

Draft Bill.

No. S. 492.—The following bill is published for general information:—

C.S.O. 3690/30.

[No. 32:—8.12.31.—4]

A BILL

INTITULED

An Ordinance to make provision for Proceedings in reference to Juvenile Offenders.

BE it enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof, as follows:—

Short title. 1. This Ordinance may be cited as the Juvenile Offenders Ordinance, 1932.

Interpretation. 2. In this Ordinance unless the context otherwise requires—

8 Edw. VII,
c. 67, s. 131.

(a) "Child" means a person who is, in the opinion of the court having cognizance of any case in relation to such person, under the age of fourteen years.

(b) "Young person" means a person who is, in the opinion of the court having cognizance of any case in relation to such person, fourteen years of age or upwards and under the age of sixteen years.

(c) "Guardian", in relation to a child or young person, includes any person who, in the opinion of the Court having cognizance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person.

(d) "Probation Officer" means a person appointed under this Ordinance by the Governor or by the court to be a probation officer.

Juvenile
Courts.

8 Edw. VII,
c. 67 s. 111.

3.—(1) A court, other than the Supreme Court acting in the exercise of its criminal jurisdiction, when hearing charges against children or young persons shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held, and a court so sitting is in this Ordinance referred to as a juvenile court.

(2) Where in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is of the age of sixteen years or upwards, or where in the course of any proceedings in any court other than a juvenile court it appears that the person charged or to whom proceedings relate is under the age of sixteen years, nothing in this section shall be construed as preventing the court if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case.

(3) Provision shall be made for preventing persons apparently under the age of sixteen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from associating with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of sixteen years is jointly charged or convicted.

(4) In a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend.

Provided that *bona fide* representatives of a newspaper or news agency shall not be excluded, except by special order of the court.

Provided that no person shall publish the name, address, school, photograph, or anything likely to lead to the identification of the child or young person before the juvenile court, save with the permission of the court or in so far as required by the provisions of this Ordinance. Any person who acts in contravention of the provisions of this proviso shall be liable upon summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for any term not exceeding three months.

(5) The Governor in Council may, by order to be published in the Gazette, provide for the establishment of such juvenile courts as may appear to him to be necessary and for assigning to each such court such portion of the Colony as may be specified in the order.

(6) An Order made by the Governor in Council under the foregoing subsection may provide for such courts being held elsewhere than in the buildings used as magistrates' courts. 10 & 11
Geo. V,
c. 68, s. 1.

4. Where a person apparently under the age of sixteen years is apprehended, with or without warrant, and cannot be brought forthwith before a juvenile court, an inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which such person is brought, shall inquire into the case, and may in any case, and Bail of
children and
young
persons
arrested.
8 Edw. VII,
c. 67, s. 94.

- (a) unless the charge is one of homicide or other grave crime; or
- (b) unless it is necessary in the interest of such person to remove him from association with any undesirable person; or
- (c) unless the officer has reason to believe that the release of such person would defeat the ends of justice,

shall release such person on a recognizance, with or without securities, for such amount as will, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge, being entered into by him or by his parent or guardian, or other responsible person.

5. Where a person apparently under the age of sixteen years having been apprehended is not so released as aforesaid, the officer in charge of the police station to which such person is brought shall cause him to be detained in a place of detention provided under this Ordinance until he can be brought before a juvenile court unless the officer certifies— Custody of
children and
young
persons not
released on
bail after
arrest.
8 Edw. VII,
c. 67, s. 95.

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly or depraved a character that he cannot be safely so detained, or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable to so detain him;

and the certificate shall be produced to the court before which the person is brought.

Prevention of association with adults during detention in Police Stations.

8 Edw. VII, c. 67, s. 96.

Remand or committal to custody in a place of detention.

8 Edw. VII, c. 67, s. 97.

6. It shall be the duty of the Inspector General of Police to make arrangements for preventing, so far as practicable, a child or young person while being detained, from associating with an adult, other than a relative, charged with an offence.

7.—(1) A court on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Ordinance and named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of Law.

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot be safely detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any court, and if it is revoked the young person may be committed to prison.

Procedure in Juvenile Courts.

8.—(a) Where a child or young person is brought before a juvenile court for any offence it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

(b) If the court is satisfied that the child or young person understands the nature of the alleged offence it shall (unless the alleged offence is homicide) ask the child or young person whether he admits the offence.

