

立法會
Legislative Council

LC Paper No. CB(2)2045/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

Minutes of meeting
held on Monday, 14 May 2007, at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Hon CHAN Yuen-han, JP (Chairman)
Dr Hon Fernando CHEUNG Chiu-hung (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Bernard CHAN, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon YEUNG Sum
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Members absent : Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon LEUNG Kwok-hung

Public Officers attending : Item IV
Mr D C CHEUNG
Principal Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 2

Mr Tony YIP
Assistant Secretary for Health, Welfare and Food
(Elderly Services and Social Security) 4

Mr NG Wai-kuen
Chief Social Security Officer (Social Security) 2
Social Welfare Department

Item V

Mr Freely CHENG
Principal Assistant Secretary for Health, Welfare and Food
(Family)

Miss Hinny LAM
Principal Assistant Secretary for Health, Welfare and Food
(Women)

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

Miss Christine CHOW
Assistant Secretary for Home Affairs (1) 1

**Deputations
by invitation**

: Item V

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

Ms LIU Ngan-fung
Chairperson

Hong Kong Society for the Protection of Children

Ms Susan SO
Director

The Hong Kong Council of Social Service

Ms Elsa CHIU
Chief Officer, Service Development
(Family and Community)

Against Child Abuse

Mrs Priscilla LUI
Director

Ms Jessica HO
Supervisor

Hong Kong College of Paediatricians

Dr Patricia IP
Member, Professional & General Affairs Committee

The Boys' and Girls' Clubs Association of Hong Kong

Miss LAM Yee-mui
Supervisor

Medical Coordinators on Child Abuse of the Hong Kong
Hospital Authority

Dr Patrick CHEUNG Chi-hung

Dr HO Che-shun

The Hong Kong Paediatric Society

Dr Aaron YU Chak-man

Dr Lilian WONG Hiu-lei

Hong Kong Committee on Children's Rights

Dr CHOW Chun-bong
Chairman

Ms Billy WONG
Executive Secretary

The Hong Kong Paediatric Foundation

Dr Grace POON Wing-kit

**Clerk in
attendance**

: Miss Betty MA
Chief Council Secretary (2) 4

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

Miss Maggie CHIU
Legislative Assistant (2) 4

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I. Confirmation of minutes

[LC Paper No. CB(2)1761/06-07]

The minutes of the meeting held on 12 April 2007 were confirmed.

II. Information paper issued since the last meeting

[LC Paper Nos. CB(2)1526/06-07(01), CB(2)1685/06-07(01) and CB(2)1701/06-07(01)]

2. Members noted that the following papers had been issued since the last meeting –

- (a) Information paper provided by the Administration on the development of the proposed Community Hall and the Integrated Family Service Centre at Tung Tau Estate phase 9, Wong Tai Sin (LC Paper No. CB(2)1526/06-07(01));
- (b) Letter dated 20 April 2007 from the Working Group on Rehabilitation Service of the Central and Western District Council on the provision of concessionary fares for people with disabilities (LC Paper No. CB(2)1685/06-07(01)); and
- (c) Referral from the Complaints Division of the Legislative Council (LegCo) Secretariat regarding the shortage of nursing staff in the welfare sector (LC Paper No. CB(2)1701/06-07(01)).

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)1762/06-07(01) and (02)]

3. Members agreed to discuss the following items proposed by the Administration at the next meeting to be held on 11 June 2007 at 10:45 am –

- (a) Licensing of rehabilitation homes for people with disabilities; and

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(b) Charitable fund-raising activities.

4. Referring to the Panel's list of outstanding items for discussion, the Chairman said that a number of issues had yet to be discussed in the current session, such as the proposed establishment of the Family Commission and the infirmary care in non-hospital setting. She suggested that one of these items should be added to the agenda of the next regular meeting.

5. Echoing the Chairman's suggestion, Dr Fernando CHEUNG said that the Administration should be requested to provide a concrete timetable for discussing the 2005 Rehabilitation Programme Plan Review and the provision of social security assistance for needy elderly in Hong Kong, as the discussion on these two items was long overdue.

