = (ii)+(iii)</b>	<b>No. of case awaiting Family Conference / pending decision</b>
<b>Oct 2003 to Jan 2004</b>	19	7	11	18	-
<b>Feb 2004</b>	6 <sup>#</sup>	4	0	4	-
<b>Mar 2004</b>	10 <sup>#</sup>	7	2	9	4
<b>TOTAL</b>	<b>35</b>	<b>18</b>	<b>13</b>	<b>31</b>	<b>4</b>

<sup>#</sup> These figures include the number of cases awaiting the actual holding of Family Conference and those pending decision on whether a Family Conference is needed at the cut-off date.

## II. Analysis of the 18 Cases for which Family Conference was conducted

### (a) Profile of Juveniles Involved

Sex		Age								
M	F	10	11	12	13	14	15	16	17	18
16	2	1	1	1	3	5	3	3	1	-
(18)		(18)								

### (b) Involvement of Parents in the Family Conference

Parties attended	Father	Mother	Both parents	Total
No. of cases involved	7	7	4	18

### (c) Involvement of Professionals in the Family Conference

Parties	No. of case involved
<b><i>Hong Kong Police Force</i></b> • Police officers	18
<b><i>Social Welfare Department</i></b> • Social workers from Family Services Centres • Probation Officers	18 3
<b><i>Non-Governmental Organization</i></b> • Social workers from Family Services Centres • School Social Workers • Social workers in Community Support Services Scheme • Social Workers from Residential Services • Social worker from Integrated Children and Youth Services Centres / Integrated Service Centres	3 5 16 2 1
<b><i>Hospital Authority</i></b> • Child Psychiatrist / Paediatrician	2
<b><i>Education and Manpower Bureau</i></b> • Officers from Education Psychology Service Section and Non-attendance Case Team	6
<b><i>Vocational Training Institute</i></b> • Personnel from Construction Industry Training Authority	1
<b><i>School</i></b> • School personnel/Student Guidance Teachers	3

**(d) Key Worker Responsible for Follow-up Actions**

<b>Key worker</b>	<b>No. of case</b>
Caseworker of SWD Family Services Centre	11
School Social Worker	4
Social Worker of Community Support Services Scheme	3
<b>Total</b>	<b>18</b>

**(e) Types of Follow-up Services**

<b>Referral / follow-up services recommended by Family Conference</b>	<b>No. of case involved</b>
1. Supervision by Juvenile Protection Section (HKPF)	18
2. Counselling service by Family Services Centres	12
3. School social work service / service from Student Guidance Personnel	11
4. Community Support Services Scheme	8
5. District Youth Outreaching Social Work service	6
6. Clinical psychological service (SWD) / psychiatric treatment (HA)	4
7. Residential service for training on self-discipline and interpersonal skills	4
8. Service of Education Psychologist / Non-attendance Case Team (EMB)	2
9. Vocational training institute for vocational guidance	1
10. Integrated Children and Youth Services Centres / Integrated Service Centres	1