

立法會
Legislative Council

LC Paper No. CB(2)2929/05-06
(These minutes have been
seen by the Administration)

Ref: CB2/PL/WS

Panel on Welfare Services

**Minutes of special meeting
held on Thursday, 29 June 2006 at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon CHAN Yuen-han, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Members absent** : Hon Bernard CHAN, GBS, JP
Dr Hon YEUNG Sum
Hon TAM Yiu-chung, GBS, JP
- Public Officers attending** : Mr Freely CHENG
Principal Assistant Secretary for Health, Welfare and
Food (Family)
- Miss Hinny LAM
Principal Assistant Secretary for Health, Welfare and
Food (Women) (Ag.)

Mrs Anna MAK
Assistant Director of Social Welfare
(Family and Child Welfare)

Ms PANG Kit-ling
Chief Social Work Officer (Domestic Violence)
Social Welfare Department

**Deputations
by invitation**

: Hong Kong Committee on Children's Rights

Ms Billy WONG
Executive Secretary

The Hong Kong Council of Social Services

Ms Jane TSUEI
Representative

Society for Community Organization

Ms SZE Lai-shan
Service Co-ordinator

Against Child Abuse – Internship Students,
University of Hong Kong

Miss CHEUNG Yue-kwan

Mr CHIU Ka-ho

Mr FUNG Hon-fai

Mr CHOI Sze-yi

Against Child Abuse

Mrs Priscilla LUI
Director

Hong Kong College of Paediatricians

Dr Patricia IP

The Medical Coordinators on Child Abuse

Dr HO Che-shun

Dr CHEUNG Chi-hung

Hong Kong Association for the Survivors of Women
Abuse (Kwan Fook)

Ms LIU Ngan-fung
Chairperson

Hong Kong Society for the Protection of Children

Miss Susan SO Suk-yin

Government Social Work Officer Association

Ms LEE Kam-yung
Vice-chairperson

Miss WONG Siu-ling
Executive Member

The Law Society of Hong Kong

Ms KONG Yuen-hoong, Helen

Mr HO Chi-kuen, Dennis

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

Staff in attendance : Mr Chris LAI
Senior Council Secretary (2) 7

Miss Maggie CHIU
Legislative Assistant (2) 4

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- I. Child Protection**
(LC Paper Nos. CB(2)2540/05-06(01) to (03), CB(2)2594/05-06(01) to (06), CB(2)2602/05-06(01) and CB(2)2611/05-06(01))

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Introduction

The Chairman said that this special meeting was held in response to the incident of four young children who were left under the care of their 83 year old grandmother in Pak Tin Estate. While the Panel would not discuss the incident per se, it would like to explore and receive views from deputations on the policy issues concerning child protection arising from the incident.

2. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(F&CW)) introduced the Administration's paper (LC Paper No. CB(2)2540/05-06(01)). She stressed that a "child-centred, family-focused and community-based" approach had been adopted in the planning and delivering of family services, and the best interest of a child was always the prime concern when deliberating the options of intervention. With an emphasis on early identification and early prevention of problems, a pilot Comprehensive Child Development Service (CCDS) was launched in Sham Shui Po in 2005. The Maternal and Child Health Centres (MCHCs) were used as the platform to enhance cross-sector collaboration and interface of different services in providing appropriate assistance to children in need and their families. The service had been extended to Tin Shui Wai, Tuen Mun and Tseung Kwan O since January 2006.

Views of deputations

3. The Chairman invited the deputations to make oral presentation on their submissions. A summary of the major views and recommendations of the deputations is in the **Appendix**.

