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Panel on Welfare Services

**Background brief prepared by Legislative Council Secretariat
for the meeting on 14 May 2007**

Child protection

Purpose

This paper summarises the discussions by the Panel on the Welfare Services (the Panel) on the policies and measures for child protection.

Guiding principles for child protection

2. At present, the Administration adopts a "child-centred, family-focused and community-based" approach in the planning and delivering of family services in Hong Kong. The basic values adopted with regard to child welfare cases are –

- (a) children are best protected and nurtured within a loving family in which physical care, mutual support and emotional security are available to foster the development of children into healthy and responsible members of society;
- (b) support to help a dysfunctional family to resume normal functioning will be provided so that children can be cared for continuously in a family environment; and
- (c) children will be removed from a family environment only when there is no better alternative.

Mode of provision of child protection services

3. In Hong Kong, child protection services are provided by the Social Welfare Department (SWD) in collaboration with non-governmental organizations under the Lump Sum Grant subventions system.

4. Protection of children is one of the key functions of casework service units, namely, Integrated Family Service Centres (IFSCs), Integrated Services Centres (ISCs), Family and Child Protective Services Units (FCPSU), medical social service units (MSSUs) and probation offices. A Family Support Programme (FSP), which aims to introduce the needy families to various support service available and motivate them to receive appropriate services at an early stage, has been launched in IFSCs/ISCs, FCPSUs and Psychiatric MSSUs starting from 2006-2007. In addition, a pilot Comprehensive Child Development Service (CCDS) has been launched to facilitate early identification and intervention of problems of children aged below five and families in four selected communities.

5. Where there is a need for statutory protection for the child, the social worker of SWD or the Police Officer may initiate care or protection proceedings for the child under the Protection of Children and Juveniles Ordinance (Cap. 213). The court may appoint the Director of Social Welfare as legal guardian, or commit the child to the care of any person or any institution who is willing to take care of the child, or order the parent/guardian to enter into recognizance to exercise proper care and guardianship, and/or place the child under supervision for a period of not exceeding three years.

6. When the life of a child is endangered, the child will be removed from a family immediately. In circumstances suggesting that a criminal offence may have been committed, the case will be reported to the Police. For situations where immediate removal of a child is not required, the focus of assessment will be on the child's welfare needs and the support required by the carer(s) to resume normal caring function in a family environment.

7. To formulate an appropriate welfare plan relating to suspected child abuse cases and other cases in need of cross-sector collaboration, a multi-disciplinary case conference with inputs from expertise in different disciplines, including social workers, doctors, teachers, police officers, clinical psychologist, carer, etc. are convened. Child welfare cases are monitored through regular bring-up system, case conference and reviews in SWD casework units concerned as well as at the residential unit in implementing the care plan for the child concerned. When new information becomes available for follow-up action a multi-disciplinary case review conference will be arranged.

Discussions by the Panel on Welfare Services

8. Following the incident of four young children who were left under the care of their 83-year-old grandmother in Pak Tin Estate in April 2006, the Panel held a special meeting on 29 June 2006 to discuss the policy concerning child protection. The Panel also received views from the deputations at the meeting. The Panel further discussed the review of the pilot implementation of CCDS and overseas experience of child protection at the meeting on 12 April 2007.

Child protection policy

9. At the Panel meeting on 29 June 2006, members expressed grave concern about the lack of coordination among relevant bureaux and departments in curbing the increasing number of child abuse/neglect cases. They held the view that child protection policies in Hong Kong were outdated and lagged behind those in overseas countries. These members concurred with the deputations' views about the need for a Child Commission, as a high-level and central mechanism, to oversee and monitor the implementation of child protection policies in Hong Kong, and formulate a comprehensive policy on the long-term development of child care services.

10. The Administration explained that 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. As regards the suggestion of setting up a Child Commission, the issue was being followed up the Home Affairs Bureau. 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.

11. The Panel on Home Affairs agreed at its meeting on 8 December 2006 that the proposal to discuss the establishment of a Child Commission would be followed up by the Panel on Welfare Services in the context of the proposed establishment of a Family Commission, and members of the Panel on Home Affairs would be invited to attend the meeting if the issue was discussed. The Panel was advised at various meetings that the Administration was studying the establishment of a proposed Family Commission. At the Panel meeting on 12 April 2007, the Administration informed members that it would take the opportunity of the study to examine how the Family Commission could better protect the well-being and interests of different social groups, including children, and a report would be submitted to the third term Government in mid 2007.

