

LEGISLATIVE COUNCIL BRIEF

Protection of Children and Juveniles Ordinance
(Chapter 213)

Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2004

INTRODUCTION

At the meeting of the Executive Council on 13 January 2004, the Council ADVISED and the Chief Executive ORDERED that the Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2004, at Annex A, should be made under section 2A of the Protection of Children and Juveniles Ordinance (the Ordinance) (Cap. 213) to remove the Chuk Yuen Children's Reception Centre (CYCRC) from the list of designated places of refuge.

JUSTIFICATIONS

Protection of Children and Juveniles Ordinance

2. A place of refuge provides temporary residential care for children (aged under 14) and juveniles (aged 14 or above but under 18) in need of care or protection under the Ordinance. These involve mainly children or juveniles who have been assaulted, ill-treated, neglected or sexually abused, or whose health, development or welfare has been, is being or appears likely to be neglected or avoidably impaired, or who are beyond control to the extent that harm may be caused to them or to others.

3. Under section 2A of the Ordinance, the Chief Executive may by order declare any place to be a place of refuge. Five institutions are currently declared as places of refuge under the Protection of Children and Juveniles (Places of Refuge) Order (Cap. 213 sub. leg. B). They are The Po Leung Kuk (PLK), CYCRC, The Ma Tau Wai Girls' Home, Pui Chi Boys' Home and Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel.

Chuk Yuen Children's Reception Centre

4. CYCRC, one of the five designated places of refuge under the Ordinance, was operated by the Social Welfare Department (SWD) with 69 staff before its closure in July 2003. It had a capacity of 80 places for children or juveniles up to 12 years old who were in need of temporary residential care. CYCRC provided comprehensive services to the children, including daily care, training programmes, development activities and medical

services.

5. The agreed level of occupancy rate for CYCRC is 75%, taking into account the need to make available vacant places all the time to enable round-the-clock admission of children in need of urgent residential care. However, the average occupancy rate of CYCRC had consistently remained below the agreed level in the recent years of 2001-02 (66%) and 2002-03 (51%).

6. The unsatisfactory occupancy rates of CYCRC might be attributable to (i) the shrinking children population; (ii) provision of alternative services such as foster care and small group homes; and (iii) more conscious efforts of frontline social workers to review the out-of-home care arrangement for children to avoid their prolonged stay in institutions. Due to the low occupancy rate, the unit cost per place for this service in CYCRC was as high as \$41,000 per month.

Review on the service provision of CYCRC

7. After a critical review of the cost-effectiveness of CYCRC, SWD considered that CYCRC's services should be hived off to the non-governmental sector. Having carefully assessed the individual merits of existing non-governmental organizations providing similar residential services, it is considered that PLK, another designated place of refuge under the Ordinance, can be the most suitable institution to take over the role of CYCRC. It has the necessary experience and facilities for the purpose and runs its services at a lower unit operating cost.

8. Having regard to the actual utilization rates of CYCRC, we consider that only 45 places of the 80 original places in CYCRC would need to be reprovisioned to PLK. These places have been provided through in-situ expansion of PLK by re-deployment of its then existing resources and some new resources from SWD. Of the 45 places, 30 are ordinary institution-type places and 15 are emergency foster care places. The emergency foster care places are an enhanced feature as compared with CYCRC because they can provide a more desirable home-like environment for the children.

9. The original plan was to cease allowing new admission to CYCRC from 1 June 2003 with a view to discharging the residents in subsequent months and closing CYCRC by the end of 2003. However, due to the outbreak of Severe Acute Respiratory Syndrome (SARS) in March to June 2003, CYCRC had been vacated earlier than expected to make room for possible admission of children who did not have SARS symptoms but were left unattended at home as their parents/carers had been hospitalized due to SARS or "suspected" SARS. Upon discharge of all children, CYCRC was closed on 15 July 2003.

Proposal

10. With the closure of CYCRC, we would need to introduce legislative amendments to remove it from the list of designated places of refuge under the Ordinance.

THE ORDER

11. The Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2004 at Annex A seeks to remove CYCRC from the list of places of refuge specified for the purposes of the Ordinance.

12. The existing Order being amended is at Annex B.

LEGISLATIVE TIMETABLE

13. The legislative timetable will be as follows –

Publication in the Gazette	30 January 2004
Tabling at Legislative Council	4 February 2004

IMPLICATIONS OF THE PROPOSAL

14. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, productivity or environmental implications. A full sustainability assessment is considered not applicable as the proposed Amendment Order is technical in nature. The proposal will not affect the current binding effect of the Protection of Children and Juveniles Ordinance and its subsidiary legislation.