The Administration's response

4. Principal Assistant Secretary for Health, Welfare and Food (Family) (PASHWF(F)) responded as follows –

- (a) given the scope and complexity in delivery of welfare services relating to the protection of children, the subject matter straddled different policy areas and disciplines. In fact, some recommendations raised by deputations, such as the setting up of a Child Commission had been discussed by the Panel on Home Affairs and was now being followed up by Home Affairs Bureau (HAB). In this respect, a Children's Rights Forum had been formed by HAB to provide a platform for relevant stakeholders to exchange views on the subject;
- (b) the Administration was closely monitoring the progress of the implementation of the pilot CCDS. To plan for the extension of

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the service, the Administration aimed at conducting a full review of the pilot run in the forth quarter of 2006 and would report the outcome of the review to this Panel;

- (c) the Administration had been reviewing the issue of legal representation for children and juveniles involved in care and protection proceedings so as to make improvements. To his understanding, in the most critical cases, the Courts could assign an independent legal representative for the child involved in the case; and
- (d) multi-disciplinary case conference with expertise from different disciplines was used to formulate an appropriate welfare plan relating to child abuse cases. Due to privacy concern, the reasons for choosing a particular welfare plan would not be disclosed. Public opinions reacting to media reports generally based on incomplete information and a narrow appreciation or knowledge of the matter.

Discussion

5. Mr LEE Cheuk-yan made the following points –

- (a) a comprehensive and proactive approach should be adopted in the planning and delivery of child protection services. There was a strong case to establish a Child Commission, as a high-level and central mechanism, to oversee and monitor the implementation of child protection policies in Hong Kong. As regards the Children's Rights Forum mentioned by the Administration, it was nothing more than a platform for exchanging views;
- (b) a standing mechanism for child fatality review should be set up to analyze child deaths and serious injuries from a wider perspective; and
- (c) even if the pilot CCDS could facilitate identification of potential child abuse cases, the social welfare agencies, given its heavy caseload, would find it difficult to offer prompt follow-up services if additional resources were not provided.

6. PASHWF(F) responded that an additional \$20 million was allocated to improve the pilot CCDS and gradually extend to other communities by phases. There would be a review on the project in the fourth quarter of 2006, by then the statistics on its effectiveness would be more complete. Principal Assistant Secretary for Health, Welfare and Food (Women) supplemented that the Social Welfare Department (SWD) had proposed to develop a mechanism for

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conducting post-event multi-disciplinary review on fatal child abuse cases. The initial draft proposal had been discussed in the Committee on Child Abuse, and the mechanism was expected to be put in place at the end of this year.

7. Mr Albert CHAN expressed regret at the absence of Government representatives at Permanent/Deputy Secretary level to address members' concerns. He recommended the following –

- (a) the Administration should review its legislation and policies in relation to child protection, which were full of loopholes and trailing behind those in some overseas countries. While the “best interest of the child as the primary concern” was often emphasized by the Administration in its child protection policies, the “least detrimental to the child” principle had been advocated by other advanced places more than a decade ago;
- (b) a high-level co-ordinating organization should be set up to monitor the implementation of child protection in Hong Kong;
- (c) the Administration should review the arrangements on legal representation of children in courts in child protection cases; and
- (d) a research study on the child protection policies and measures in overseas places be conducted by Research and Library Division of the Legislative Council (LegCo) Secretariat to facilitate members' further discussion. The scope of research could cover the legal framework for child protection, guiding principles and policy framework for child protection, mode of service provision, partnership between government and social welfare agencies in protection of children, and other relevant aspects.

8. Mr Albert HO concurred with the deputations' views about the need for a Child Policy and a Child Commission to map out the long term development of child care services. He expressed dissatisfaction that the Administration had not taken forward many of the recommendations relating to child protection made by the Law Reform Commission since 1998. He considered that the existing financial provision was inadequate to provide welfare services for the protection of children for needy families, especially the immigrants. He was also concerned that in most child neglect cases, the outreaching social work service could not identify the families in need of assistance prior to the outbreak of the incidents. With regard to the figures quoted by Kwan Fok on battered spouse and child abuse cases, he said that some experts were of the view that exposing children to witness domestic violence was a form of child abuse. He asked whether the Administration could provide the number of such cases as the children concerned would have a high risk of being victims in child abuse cases.