(c) If the court is not satisfied that the child or young person understands the nature of the alleged offence, or if the child or young person does not admit the offence the court shall then hear the evidence of the witnesses in support of the complaint or information. At the close of the evidence in chief of each such witness, the court shall ask the child or young person, or, if it sees fit, the parent or guardian of the child or young person, whether he wishes to put any questions to the witness.

If the child or young person instead of asking questions wishes to make a statement he shall be allowed to do so.

(d) If it appears to the court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the child or young person shall be allowed to give evidence or to make any statement.

(e) The court may, for the purpose of assisting the child or young person in his defence or for the purpose of explaining anything in the statement of the child or young person but not otherwise, put to such child or young person such questions as it may think necessary.

(f) It shall be the duty of the court to put to the witnesses such questions as appear to be necessary in the interests of the child or young person.

(g) If the child or young person admits the offence or the court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise.

(h) Before deciding how to deal with the child or young person the court shall obtain such information as may be readily available as to his general conduct, home

surroundings, school record, and medical history, in order to enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information.

For the purpose of obtaining such information or for special medical examination or observation or for the purpose of considering how to deal with the case in the best interests of the child or young person the court may from time to time remand the child or young person on bail or to a place of detention.

(i) If the child or young person admits the offence or the court is satisfied that it is proved, and the court decides that a remand is necessary, the court may cause an entry to be made in the court register that the charge is proved and that the child or young person has been remanded. The court before which a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the court which so remanded the child or young person.

(j) Where a child is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court.

(k) Where a young person is brought before a juvenile court for any offence other than homicide the case may be finally disposed of in such court.

9.—(1) The Governor may by notice in the Gazette appoint a fit and proper person or persons of either sex and either by name or as holding any public office for time being to be a probation officer or officers, and may from time to time appoint a deputy probation officer to act in the absence or during the illness or incapacity of any probation officer, and may appoint an assistant probation officer to perform under the direction of a probation officer, all or any of the duties of a probation officer.

A probation officer when acting under a probation order shall be subject to the control of the court.

(2) Where a child or young person is charged with any offence other than homicide and the court is satisfied that the charge is proved the court may make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for sentence or for conviction and sentence when called upon at any time during such period, not exceeding three years, as may be specified in the order.

(3) A recognizance entered into under this section shall, if the court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Ordinance referred to as a probation order.

(4) A recognizance under this section may contain such additional conditions as the court may, having regard to the particular circumstances of the case, have regard to be included therein with respect to prohibiting the child or young person from associating with thieves or other undesirable persons, or from frequenting undesirable places and generally for securing that the child or young person should lead an honest and well conducted life.

(5) The court may by a probation order direct that it shall be a condition of the recognizance to be entered into by the offender that he shall pay such damages for injury or compensation for loss not exceeding fifty dollars, or if a higher limit is fixed by any enactment relating to the offence, that higher limit.

Probation
Officers.
7 Edw. VII,
c. 17, s. 3.

Probation
Orders.
7 Edw. VII,
c. 17, s. 2
and s. 3.

15 & 16
Gov. V,
c. 86, s. 7 (2)

Who to be named as probation officer.

(6) The person named in any probation order shall be—

- (a) a probation officer appointed by the Governor, or a deputy probation officer or assistant probation officer so appointed, or
- (b) if the court considers that the special circumstances of the case render it desirable, or if no person has been appointed as a probation officer, a person who has not been appointed a probation officer to undertake supervision in respect of that case.

(7) The person named in a probation order may at any time be relieved of his duties, and, in any such case or in case of the death, absence, illness or incapacity of the person so named, another person may be substituted by the Court before which the offender is bound by his recognizance to appear for conviction or sentence.

Duties of probation officers.

7 Edw. VII, c. 17, s. 4.

(8) It shall be the duty of a probation officer, subject to the directions of the court :—

- (a) To visit or receive reports from the person under supervision at such reasonable intervals, as may be specified in the probation order, or, as may thereto, as the probation officer may think fit ;
- (b) to see that he observes the conditions of his recognizance ;
- (c) to report to the court as to his behaviour ;
- (d) to advise, assist, and befriend him, and, when necessary, to endeavour to find him suitable employment.

Power to vary conditions of recognizance.
7 Edw. VII, c. 17, s. 5.