6. In connection with the item on social security assistance for needy elderly in Hong Kong, Mr LEE Cheuk-yan expressed dissatisfaction about the slow progress of the consultancy study commissioned by the Central Policy Unit (CPU) on "Sustainability of the Three Pillars of Retirement Protection". He said that the study had already taken over three years and the Administration should provide an update on the progress.

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7. Principal Assistant Secretary for Health, Welfare and Food (Elderly Services and Social Security) 2 (PAS/HWF(ES)2) said that the consultancy study commissioned by CPU was expected to be completed in 2007. He undertook to convey members' views to the Administration for consideration.

Clerk

8. After discussion, members agreed that in addition to the items in paragraph 3 above, the Clerk would liaise with the Administration on the proposed timing for discussion of the following items –

- (a) 2005 Rehabilitation Programme Plan Review;
- (b) proposed establishment of the Family Commission;
- (c) an update of CPU's study on "Sustainability of the Three Pillars of Retirement Protection in Hong Kong";
- (d) social security assistance for needy elderly in Hong Kong; and
- (e) infirmary care in non-hospital setting.

9. Dr KWOK Ka-ki suggested and members agreed that a joint meeting should be held with the Panel on Security to discuss support services for young drug abusers. The meeting would be scheduled tentatively for June 2007, subject to the views of the Panel on Security.

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IV. Review of the system for processing applications for Disability Allowance under the Social Security Allowance Scheme

[LC Paper Nos. CB(2)1190/06-07(04), CB(2)1762/06-07(03) and (04)]

10. PAS/HWF(ES)2 briefed members on the Administration's paper which provided supplementary information on the Social Welfare Department (SWD)'s system for processing applications for Disability Allowance (DA) under the Social Security Allowance (SSA) Scheme and the Administration's response to members' concern and suggestions raised at the meeting on 12 March 2007.

11. Ms LI Fung-ying said that the crux of members' concern was about the operational efficiency of the appeal mechanism. She cast doubt on the effectiveness of increasing the frequency of meetings of the Medical Assessment Board (MAB) in reducing the processing time of appeals, if the waiting list remained long. Given that DA payments would be withheld during the appeal process and in order not to affect the livelihood of the appellants, Ms LI urged the Administration to set performance indicators for the appeal mechanism, such as by specifying the time taken for MAB to hear an appeal and to make a decision. Dr Fernando CHEUNG supported the suggestion.

12. PAS/HWF(ES)2 responded that since August 2006, the Hospital Authority (HA) had invited more private medical doctors to sit on MAB so that meetings could be held more frequently to expedite the appeal process. As an additional measure, the number of MABs would be increased to 12 each year and four extra MABs would be conducted in 2007-2008 to facilitate the clearance of the backlog. The backlog was expected to be cleared by the end of 2007, after which the processing time of an average appeal case would be about three months.

13. Ms LI Fung-ying maintained her view that to safeguard the rights of the appellants, the Administration should spell out clearly the performance targets for the DA appeal mechanism.

14. Dr Fernando CHEUNG noted that while the number of appeal cases processed by the Social Security Appeal Board (SSAB) had increased from 115 in 2005-2006 to 205 in 2006-2007, 130 cases had yet to be dealt with by MAB as at 31 March 2007. He doubted whether the backlog could be cleared by the end of 2007 as estimated by the Administration. Dr CHEUNG said that at the meeting on 12 March 2007, the Administration had advised that there were occasions on which SSAB requested MAB to conduct re-assessment. However, no such case was shown in Annex A of the Administration's paper. He expressed concern whether SSAB would only rubber-stamp the medical assessment results of MAB. Dr CHEUNG also expressed dissatisfaction with

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the Administration for not responding to some outstanding issues raised at the meeting on 12 March 2007, such as the provision of Higher DA (HDA) to recipients boarding at subvented special schools or being hospitalised at public hospitals.

15. PAS/HWF(ES)2 responded that in respect of appeals on the ground of disabilities, SSAB would usually reach a decision on the basis of the medical assessment results of MAB which were considered reliable and professional. PAS/HWF(ES)2 said that Annex A of the Administration's paper provided information on DA appeals processed by SSAB in the past two years. To his knowledge, SSAB had not referred any case to MAB for re-assessment in the past two years and there had been sporadic cases before 2005. He added that the Administration would backdate and disburse the DA payments to the recipients from the date of application if the appeals were successful.