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9. On identification of child abuse cases, Ms LEE Kam-yung of Government Social Work Officer Association remarked that the experience of frontline workers was important in handling complex cases involving child protection, which could be enhanced by professional training. She pointed out that an effective intervention plan not only required input from social workers, but also other forms of supportive services which should be provided in a holistic fashion. Ms Susan SO of Hong Kong Society for the Protection of Children added that according to their experience, there were indicators of high-risk families, as detailed in her submission.

10. Mr Albert HO further asked whether the Administration could provide figures on high-risk families in need of outreaching social work service to assess the manning ratio required. In response, PASHWF(F) said that cross-sector collaboration, i.e. a teamwork approach was commonly adopted to handle child protection cases. Hence, it would not be of great use to make reference to the manning ratio of social workers to evaluate the adequacy of the services provided. In view of the limited resources available, the Administration had proposed to mobilize community resources at district level, such as schools and Mutual Aid Committees in housing estates to identify cases in need of assistance.

11. ADSW(F&CW) supplemented that under the Family Support Programme, SWD would recruit volunteers, including those who had gone through similar problems or crisis before, to contact families which were in need of services but unwilling to seek help. On the discrepancy in figures quoted by Kwan Fok, she clarified that apart from child abuse cases which required care and protection proceedings, some Care and Protection Orders (CPOs) were related to cases involving delinquent youths and children without guardians.

12. Mrs Sophie LEUNG said that considering the tremendous pains caused to children in child neglect cases, efforts should be made to prevent these cases from happening in the first place. She recommended that –

- (a) flexible working hours should be adopted where practicable so as to allow working parents to have more time taking care of their children;
- (b) mutual help support groups should be set up at district level to provide neighbourhood childcare services to working parents. Children could be better taken care of by familiar faces; and
- (c) pre-marriage counselling on parenting skills and responsibilities should be made mandatory for all couples as adopted in some overseas places.

13. Ms Billy WONG of Hong Kong Committee on Children's Rights pointed out that the idea of mandatory pre-marriage counselling on parenting skills had in

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fact been raised on a number of occasions in the Children's Rights Forum. The Chairman was of the view that it would be more practical to provide mandatory counselling on parenting skills for parents involved in child abuse cases, rather than for all couples. As far as he was aware, this was not a statutory requirement in many overseas countries.

14. Dr HO Che-shun of the Medical Co-ordinators on Child Abuse doubted if the existing mechanism was able to identify child neglect cases at an early stage. He recommended that to improve the effectiveness of case intervention, it should be made a mandatory requirement for parents to participate in the intervention process, such as attending interviews with social workers and attending medical appointments.

15. As regards the pilot CCDS, Ms Susan SO of Hong Kong Society for the Protection of Children expressed doubt on the effectiveness of using MCHCs as an entry point for identification and intervention of problems, as the duration of contact thereat was rather short. She recommended using child care centres and kindergartens, which would be attended by 95% of children in Hong Kong, as the working platform instead. She also urged the Administration to provide more resources to facilitate cross-sector collaboration in handling child protection cases.

16. Ms Jane TSEUI of the Hong Kong Council of Social Services was of the view that while the proposal to conduct post-event multi-disciplinary review on fatal child abuse cases was a good start, the review mechanism should not only be restricted to cases identified by social workers. In order to assist more needy families, she hoped that the criteria for eligibility for welfare services under the pilot CCDS should not be so stringent. She also agreed that community resources should be mobilized to identify needy families, and recommended that outreaching social services should be available in MCHCs, child care centres and kindergartens at which these families could be more easily approached.

