

HONG KONG COMMITTEE ON CHILDREN'S RIGHTS

Responding to the LegCo Panel on Welfare Services Special Meeting on Child Protection

Preamble

We understand that the Special Meeting was called in response to the case of four young children who were left under the care of their 83-year-old ailing grandmother in Pak Tin. The case was revealed by the media when one of the children was badly scalded at home and needed hospital treatment. The case sparked a wave of criticism and discussion if the existing system is sufficient to protect our children from harm and when they are in need of help. It also precipitated the discussion if we have done enough for the child protection area as a whole to ensure 1.3 million children aged under the year of 18 could grow up in Hong Kong in care and safety.

Interpretation of the problem

Children could be maltreated, neglected or exploited in any environment and by anybody. It would be unfair and unrealistic if we only pinpointed the Social Welfare Department, Police or any institution if we wish to address the matters in a holistic and comprehensive approach. We need a Child Policy which requires priority be given to children's issues, such policy be actively coordinated at all levels of the government and assessments be made regarding the potential impact of policy decisions on children. The best interest of the child is really taken into the paramount concern.

"The best interest of the child as the prime concern" has always been stressed in many papers prepared by the government including the briefing paper LC Paper No.CB(2)2540/05-06(01) prepared by the Social Welfare Department for this Special Meeting. However, we expect more concrete actions when such principle is applied.

"The Best Interest of the Child" (article 3 of the CRC) is one of the four building blocks in the philosophy of the Convention on the Rights of the Child (CRC). The other three are "non-discrimination", "right to life, survival and development" and "respect for the views of the child". The article 3.1 states: "In all actions concerning children, whether undertaken by public or

private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” By evaluating if the article has been successfully implemented by the States Parties, the United Nations Committee on the Rights of the Child is expecting to see more, that includes budgetary allocations for children; planning and development of policies for children; as well as if children’s rights could get on to decision-makers’ agendas, and has served as a basis for evaluating laws, policies, practices and budget decisions.¹

In the Concluding Observations: China (including Hong Kong and Macau, SAR) CRC/C/15/Add.271, released on 30 September 2005, the UN Committee is concerned about the limited information provided by the HKSAR on how the principle of the best interests of the child is taken as a primary consideration in all actions concerning children. The UN Committee also urges the HKSAR to include in its next report more detailed information on the implementation of the article.

We need a Child Policy, Child Ordinance and an effective Children’s Commission

Despite the government’s insistence on the contrary, Hong Kong is in urgent need of a Child Policy to give direction to the entire community, GOs and NGOs, professionals and the lay public, in matters related to children where the best interest of the child is of paramount concern. The lack of such a policy is creating confusion and difficulties in the interpretation and thus the implementation of the notion of the best interests of the child.

A comprehensive, up-dated Child Ordinance with uniformity in the definition of the child and consistent and coherent provisions which can adequately protect children is required. The implementation and monitoring of the fulfillment of the Child Policy should be overseen by an independent Child Commission setting up according to the Paris Principles, with the appropriate resources and power to carry out its function. Children needs a strong, influential and independent voice to represent their interests, to promote and protect their rights, and to challenge government and all those responsible for them when their rights are infringed.

¹ A Sourcebook for Reporting under the Convention on the Rights of the Child, UNICEF, EAPRO and Child Rights ASIANET, 1997.

It is our view that the range of policies and services affecting children is too wide. The existing channels are fragmented and often only focus on the specific areas of concern, failed to address the whole picture in a comprehensive way.

Ms Billy Wong
Executive Secretary
Hong Kong Committee on Children's Rights

28 June 2006