16. Responding to Dr Fernando CHEUNG on whether the appellants would be provided with written explanations if their appeals were rejected, PAS/HWF(ES)2 said that the Administration had consulted HA and revised the medical assessment form for MABs to provide explanations for unsuccessful appeals and additional comments, if available.

17. Dr YEUNG Sum and Mr Albert HO supported the suggestion of setting performance indicators for the appeal mechanism. Dr YEUNG said that information on compliance with the performance indicators would assist the Administration when bidding for additional resources for further enhancing the appeal mechanism and shortening the processing time for appeal cases.

18. PAS/HWF(ES)2 explained that there would be practical difficulties for the Administration to set performance indicators on the work of MAB which was not a Government body. He reiterated that the average processing time of an appeal case would be shortened to about three months after the backlog had been cleared.

19. Dr YEUNG Sum and the Chairman considered that taking three months to processing DA appeals was too long and unfair to the appellants. Dr YEUNG Sum strongly urged the Administration to consider setting performance indicators for the appeal mechanism.

20. Dr KWOK ka-ki pointed out that as medical doctors sitting on MABs were usually medical officers working at public hospitals, they would not decline requests for holding more MAB meetings. Dr KWOK considered that additional resources and support should be provided for MAB to expedite the processing of appeal cases, and additional resources should also be provided for HA to strengthen professional training and support for medical doctors sitting on MAB. Dr KWOK suggested that to enhance the smooth operation of MAB,

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appeal cases involving similar types of disabilities should be processed by the same MAB comprising specialists from the relevant disciplines.

21. PAS/HWF(ES) responded that with more private medical doctors sitting on MAB and the scheduling of meetings more frequently, the caseload to be dealt with by each MAB would be reduced. As regards the suggestion of strengthening the professional training and support for medical doctors sitting on MAB, HA had advised that MAB would make decisions on DA appeal cases on the basis of the relevant medical assessment reports. The chairman of MAB would ask for more detailed specialist reports if necessary to facilitate MAB in making decisions on individual cases. PAS/HWF(ES)2 added that the processing time would be prolonged unduly if appeal cases involving similar types of disabilities were to be grouped and processed by the same MAB.

22. Mr LEE Cheuk-yan said that the Administration should review the criteria for eligibility for DA and ensure its consistency. He cited a case in which a DA applicant's application was rejected because gynaecological illness was not within the meaning of disabilities. When the applicant re-submitted the application together with a referral from a psychiatric specialist, the application was successful. Mr LEE further said that the Administration should provide a concrete timetable for completing the processing of all appeal cases on the waiting list. To further shorten the processing time for appeal cases, Mr LEE said that more detailed specialist reports on individual cases should be made available prior to the MAB meetings.

23. PAS/HWF(ES)2 said that as explained earlier, the Administration aimed to conduct four extra MABs in 2007-2008 to facilitate the clearance of the backlog. As regards the eligibility criteria for DA, PAS/HWF(ES)2 said that a person would be considered as severely disabled within the meaning of the SSA Scheme if he/she was in a position broadly equivalent to a person with 100% loss of earning capacity according to the criteria in the First Schedule to the Employees' Compensation Ordinance (Cap. 282), including visceral diseases resulting in total disablement.

24. Noting that there were no cases in which the decision of SSAB differed from the medical assessment results of MAB in the past two years, Mr Albert HO questioned the role played by SSAB in processing appeal cases on the ground of disabilities. As members of SSAB did not possess medical expertise, he questioned if SSAB would only rubber-stamp the medical assessment results of MAB.