12. At members' request at the meeting on 29 June 2006, the Research and Library Services Division of the Legislative Council Secretariat conducted a research study on child protection policies and measures in England, Ontario and New South Wales. The Panel discussed the Research Report on Child Protection in Selected Overseas Places (RP03/06-07) on 12 April 2007 and agreed that the discussion on child protection would be followed up at the meeting on 14 May 2007.

Review mechanism for fatal child abuse cases

13. When issues relating to child abuse/neglect cases were discussed by the Panel at the meeting on 29 June 2006, members expressed concern that many child deaths and serious injuries were attributable to violence or omission by the caretakers. Mr LEE Cheuk-yan considered that a standing mechanism for child

fatality review should be set up to analyse child deaths and serious injuries from a wider perspective, with a view to preventing the recurrence of similar tragedies.

14. The Administration advised that SWD proposed to develop a mechanism to conduct post-event multi-disciplinary review on fatal child abuse cases for the purpose of identifying improvements, and the related technicalities. The initial draft proposal had been discussed by the Child Abuse Committee and the Working Group on Combating Violence. SWD would consult the relevant Government departments, including the Police and the Department of Justice before taking the proposal further. The Administration undertook to brief the Panel on the details of its proposed death review mechanism for fatal child abuse cases before implementation.

Legal representation of children in court

15. While legal representation was offered to a child in care or protection proceedings who was deprived of or at risk of being deprived of his or her liberty under the Protection of Children and Juveniles Ordinance (Cap. 213), such legal representation would be given only with the consent of the child's parents or legal guardian. Mr Albert CHAN considered that the Administration should review the arrangements on legal representation of children in courts in child protection cases.

16. The Administration advised that it had been reviewing the issue of legal representation for children and juveniles involved in care and protection proceedings so as to make improvements. The Administration also explained that in the most critical cases, the courts would assign an independent legal representative for the child involved in the case. The Panel Chairman took the view that the Panel should follow up the matter at future meeting(s).

Legislative reforms on child protection

17. Some deputations, in particular the Law Society of Hong Kong, attending the Panel meeting on 29 June 2006 pointed out that no amendments had been made to the major pieces of legislation dealing with children and family-related applications for more than 30 years. They also pointed out that the Law Reform Commission had made a number of recommendations on legislative reforms relating to child protection and family proceedings since 1998, but very few of them had been taken forward by the Administration.

18. The Panel Chairman considered that the Panel should follow up the views of the deputations as well as the reports of the Law Reform Commission relating to children at future meeting(s).

Resources for handling child protection cases

19. Members were concerned about the adequacy of the financial provision

for providing welfare services for the protection of children for needy families, in particular the outreaching social service for “hidden” high-risk families. The Administration advised that a teamwork approach was adopted to handle child protection cases. In view of the limited resources available, the Administration had mobilized community resources at district level to identify cases in need of assistance. Moreover, under FSP, 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.

20. The Administration further advised that an additional resource of \$20 million had been allocated for the implementation of CCDS, and the bulk of the new provision was used to enhance staffing support. The background for the pilot implementation of CCDS is set out in LC Paper No. CB(2) 1470/06-07(05). The Panel was briefed subsequently on the review findings of the pilot implementation of CCDS at the meeting on 12 April 2007. The Administration advised that in the light of the encouraging outcome of the CCDS pilot, subject to additional resources being available, it planned to extend CCDS to all districts in phases by 2012 and strength social services support. As the next step, the Administration would extend CCDS to Tung Chung, the whole district of Yuen Long and Kwun Tong in 2007-2008. While members were generally supportive of CCDS, they were concerned about the lack of a comprehensive policy on the long-term development of children and youth services in Hong Kong and the provision of additional resources for welfare service agencies for the implementation of CCDS.

Latest position

21. The Administration will brief the Panel on the proposed review mechanism for fatal child abuse cases and other child protection measures at the meeting on 14 May 2007.

Relevant papers

22. Members are invited to access the LegCo website at <http://www.legco.gov.hk> to view the Administration's papers for the meetings of the Panel on Welfare Services on 29 June 2006 and 12 April 2007 and the relevant minutes of meetings.