15. The financial and civil service implications of the closure of CYCRC are set out at Annex C.

PUBLIC CONSULTATION

16. As the proposal does not affect the availability of services to the needy children, we do not consider it necessary to consult the public on the proposal.

PUBLICITY

17. A press release will be issued on 28 January 2004. A spokesman will also be available to answer media enquiries.

ENQUIRIES

18. For enquiries, please contact Ms. Wendy CHEUNG, Assistant Secretary (Welfare) of the Health, Welfare and Food Bureau at 2973 8127.

Health, Welfare and Food Bureau
28 January 2004

**Protection of Children and Juveniles (Places of Refuge)
(Amendment) Order 2004**

Annexes

Annex A - Protection of Children and Juveniles (Places of Refuge)
(Amendment) Order 2004

Annex B - Existing Protection of Children and Juveniles (Places of
Refuge) Order

Annex C - Financial and Civil Service Implications

**PROTECTION OF CHILDREN AND JUVENILES (PLACES OF
REFUGE)(AMENDMENT) ORDER 2004**

(Made under section 2A of the Protection of Children and
Juveniles Ordinance (Cap. 213) after consultation
with the Executive Council)

(a) Places of refuge

The Schedule to the Protection of Children and Juveniles (Places of Refuge) Order (Cap. 213 sub. leg. B) is amended by repealing item 3.

Chief Executive

January 2004

Explanatory Note

This Order removes The Chuk Yuen Children's Reception Centre from the list of places of refuge specified for the purposes of the Protection of Children and Juveniles Ordinance (Cap. 213).

Existing Protection of Children and Juveniles (Places of Refuge) Order

[附屬法例]

[Subsidiary]

保護兒童及少年(收容所)令

(1993 年第 279 號法律公告)

**PROTECTION OF CHILDREN AND JUVENILES
(PLACES OF REFUGE) ORDER**

(L.N. 279 of 1993)

(第 213 章第 2A 條)

(Cap. 213, section 2A)

[1965 年 10 月 29 日]

[29 October 1965]

1. (由 1993 年第 279 號法律公告廢除)

2. 宣布成為收容所

現宣布附表指明的地方乃就本條例而言的收容所。

1. (Repealed L.N. 279 of 1993)

2. Declaration of places of refuge

The places specified in the Schedule are hereby declared to be places of refuge for the purposes of the Ordinance.

附表

[第 2 條]

SCHEDULE

[para. 2]

收容所

PLACES OF REFUGE

項

收容所

Item

Place of refuge

1. 保良局。
2. (由 1994 年第 557 號法律公告廢除)
3. 竹園兒童院。
4. 馬頭圍女童院。
5. (由 1999 年第 244 號法律公告廢除)
6. (由 1994 年第 557 號法律公告廢除)
7. (由 1996 年第 530 號法律公告廢除)
8. 培志男童院。 (1984 年第 309 號法律公告)
9. (由 1986 年第 26 號法律公告廢除)
10. (由 1999 年第 244 號法律公告廢除)
11. 永隆銀行金禧庇護工場及宿舍。 (2001 年第 94 號法律公告)

1. The Po Leung Kuk.
2. (Repealed L.N. 557 of 1994)
3. The Chuk Yuen Children's Reception Centre.
4. The Ma Tau Wai Girls' Home.
5. (Repealed L.N. 244 of 1999)
6. (Repealed L.N. 557 of 1994)
7. (Repealed L.N. 530 of 1996)
8. Pui Chi Boys' Home. (L.N. 309 of 1984)
9. (Repealed L.N. 26 of 1986)
10. (Repealed L.N. 244 of 1999)
11. Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel. (L.N. 94 of 2001).

Financial and Civil Service Implications

The closure of CYCRC would result in recurrent savings of \$16.6 million, to be offset by an increased annual subvention of \$2.6 million to PLK to taking over the services of CYCRC. The proposal to remove CYCRC from the list of designated places of refuge under the Protection of Children and Juveniles Ordinance would not incur additional expenditure.

2. There is no staff redundancy as all staff originally working in CYCRC have been redeployed to other service units to perform other duties as required by the department. Hence, some staff cost savings cannot be realized immediately.