(9) The court before which any person is bound by his recognizance under this Ordinance to appear for conviction or sentence may, upon the application of the probation officer, and after notice to the offender, vary the conditions of the recognizance and may, on being satisfied that the conduct of that person has been such as to make it unnecessary that he should remain longer under supervision, discharge the recognizance.

Provision in case of offender failing to observe conditions of his recognizance.
7 Edw. VII, c. 17, s. 6.

(10)—(a) If a court before which an offender is bound by his recognizance to appear for conviction or sentence, or any court, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such court and at such time as may be specified in the summons.

(b) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear for conviction or sentence, be brought before a court.

(c) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by recognizance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last-mentioned court, and the provisions of section 5 of this Ordinance shall apply to any such remand as aforesaid.

15 & 16 Geo. V, s. 86, s. 7 (4).

(d) A court before which a person is bound by his recognizance to appear for conviction or sentence on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without any further proof of his guilt, deal with him as for the original offence, or instead of so doing and without prejudice to the continuance in force of the probation order, impose on him in respect of such failure a penalty not exceeding one hundred dollars.

(e) Where a person in respect of whom a probation order has been made is, in pursuance of the foregoing sub-section dealt with as for his original offence and his recognizance is adjudged by the court to be forfeited, the court instead of adjudging the persons bound thereby to pay the sums for which they are respectively bound may, as it thinks fit, adjudge those persons or any of them to pay part only of those sums or may in respect of all or any of those persons remit payment thereof.

15 & 16
Geo. V,
c. 86, s. 7 (6).

(11) Where an order under this section is made by a court the order shall, for the purpose of re-vesting or restoring stolen property and of enabling the court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with such restitution or delivery, have the like effect of a conviction.

10.—(1) Where a child or young person is charged with any offence or is brought before a court under the provisions of this or any other Ordinance the court may in its discretion require the attendance of his parent or guardian and make such orders as are necessary for the purpose.

Attendance
at court of
parent of
child or
young person
charged
with an
offence, etc.

(2) Where a child or young person is arrested, the constable by whom he is arrested or the officer in charge of the police station to which he is brought shall, if the parent or guardian lives within a reasonable distance and can be found, cause him to be warned to attend at the court before which the child or young person will be brought.

8 Edw. VII,
c. 67, s. 98.

11.—(1) Where a child or young person is charged with any offence for which a fine, damages or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment; the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to
order parent
to pay fine,
etc. instead
of child or
young person.
8 Edw. VII,
c. 67, s. 99.

(2) Where a child or young person is charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) Where a court thinks that a charge against a child or young person is proved, the court may make an order on the parent or guardian under this section for the payment of a fine, damages, or costs or requiring him to give security for good behaviour, without proceeding to the conviction of the child or young person.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section or on forfeiture of any such security as aforesaid, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(6) A parent or guardian may appeal against an order of a juvenile court under this section in manner prescribed by Part VI of the Magistrates Ordinance, 1890, the provisions of which Part shall apply to any such appeal

Ordinance
No. 2 of

Restrictions on punishment of children and young persons.

8 Edw. VII, c. 67, s. 102.

12 —(1) No child shall be sentenced to imprisonment or committed to prison in default of payment of a fine, damages, or costs.

(2) No young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way whether by probation, fine, corporal punishment, committal to a place of detention, reformatory or industrial school, or otherwise.

(3) A young person sentenced to imprisonment shall not be allowed to associate with adult prisoners.

8 Edw. VII, c. 67, s. 100.

(4) The conviction of a child or young person shall not be regarded as a conviction of felony for the purposes of any disqualifications attaching to convictions of felony.

Abolition of death sentence in case of children or young persons.

8 Edw. VII, c. 67, s. 103.

13. Sentence of death shall not be pronounced or recorded against a child or young person, but in lieu thereof the court shall sentence the child or young person to be detained during His Majesty's pleasure, and, if so sentenced, he shall notwithstanding anything in the other provisions of this Ordinance be liable to be detained in such place and under such conditions as the Governor may direct, and whilst so detained shall be deemed to be in legal custody.

Detention in case of certain crimes committed by children or young persons.

8 Edw. VII, c. 67, s. 104.

14. Notwithstanding anything in this Ordinance to the contrary, when a child is convicted on indictment of manslaughter or where a young person is convicted on indictment of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence is passed the child or young person shall, during that period, notwithstanding anything in the provisions of this Ordinance, be liable to be detained in such place and on such conditions as the Governor may direct, and whilst so detained shall be deemed to be in legal custody.