25. PAS/HWF(ES)2 said that DA applicants might appeal to SSAB if they were not satisfied with SWD's decision on their application. In respect of appeal cases on the ground of disabilities, SSAB would arrange for the appellants to undergo medical assessment by an independent MAB and reach a decision on

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the basis of the medical assessment results of MAB. As the assessment made by MAB was considered reliable and professional, it was understandable that SSAB seldom disagreed with the medical assessment results of MAB. As such, the Administration did not see the need for requiring SSAB members to be medical professionals. PAS/HWF(ES)2 added that in 2006-2007, there were 56 cases in which SSAB varied the decisions of SWD after taking into account the re-assessment results of MAB. He stressed that under the existing appeal mechanism, each case would be studied and assessed carefully.

26. Chief Social Security Officer (Social Security) 2 (CSSO(SS)2) added that when considering appeals on the ground of disabilities, MAB would make a medical assessment of the appellant's health condition at the time of application and appeal. While SSAB would usually accept the medical decision made by MAB, he recalled that there were occasions before 2005 on which SSAB requested MAB to conduct a re-assessment.

27. Dr Fernando CHEUNG opined that the Administration had yet to provide responses to all the issues of concern raised by members at the meeting on 12 March 2007, including the rate of DA for recipients boarding at subvented special schools or public hospitals and the Ombudsman's recommendations on overpayment cases. The Chairman added that when the DA recipients were admitted to public hospitals or boarding at subvented special schools, their family members had to incur additional expenses such as transport fares to hospitals or schools. The deduction of the HDA payments from these recipients would cause undue hardship on their families.

28. PAS/HWF(ES)2 explained that the policy of providing Normal DA only to recipients receiving care in Government or subvented residential institutions was meant to prevent double benefit. Disabled people who faced financial hardship could apply for assistance under the Comprehensive Social Security Assistance Scheme, which provided a safety net of last resort.

29. Expressing dissatisfaction at the Administration's response, Dr Fernando CHEUNG moved the following motion which was seconded by Dr Hon YEUNG Sum –

"本事務委員會促請政府立即制訂服務承諾，為傷殘津貼上訴機制處理上訴個案的工作設下時限及訂立表現指標，並就該機制進行獨立及具透明度的檢討。"

(Translation)

"That this Panel urges the Government to immediately make a performance pledge, thereby prescribing a timeframe for processing appeals and specifying performance indicators in respect of the appeal

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mechanism for disability allowance, and conduct an independent and transparent review on the mechanism."

Admin

30. The Chairman put the motion to vote. All the eight members present at the meeting voted for and no member voted against the motion. The Chairman declared that the motion was carried. She urged the Administration to take necessary action on the motion passed by the Panel.

V. Proposed review mechanism for fatal child abuse cases and child protection

[LC Paper Nos. CB(2)1762/06-07(05) to (13), CB(2)1811/06-07(01) and CB(2)1843/06-07(01) to (03)]

31. Assistant Director of Social Welfare (ADSW) briefed members on the proposed pilot project on child fatality review as set out in the Administration's paper. She stressed that the purpose of the review was to facilitate the examination of and improvement to the current system in respect of child protection and child welfare. It was not intended to be the mechanism to identify the causes leading to the child's death nor attribute responsibility to individuals. The pilot project would commence in the last quarter of 2007 or the first quarter of 2008.

Views of deputations

32. The Chairman welcomed deputations to the meeting. The views of the deputations are summarized below.

Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)
[LC Paper No. CB(2)1762/06-07(07)]

33. Ms LIU Ngan-fung presented the views of the Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) as detailed its submission. She said that following the Tin Shui Wai Incident, the Kwan Fook had been urging the Government to set up a review mechanism on domestic violence cases so as to identify ways to prevent the recurrence of similar tragedies. Ms LIU expressed disappointment with the proposed review mechanism being confined to child fatal cases only. In her view, child fatal cases and domestic violence cases should be dealt with in a holistic and comprehensive manner.

Hong Kong Society for the Protection of Children
[LC Paper No. CB(2)1762/06-07(08)]

34. Ms Susan SO presented the views of the Hong Kong Society for the Protection of Children as set out in its submission. She echoed Kwan Fook's

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view that the proposed child fatality review mechanism should not be confined only to cases of children who died of unnatural causes and had implication on social welfare services. Ms SO considered the existing child care services in Hong Kong inadequate to address the problems faced by children and families from a disadvantaged background. Outreach services should be enhanced to identify and provide appropriate assistance for those families which were unwilling to seek help.