17. Mr Frederick FUNG pointed out that the implementation of the pilot CCDS was discussed by three parties, namely, the Commission on Poverty, the Subcommittee to Study the Subject of Combating Poverty and the Sham Shui Po District Council, and there were two main concerns. First, the pilot project had put more emphasis on the medical, instead of family welfare, perspective. Second, additional resources should be provided for the pilot project. He asked how many of the proposals made by the three parties had been taken on board by the Administration in implementing the pilot project.

18. PASHWF(F) responded as follows –

- (a) consultations at different levels had been conducted on how to improve the pilot CCDS. The Administration would seriously consider all the views expressed by relevant stakeholders in its

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review to be conducted in the fourth quarter of this year. Before the review was done, the Administration had decided to allocate additional resources to improve the pilot run. This showed the importance the Administration attached to this scheme;

- (b) on identification of cases in need of assistance, consideration would be given to cases involving low-income families, families of new arrivals and ethnic minority children; and
- (c) more statistics was required to assess whether the pilot CCDS had resulted in additional caseload for the Integrated Family Care Centres (IFSCs) and other services. Pilot experience showed that some cases which were identified at an early stage could be handled at MCHCs, and referral to IFSCs and ISCs for follow up was not necessary.

19. ADSW(F&CW) supplemented that additional resources had been allocated to IFSCs and ISCs in the past years. Since the scheme had been put on pilot run only for a short period of time, a full review of the project, including its resource implications, needed to be conducted sometime later. For the time being, the progress of its implementation would be closely monitored. She also pointed out that CCDS was a reciprocal working process, under which IFSCs and ISCs could refer cases to MCHCs, e.g. to attend parenting programme if necessary.

20. Mr LEUNG Kwok-hung questioned the sincerity of the Administration in its efforts on child protection, as the financial and manpower resources put in this area were clearly inadequate. He also urged the Administration to review the financial assistance schemes to impoverished families, especially the seven-year residence requirement for Comprehensive Social Security Assistance (CSSA) Scheme which deterred needy new arrivals from seeking financial assistance.

21. Miss CHAN Yuen-han expressed doubt on the effectiveness of the pilot CCDS in identifying child neglect cases. She pointed out that MCHCs as the platform could not identify potentially neglected children at school age. To her understanding, there were a noticeable number of children in schools not receiving adequate care since their parents had long working hours every day. There were also cases where one of the parents being Mainlander travelling to Hong Kong on two-way permits and thus not able to take care of children all the time.

22. PASHWF(F) responded that training had been provided to assist teachers at child care centres and schools in identifying needy cases. Miss CHAN Yuen-han said that given their resource constraints, schools could not possibly follow up on potential child neglect cases identified at schools without additional resources from the Government.

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23. The Chairman sought members' views on Mr Albert CHAN's proposal to conduct a research on child protection policies and measures in overseas places to facilitate members' discussion on the situation in Hong Kong. In order not to duplicate efforts and resources, Mr LEE Cheuk-yan asked whether the Administration had conducted a similar research on the same subject.

24. PASHWF(F) responded that the Administration had taken into account overseas experience when launching the CCDS. While the Administration had conducted studies on specific topics relating to child protection, they were not as comprehensive as the scope of the research study proposed by Mr Albert CHAN.

Legco
Secretariat

25. Members agreed to proceed with the research study and request the Research and Library Division of LegCo Secretariat to work out a research outline for members' discussion and endorsement.

Conclusion

26. In closing, the Chairman said that the Panel would follow up the views and recommendations of the deputations, including the establishment of a Child Commission, financial subsidy for early childhood education and welfare services for needy families, independent legal representation for children involved in care and protection proceedings, as well as improvements in the procedures for handling child abuse/neglect cases and cases of Reactive Attachment Disorders (RAD). The Chairman added that the Panel would also follow up a number of reports of the Law Reform Commission relating to children in the fourth quarter in 2006. As regards the proposal to develop a mechanism for conducting post-event multi-disciplinary review on fatal child abuse cases, the Chairman requested the Administration to brief the Panel on its details before implementation.