Provisions as to discharge of children or young persons detained in accordance with directions of the Governor.

8 Edw. VII, c. 67, s. 105.

15.—(1) A person in detention pursuant to the directions of the Governor under the last two foregoing sections of this Ordinance may, at any time, be discharged by the Governor on licence.

(2) A licence may be in such form and may contain such conditions as the Governor may direct.

(3) A licence may at any time be revoked or varied by the Governor and where a licence has been revoked the person to whom the licence related shall return to such place as the Governor may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Substitution of custody in place of detention for imprisonment.

8 Edw. VII, c. 67, s. 106.

16. Where a child or young person is convicted of an offence punishable, in the case of an adult, with imprisonment, or would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, and the court considers that none of the other methods in which the case may be dealt with is suitable, the court may order that he be committed to custody in a place of detention for a period not exceeding six months; Provided that nothing in this section shall limit the period for which a child or young person may be sent to a reformatory or industrial school under the provisions of this or any other Ordinance for the time being in force.

Children liable to be committed to care of relative, etc.

8 Edw. VII, c. 67, s. 58.

17.—(1) Any person may bring before a juvenile court any person apparently under the age of sixteen years who—

(a) is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), or being in any street, premises, or place for the purpose of so begging or receiving alms; or

- (b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship ; or
- (c) is found destitute, either being an orphan, or having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing imprisonment ; or
- (d) is found destitute and having no parent within the Colony ; or
- (e) is the daughter, whether legitimate or illegitimate, of a father who has been convicted of an offence under Section 5 or Section 6 of the Protection of Women and Girls Ordinance, 1897, or Section 2 of the Punishment of Incest Ordinance, 1916 ;
Ordnances
No. 4 of
1897 and
No. 3 of
1916.
or
- (f) frequents the company of any reputed thief, or common or reputed prostitute ; or
- (g) is lodging or residing in a house or the part of a house used by any prostitute for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage, or favour the seduction or prostitution of the child ; or
- (h) is in the custody, charge or care of any person who has within the preceding twelve months been convicted of any offence under Section 26A of the Offences against the Person Ordinance, 1865 ; or has at any time been convicted of an offence under Section 45A of the said Ordinance, as enacted by Section 3 of the Offences against the Person Amendment Ordinance, 1929 ; or
Ordnances
No. 2 of
1865 and
No. 13 of
1929.
- (i) is brought into the Colony for the purpose of prostitution or has been brought into the Colony from any other place by reason of her having been sent to such other place for the purpose of prostitution ; or
- (j) is found in any circumstances which are, in the opinion of the Court, likely to lead to any injury to the health or morals of such person.

And the court before which a person is brought as coming within one of these descriptions, if satisfied on enquiry of that fact, may order the child or young person to be taken out of the custody, charge, or care of any person, and to be committed to the care of a relative of the child or young person or some other fit person or institution (including an Industrial or Reformatory School) named by the court (such relative or other person or institution being willing to undertake such care), until the child or young person attains the age of eighteen years, or for any shorter period, and may in addition to such order make an order that the child or young person be placed under the supervision of a probation officer, and the court may of its own motion, or on the application of any person, from time to time, by order renew, vary, or revoke any such order.

Provided that a child or young person shall not be treated as coming within the description contained in paragraph (f) if the only common or reputed prostitute whose company the child frequents is the mother of the child or young person, and she exercises proper guardianship and due care to protect the child or young person from contamination.

(2) Every order made under this section shall be in writing, and any such order may be made by the court in the absence of any such child or young person ; and the consent of any person or institution to undertake the care of the child or young person in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind that person or institution.

(3)—(i) Any person or institution to whose care a child or young person is committed under this section shall, whilst the order is in force, have the like control over the child or young person as the parent and shall be responsible for his maintenance, and the child or young person shall continue in the care of such person or institution, notwithstanding that he is claimed by his parent or any other person, and if any person—

- (a) knowingly assists or induces, directly or indirectly, a child or young person to escape from the person or institution to whose care he is so committed; or
- (b) knowingly harbours, conceals, or prevents from returning to such person or institution, a child or young person who has so escaped or knowingly assists in so doing;

he shall be liable upon summary conviction to a fine not exceeding two hundred and fifty dollars, or to imprisonment, for any term not exceeding six months.