The Hong Kong Council of Social Service
[LC Paper No. CB(2)1762/06-07(09)]

35. Ms Elsa CHIU introduced the submission of the Hong Kong Council of Social Service. She considered that the scope of cases covered by the proposed review mechanism was too narrow. She took the view that all cases of children who died of unnatural causes should be presented to the Review Panel for consideration of in-depth review. Ms CHIU added that to better protect children's rights, an independent body such as a Commission on Children should be set up to monitor the implementation of the recommendations made by the Review Panel.

Hong Kong College of Paediatricians
[LC Paper No. CB(2)1762/06-07(11)]

36. Dr Patricia IP said that the Hong Kong College of Paediatricians had long recognized the importance of establishing a child fatality review mechanism. As shown from the Coroner's Report, a total of 85 cases of children died of unnatural causes in 2004 and 2005. Dr IP welcomed the coverage of all cases of children under 18 who died of unnatural causes under the review mechanism, but considered the types of cases to be considered by the Review Panel too limited. She also did not see the need for the child death review to be conducted after the completion of the judicial process.

Against Child Abuse
[LC Paper No. CB(2)1762/06-07(10)]

37. Ms Jessica HO introduced the submission of the Against Child Abuse. She expressed disappointment at the lack of details about the terms of reference and composition of the Review Panel as well as the guidelines and principles for selection of cases for review. She considered that the Review Panel should comprise professionals from different disciplines to facilitate cross-sectoral collaboration in child protection. The proposed child fatality review mechanism should be extended to cover cases of domestic violence and serious injury. To monitor the implementation of the recommendations made by the Review Panel, the latter should present its annual report to LegCo.

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38. Mrs Priscilla LUI supplemented that following the death of a child abused by her carers in 2000, the United Kingdom Government had launched a comprehensive system overhaul with the intention of creating clearer accountability for children's services and safeguarding children. She considered that the child protection measures in Hong Kong were outdated, and that the proposed child fatality review mechanism should be implemented expeditiously to enhance children protection. She strongly urged the Administration to consider establishing a Commission on Children for the purpose.

The Boys' and Girls' Clubs Association of Hong Kong
[LC Paper No. CB(2)1843/06-07(01)]

39. Miss LAM Yee-mui presented the views of the Boys' and Girls' Clubs Association of Hong Kong as detailed in its submission. She said that the establishment of a child fatality review mechanism had been long overdue and should be implemented without further delay. Miss LAM suggested that an independent authority should be established to monitor the implementation of the recommendations proposed by the Review Panel. To enhance the protection of children's rights, a child-centred approach should be adopted in the formulation and implementation of child protection measures.

Medical Coordinators on Child Abuse of the Hong Kong Hospital Authority
[LC Paper No. CB(2)1762/06-07(12)]

40. Dr HO Che-shun introduced the submission of the Medical Coordinators on Child Abuse (MCCA) of the Hospital Authority. He considered that the Review Panel should be appointed by and accountable to a statutory authority independent of the Government. The proposed child fatality review mechanism should maintain a register of all cases of children and young people who died of unnatural causes and be extended to cover non-welfare cases and serious injuries. Dr HO said that to facilitate investigations, the Review Panel should have full and unrestricted access to information from involved parties. The investigations should be conducted in parallel and independent of criminal and judicial procedures.

41. Dr Patrick CHEUNG said that MCCA's recommendations on child protection were detailed in its submission.

The Hong Kong Paediatric Society
[LC Paper No. CB(2)1762/06-07(13)]

42. Dr Lilian WONG said that while the Hong Kong Paediatric Society supported the establishment of a regular mechanism to review child deaths in Hong Kong, it considered that the scope of the review mechanism should not be limited to those cases which had implications on social welfare services. The

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review was not a fault-finding procedure, and it should be focused on the event rather than on particular persons in order to make improvements to child protection policies and measures. Dr WONG added that the review mechanism should complement, rather than duplicate, the work of the Coroners.