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II. Any other business

27. There being no other business, the meeting adjourned at 1:10 pm.

Council Business Division 2
Legislative Council Secretariat
15 August 2006

Panel on Welfare Services
Special meeting on 29 June 2006
Summary of deputations' major views and recommendations on child protection

Organizations (LC Paper Nos.)	Views and recommendations on child protection
<p>1. Hong Kong Committee on Children's Rights (CB(2)2540/05-06(02))</p>	<ul style="list-style-type: none"> ● The Government had not addressed child protection, which straddled different policy areas, in a comprehensive and holistic fashion. There was a lack of collaboration among relevant policy bureaux and government departments in this policy area. ● While “the best interest of the child as the primary concern” as stated in the Convention of the Rights of the Child had always been stressed in many Government papers, more concrete actions should be made to adopt the principle in policy-making and resource allocation. ● Hong Kong was in urgent need of a Child Policy, Child Ordinance, and an independent Child Commission with power and resources to monitor the implementation of child protection polices.

Organizations (LC Paper Nos.)	Views and recommendations on child protection
2. The Hong Kong Council of Social Service (CB(2)2540/05-06(03))	<ul style="list-style-type: none">● “The best interest of the child” should always be the overriding principle in handling cases relating to child protection. However, more discussions should be held with a view to arriving at a consensus on the circumstances which warranted removal of a child from his family.● There should be a comprehensive child policy in Hong Kong, especially in the area of early child development.● Public education and training to professionals and front-line workers should be stepped up to enhance their awareness and alertness of child neglect. To facilitate early identification of problems and to serve for reference purpose, “child abuse/neglect indicators” and “quality child nurturing indicators” should be developed.● Research should be conducted to get an overall picture of child neglect problems in Hong Kong.● More resources should be allocated to enhance child care services and assistance to needy families, as detailed in the written submission.
3. Society for Community Organization	<ul style="list-style-type: none">● Expressed disappointment with the incompetence of the Government in curbing the increasing number of child abuse/neglect cases. Post-event follow-up actions in those cases were slow and inadequate.● Efforts should be stepped up by the Government to identify cases in need of assistance, especially those on the CSSA Scheme.● A comprehensive Child Policy and a Commissioner for Protection of Children should be provided to monitor the implementation of child protection policies in Hong Kong.

Organizations (LC Paper Nos.)	Views and recommendations on child protection
4. Against Child Abuse – Internship Students University of Hong Kong (CB(2)2594/05-06(01))	<ul style="list-style-type: none">● Child neglect cases, which caused no less detriment to the child victims than other kinds of child abuses, were increasing in number. This reflected that not much efforts had been made by the Government in protection of children.● Under the existing practice, criminal prosecutions against negligent parents were hardly initiated under the Offences Against the Persons Ordinance on the ground of protecting family integrity. A way out was to widen the sentencing options to include probation, community service orders or mandatory counselling.● The court case in Scotland whereby parents were prosecuted as a result of child neglect indicated that Hong Kong fell behind the international standard in preserving the rights of children.● A new ordinance should be passed to harmonize all relevant childcare and protection legislation in Hong Kong.
5. Against Child Abuse (CB(2)2594/05-06(02))	<ul style="list-style-type: none">● The complacent assumption that Hong Kong had done considerably in child protection was dangerous. In fact, the existing child care and protection policies were outdated and deserved a holistic and comprehensive review.● Children’s best interest did not receive paramount concern. On the contrary, the grievances endured by negligent parents were highlighted in handling child protection cases.