(ii) Any court having power so to commit a child or young person shall have power to make orders on the parent or other person liable to maintain the child or young person to contribute to his maintenance during such period as aforesaid such sums as the court shall think fit, and may from time to time vary such orders.

(iii) Any such order may be made on the complaint or application of the person or institution to whose care the child is for the time being committed or on the complaint or the application of the Inspector General of Police and either at the time when the order for committal of the child or young person is made, or subsequently, and the sums contributed by the parent or such other person shall be paid to such person or institution as the court may name, and be applied for the maintenance of the child or young person or towards the cost of conducting the institution as the case may be.

(iv) Where any parent or other person has been ordered under this section to contribute to the maintenance of a child or young person, he shall give notice of any change of address to the Inspector General of Police and if he fails to do so without reasonable excuse, he shall be liable upon summary conviction to a fine not exceeding one hundred dollars.

(v) The Governor may at any time in his discretion discharge a child or young person from the care of any person or institution to whose care he is committed in pursuance of this section, either absolutely or on such conditions as the Governor approves, and may, if he thinks fit, by Order in Council make rules in relation to children or young persons so committed to the care of any person or institution, and to the duties of and remuneration of such persons or institutions with respect to such children or young persons.

(4) The parent or guardian of a child or young person who by his neglect to exercise due control shall conduce to the child or young person being found in any of the circumstances specified in paragraph (a) of sub-section (1) of this section shall be guilty of an offence under this Ordinance and shall be liable upon summary conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment for any term not exceeding one month.

Methods of dealing with children or young persons charged with offences.

8 Edw. VII, c. 67, s. 107.

18. Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt the court shall take into consideration the manner in which, under the provisions of this or any other Ordinance or law enabling the court to deal with the case, the case should be dealt with, namely, whether—

- (a) by dismissing the charge; or
- (b) by discharging the offender on his entering into a recognizance; or

- (c) by so discharging the offender and placing him under the supervision of a probation officer ; or
- (d) by committing the offender to the care of a relative or other fit person ; or
- (e) by sending the offender to an industrial school if such a course shall be authorised by law ; or
- (f) by sending the offender to a reformatory school ; or
- (g) by ordering the offender if a boy to be whipped ; or
- (h) by ordering the offender to pay a fine, damages, or costs ; or
- (i) by ordering the parent or guardian of the offender to pay a fine, damages, or costs ; or
- (j) by ordering the parent or guardian of the offender to give security for his good behavior ; or
- (k) by committing the offender to custody in a place of detention provided under this Ordinance ; or
- (l) where the offender is a young person, by sentencing him to imprisonment ; or
- (m) by dealing with the case in any other manner in which it may be legally dealt with.

Provided that nothing in this section shall be construed as authorising the court to deal with any case in any manner in which it could not deal with the case apart from this section.

19.—(1) Such place or places of detention as may be required for the purposes of this Ordinance shall be provided or appointed by the Inspector General of Police.

Provision of
Places of
detention.
8 Edw. VII,
c. 67 s. 108.

(2) If more than one place of detention is provided or appointed the Inspector General of Police may determine that any such place shall be used for some only of the purposes for which places of detention are required to be provided and another place for the other purposes.

(3) It shall be lawful for the authority or persons responsible for the management of any institution other than a prison, whether supported out of public funds or by voluntary contributions, but subject in the case of an institution supported out of public funds to the consent of the Governor, to agree with the Inspector General of Police for the use of the institution or any part thereof as a place of detention on such terms as may be agreed upon between them and the Inspector General of Police.

(4) In selecting the place of detention to which a child or young person is to be committed the court or officer of police shall have regard to whether the place is suitable for the reception of convicted or of unconvicted persons, or of persons charged with serious offences or minor offences, as the case may be, and also, where practicable, to the religious persuasion of the child or young person.

(5) A child or young person detained in a place of detention may be, by order of the Governor, either discharged therefrom or transferred to some other place of detention.

20.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a place of detention provided under this Ordinance shall be delivered with the child or young person to the person in charge of the place of detention and shall be sufficient authority for his detention in that place in accordance with the tenor thereof.

Provisions as
to the custody
of children
and young
persons in
places of
detention.
8 Edw. VII,
c. 67 s. 109.