Hong Kong Committee on Children's Rights
[LC Paper No. CB(2)1843/06-07(02)]

43. Ms Billy WONG said that there were strong calls from the community for the establishment of a Commission on Children. She pointed out that according to the research report on child protection measures prepared by the LegCo Secretariat, no authority independent of the Government was in place in Hong Kong to oversee and monitor the implementation of child protection measures. The study commissioned by the Hong Kong Committee on Children's Rights had similar findings. Ms WONG urged the Government to establish a Commission on Children expeditiously.

44. Dr CHOW Chun-bong added that the scope of the proposed child fatality review mechanism should not be limited to cases which had implications on social welfare services.

Hong Kong Paediatric Foundation

45. Dr Grace POON expressed support for the proposed establishment of a child fatality review mechanism. Dr POON said that the review mechanism should not be a fault-finding procedure, and it should be applied to all cases of unnatural deaths, unexplained deaths and selected cases of child deaths due to medical illnesses. Dr POON considered that the operation of review mechanism should be monitored by an independent authority such as a Commission on Children.

The Law Society of Hong Kong

46. Members noted that The Law Society of Hong Kong had provided a written submission (LC Paper No. CB(2)1811/06-07(01)) but had not sent representatives to the meeting.

Discussion

47. Dr YEUNG Sum expressed support for the suggestion of establishing a statutory Commission on Children to promote children's rights and to monitor the implementation of child protection measures. He said that child protection should not be taken up solely by SWD as the subject straddled different policy areas. The Commission on Children, if established, should review the existing child protection measures, conduct researches and analysis and recommend areas

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for improvement. Dr YEUNG held the view that the proposed child fatality review mechanism should identify areas for improvements in child protection, instead of duplicating the death inquest conducted by the Coroner's Court.

48. Principal Assistant Secretary for Health, Welfare and Food (Family) (PAS/HWF(F)) stressed that the pilot project on child fatality review was one of the various measures taken by the Administration to better protect the well-being of children. He explained that the proposed child fatality review mechanism would, among other things, identify patterns and trends of child deaths. The Review Panel might identify possible areas for improvement and make suggestions to the relevant parties and organizations for consideration and follow-up action to prevent the recurrence of similar tragedies. PAS/HWF(F) added that a review would be conducted after the two-year pilot project.

49. Mr LEE Cheuk-yan considered that the Administration's proposal fell far short of the repeated requests made by members and deputations for better protection of children. Having regard to the strong call from the community, he questioned the need for the Administration to conduct a pilot project on child fatality review. Mr LEE echoed the deputations' views that the Review Panel should not only conduct in-depth review on cases which had aroused public concern and had implications on social welfare services, given that cases of children who died of unnatural cases were not necessarily related to social welfare services. In his view, the scope of the review mechanism should be expanded to cover different categories of child death cases.

50. Dr KWOK Ka-ki said that the proposed review mechanism was far from satisfactory. He considered that the Review Panel should study not only child fatal cases, but also serious injuries. The expanded scope would enable the Review Panel to recommend areas for improvement, with a view to preventing the recurrence of similar tragedies. Dr KWOK further said that there was an urgent need for establishing a statutory Commission on Children and the Administration should not use the implementation of the pilot project as a tactic to delay the establishment of the Commission.

51. ADSW explained that the secretariat of the Review Panel would obtain the demographic and social information about all cases of children who died of unnatural causes within a specified period for the Panel's general review. Among these cases, the secretariat would identify and recommend cases which had aroused public concern and had implications on social welfare services for the consideration of in-depth review by the Review Panel. The Review Panel would refer specific cases to the relevant departments for follow-up as and when necessary.

52. PAS/HWF(F) added that the establishment of a statutory Commission on Children to look into child fatality cases would involve legislative changes which

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should be studied carefully. He said that the experience of the pilot project on child fatality review would provide useful information for the Administration to formulate policies and measures to better protect the well-being of children.

53. Mr LEE Cheuk-yan disagreed with the Administration's approach and maintained the view that all child death cases should be covered by the review mechanism.

54. Ms LI Fung-ying said that the need for a Commission on Children had been discussed for a long time. She was of the view that a consensus had been reached among members and deputations present at the meeting that the Commission should be established expeditiously, and further delay would have an adverse impact on the rights and well-being of children. Ms LI added that the scope of cases covered under the review mechanism should not be limited to cases which had policy implications on social welfare services.