Organizations (LC Paper Nos.)	Views and recommendations on child protection
6. Hong Kong College of Paediatricians (CB(2)2594/05-06(3))	<ul style="list-style-type: none">● Child neglect was difficult to identify and assess, but its physical and psychological harms brought to children were no less than child abuse.● As outlined in the written submission, there could be many entry points for professionals to intervene in families with vulnerable children so that harm could be prevented. Successful intervention required multidisciplinary cooperation and community input in the provision of services and the monitoring of the effect of the services.● Despite child abuse/neglect cases continued to hit the news headline, no concrete actions had been taken by the Government. A child policy with clear direction, an independent Child Commission, and a mechanism for child fatality/serious case reviews were urgently required to protect children in Hong Kong.
7. The Medical Coordinators on Child Abuse (CB(2)2594/05-06(04))	<ul style="list-style-type: none">● Frontline professionals and volunteer workers providing services to children and families should be advocates of children's rights and health, and be sensitive to the physical, emotional and developmental needs of growing children. Child protection procedures should be invoked to solicit the needed resources for the neglected children.● An independent institution with statutory power should be set up to monitor, promote and protect the rights of children on a continual basis.● An independent institution with statutory power should be set up to review deaths and serious injuries in childhood, including unintentional injuries and deaths as a result of neglect, from a public health perspective.

Organizations (LC Paper Nos.)	Views and recommendations on child protection
8. Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) (CB(2)2594/05-06(05))	<ul style="list-style-type: none">● The wide gap between the number of battered spouse cases (3 598) and child abuse cases (763) in 2005 indicated that children witnessing the brutality of family violence had not been regarded as victims of abuse and were often neglected.● Expressed dismay at the lukewarm responses of frontline social workers in a few child neglect cases encountered.● Intervention for child abuse/neglect cases should take into consideration the needs of each members of the family.
9. Hong Kong Society for the Protection of Children (CB(2)2611/05-06(01))	<ul style="list-style-type: none">● The fee remission schemes for child care centres/kindergartens should be reviewed. The number of low-income families eligible for fee remission was decreasing after the implementation of the Kindergarten and Child Care Centre Fee Remission Schemes in 2005.● Financial assistance should be increased to assist low-income families and families of new Mainland arrivals so that they could better take care of their children. Services similar to Head Start Program in United States could be considered in Hong Kong.● There was no collaboration among child service agencies in the pilot CCDS, and the general public was not aware of the service.● Frequent change in caretakers would put children at high risk of developing RAD, causing harms to the development of the children.● The Government was urged to consider a number of recommendations as detailed in the written submission.

Organizations (LC Paper Nos.)	Views and recommendations on child protection
10. Government Social Work Officer Association (CB(2)2594/05-06(06))	<ul style="list-style-type: none">● While there was still room for improvements, efforts had been made in the past to enhance child protection in Hong Kong by amending relevant ordinances and promulgating guidelines relating to the procedures for handling child abuse cases.● Cross-disciplinary collaboration with input from different sectors was adopted to formulate an appropriate welfare plan for suspected child abuse cases. Public opinions towards a welfare plan often based on a narrow understanding of the case, which exerted great pressure on frontline workers.● In handling child abuse/neglect cases, careful consideration should be given to removal of a child from his family as such a course of action would have far-reaching implications on parent-child relationship.

Organizations (LC Paper Nos.)	Views and recommendations on child protection
11. The Law Society of Hong Kong (CB(2)2602/05-06(01))	<ul style="list-style-type: none">● Due to the sensitive nature of child abuse cases and the intimidating atmosphere in Juvenile Courts in Magistracies, it was considered inappropriate for CPO hearings to be dealt with in Juvenile Courts. Family Court should have the jurisdiction to deal with CPOs.● At present, legislation covering “children” was scattered in 15 different ordinances, a list of which was in the written submission. The Government was urged to update and consolidate the existing ordinances and enact a new “Children’s Ordinance” to provide modern legislation for protection of children.● Despite the various reports published by the Law Reform Commission relating to child protection, no actions had been made by the Government to take them forward. Some of the important recommendations in these reports which merited urgent consideration were highlighted in the written submission.● Under the existing Duty Lawyer Scheme, lawyers could not represent children involved in care and protection proceedings without consent from their parents. The Government should review this requirement which might not serve the best interest of children.