(2) A child or young person whilst so detained and whilst being conveyed to and from the place of detention shall be deemed to be in legal custody and if he escapes may be apprehended without warrant and brought back to the place of detention in which he was detained.

(3) The Governor shall cause places of detention provided under this Ordinance to be inspected, and may make rules as to the places to be used as places of detention, and as to their inspection, and as to the classification, treatment, employment, and control of children and young persons detained in custody in a place of detention provided under this Ordinance, and for the children and young persons whilst so detained being visited from time to time by persons appointed in accordance with those rules.

Expenses of maintenance of child or young person.

8 Edw. VII, c. 67 s. 110.

21. The expenses incurred by the Inspector General of Police in respect of any place of detention provided under this Ordinance, including the expenses of the maintenance of any child or young person detained therein, whether detained on apprehension or committed to custody on remand or commitment for trial or in lieu of imprisonment or in default of payment of a fine, damages, or costs, shall be defrayed out of the general revenue.

Order not to be invalidated by subsequent proof of age.

8 Edw. VII, c. 67 s. 123.

22. Where a person, whether charged with an offence or not, is brought before any court and it appears to the court that he is a child or young person, an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated or presumed or declared by the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Ordinance, be deemed to be the true age of that person, and where it appears to the court that the person so brought before it is of the age of sixteen years or upwards, that person shall for the purposes of this Ordinance be deemed not to be a child or young person.

Power to clear court whilst a child or young person is giving evidence in certain cases.

8 Edw. VII, c. 67 s. 114.

23. In addition and without prejudice to any powers which a court may possess to hear proceedings in camera, the court may, where a person who in the opinion of the court is a child or young person is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of the child or young person; Provided that nothing in this section shall authorise the exclusion of *bona fide* representatives of a newspaper or news agency.

Power to make rules.

24. The Governor in Council may by order make rules for carrying this Ordinance into effect, and in particular for prescribing such matters incidental to the appointment, resignation, and removal of probation officers, and the performance of their duties, the reports to be made by them, and the payment of their remuneration or out of pocket expenses, as may appear to be necessary.

Saving.

25. Save in so far as other provision is expressly made in this Ordinance nothing in this Ordinance shall be deemed to affect any other law relating to children or young persons.

Repeal of Ordinance No. 6 of 1909.

26. The Young Persons (Death Sentence) Ordinance, 1909, is hereby repealed.

Commencement.

27. This Ordinance shall come into force on such date as may be fixed by Proclamation of the Governor.

Objects and Reasons.

1. This Ordinance represents generally the Bill drafted by the Committee appointed to report on measures required for the institution of Juvenile Courts in Hong Kong. The provisions recommended by the Committee, in the matter of associating Justices of the Peace with the Magistrates for the trial of juvenile offenders have been omitted from section 3, as it was felt by the Government after careful enquiries that the time is not ripe for prescribing such association and in particular that the Colony is not yet ready for the appointment of women Justices of the Peace. Section 19 (4) has also been enlarged to make provision for the detention of remanded or convicted persons only in places suited to receive them.

2. The Ordinance is based partly on the relevant provisions of the Probation of Offenders Act, 1907, the Children Act, 1908, the Juvenile Courts (Metropolis) Act, 1920, and the Criminal Justice Act, 1925, and partly on a model Bill which has been recommended by similar Committee in England.

C. G. ALABASTER,
Attorney General.

December, 1931.

NOTICES.

COLONIAL SECRETARY'S DEPARTMENT.

No. S. 493.—Statement of Sanitary Measures adopted against Hong Kong.

Place or Port.	Nature of Measures.	Date.	Reference to Government Notification.
Philippine Ports.	Inspections outside Manila harbour from 20th April. Third class passengers and new crew must comply with the vaccination requirements.	16th April, 1924.	—
All ports in the United States of America, including the Hawaiian Islands.	Inspections outside the ports from 1st April. Steerage passengers must comply with the vaccination requirements. Cabin passengers must produce a vaccination certificate or be vaccinated by ships doctor or quarantine authorities.	30th April, 1926.	—
Bangkok.	Vessels detained at river mouth and passengers and crew vaccinated unless they can produce evidence of successful recent vaccination.	29th October, 1926.	No. S. 301.

W. T. SOUTHORN,
Colonial Secretary.

24th December, 1931.