55. PAS/HWF(F) said that the Administration was studying the feasibility of setting up a Family Commission and would take the opportunity to examine how the proposed Family Commission could better protect the well-being and interests of different social groups, including children. A report on the study would be available in mid 2007.

56. Ms LI Fung-ying strongly requested the Administration to provide a concrete timetable for the establishment of a statutory Commission on Children. PAS/HWF(F) responded that the matter was being considered in the context of the Study of the Family Commission. It would be premature to draw up a timetable for the establishment of a Commission on Children.

57. Mr Albert HO expressed dissatisfaction at the Administration's reluctance to formulate concrete measures to enhance the protection of children. He pointed out that the Law Reform Commission had made a number of recommendations on legislative reforms in relation to child protection and family proceedings since 1998, but very few of these recommendations had been taken forward by the Administration. Mr HO supported the suggestion for the establishment of a statutory Commission on Children to facilitate cross-sectoral collaboration on protection of children and to prevent the recurrence of unnatural child deaths.

58. The Chairman said that the lack of a comprehensive children protection policy was one of the major contentions when the Subcommittee on Strategy and Measures to Tackle Family Violence discussed domestic violence related issues. She considered that the Administration should commence the preparation work for the establishment of a statutory Commission on Children without further delay.

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59. Dr Fernando CHEUNG expressed disappointment and considered that the proposed child fatality review mechanism, as set out in the Administration's paper, fell far short of the requests raised by members and deputations. He informed members that he would move a motion at the Council meeting urging the Government to enhance the protection of children. Dr CHEUNG moved the following motion which was seconded by Dr YEUNG Sum –

"本事務委員會促請政府成立獨立的法定兒童事務委員會，從兒童為本的角度，監察和協助政府制訂並落實保護兒童的法例及政策，包括督導兒童嚴重受傷或死亡個案檢討委員會。檢討兒童死亡個案的先導計劃應作出以下改善 ——

- (a) 把嚴重受傷個案納入檢討範圍；
- (b) 更深入的檢討應擴展至涵蓋所有非自然死亡／受傷個案，而非局限於對社會福利服務有影響的個案；
- (c) 檢討程序不必等候所有司法程序完成後才進行，而是可以同步進行；
- (d) 檢討小組應有調查權，其建議亦應有法定權力，並須予落實；
- (e) 在兩年後進行檢討後，檢討機制最終應擴展至涵蓋家庭暴力個案；及
- (f) 檢討小組應每年向立法會遞交報告，並在有關會議上交代工作。"

(Translation)

"That this Panel urges the Government to establish an independent statutory Commission on Children to monitor and assist the Government in formulating and implementing legislation and policies on child protection, including supervising the Review Committee on Serious Injury and Fatality of Children, from a child-oriented perspective. The Pilot Project on Child Fatality Review should make the following improvements –

- (a) serious injury cases should be covered in the review;
- (b) the scope of the in-depth review should be extended to cover

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fatality/injury cases arising from unnatural causes, instead of being restricted to cases having implication on social welfare services;

- (c) the review can be conducted in parallel with the judicial process, instead of having to wait until the completion of the entire process;
- (d) the Review Panel should be vested with investigation power and its recommendations should bear statutory power for compulsory implementation;
- (e) after its review to be conducted two years later, the review mechanism should ultimately be extended to cover domestic violence cases; and
- (f) the Review Panel should submit its reports to the Legislative Council and give an account of its work in the relevant meetings every year."

Admin

60. The Chairman put the motion to vote. All the eight members present at the meeting voted for and no member voted against the motion. The Chairman requested the Administration to follow up on the motion. She said that as the subject of child protection was very important and the Administration had not fully addressed the issues of concern raised by members, the Administration should revert to the Panel within the current session. The Chairman suggested that the Panel should follow up the discussion on child protection in the July meeting. Members agreed.

VI. Any other business

61. There being no other business, the meeting ended at 12:56 pm.

Council Business Division 2
Legislative Council Secretariat
8 June 2007