

LEGISLATIVE COUNCIL BRIEF

Protection of Children and Juveniles Ordinance
(Chapter 213)

PROTECTION OF CHILDREN AND JUVENILES (PLACES OF REFUGE) (AMENDMENT) ORDER 2012

INTRODUCTION

At the meeting of the Executive Council on 7 February 2012, the Council ADVISED and the Chief Executive ORDERED that the Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2012, at **Annex A**, should be made under section 2A of the Protection of Children and Juveniles Ordinance (the Ordinance) (Cap. 213).

BACKGROUND AND JUSTIFICATIONS

2. The Social Welfare Department (“SWD”) will hive off the Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel (“Wing Lung”) which, among its various functions, serves as a place of refuge, and hand it over to a non-governmental organisation (“NGO”) for continuous operation. In this regard, there is a need to amend the list of places of refuge in the Schedule to the Protection of Children and Juveniles (Places of Refuge) Order (Cap. 213B) (“the Order”).

Place of Refuge

3. A place of refuge provides temporary care for children (aged under 14) and juveniles (aged between 14 and 18) in need of care or protection under the Ordinance. These involve mainly children or juveniles who have been or are being assaulted, ill-treated, neglected, sexually abused, or whose health, development or welfare have been, are being or appear likely to be neglected or avoidably impaired, or who are likely to be exposed to moral or physical danger.

4. Under section 2A of the Ordinance, the Chief Executive may by order declare any place to be a place of refuge. The institutions currently

declared as places of refuge include The Po Leung Kuk (“PLK”), Wing Lung and Tuen Mun Children and Juvenile Home.

Hiving Off Wing Lung

5. The Director of Audit recommended in its Report No. 42 on “Value for Money Audit on Training, Employment and Residential Services for People with Disabilities” that SWD should outsource the operation of the rehabilitation service units to non-governmental organisations for achieving more cost-effectiveness in service delivery¹. Along this direction, SWD has been gradually hiving off its rehabilitation services to NGOs having regard to the possible implications on staff and resources. Considering that this hiving off proposal will not have material impact on staff serving in Wing Lung, SWD has decided to hive off Wing Lung and hand it over to a NGO for continuous operation with effect from 1 April 2012. In addition, hiving off Wing Lung, which also operates a residential care home for persons with disabilities (RCHD), will avoid the situation where the Director of Social Welfare is both the operator of RCHDs and the regulating authority under the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613). In this regard, SWD invited NGOs to submit tendering proposals for the operation of Wing Lung in August 2011 and, upon completing the vetting procedures, PLK was selected as the future operator of Wing Lung. Having obtained the consent for operating Wing Lung from PLK’s management in accordance with the statutory requirement stipulated in regulation 3 of the Protection of Children and Juvenile (Places of Refuge) Regulations (Cap. 213A), PLK will take over Wing Lung for continuous operation with effect from 1 April 2012. Thereupon, Wing Lung will be given the new name “Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel” (“PLK Wing Lung”).

6. With the hiving off arrangement, we would need to introduce legislative amendments to remove Wing Lung from the Schedule to the Order, and add to it PLK Wing Lung.

OTHER OPTION

7. The proposal has to be effected by legislative amendment and there is no alternative option.

¹ “Report No. 42 of the Director of Audit” (2004)

THE AMENDMENT ORDER

8. The Amendment Order amends the Schedule to the Order. The existing Order being amended is at **Annex B**. We propose that the Amendment Order should come into operation on 1 April 2012 to dovetail SWD's timetable for the handover proposal set out in the Service Agreement with PLK.

LEGISLATIVE TIMETABLE

9. The legislative timetable will be as follows -

Publication in the Gazette	17 February 2012
Tabling at Legislative Council for negative vetting	22 February 2012
Commencement	1 April 2012

IMPLICATIONS OF THE PROPOSAL

10. The proposal has financial and civil service implications as set out at **Annex C**. It has no productivity, environmental, economic or sustainability implications. The proposed legislative amendments are in conformity with the Basic Law, including the provisions concerning human rights, and do not affect the binding effect of the Protection of Children and Juveniles Ordinance and its subsidiary legislation.

PUBLIC CONSULTATION

11. 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

12. A spokesman from the Labour and Welfare Bureau and SWD will be available to answer media and public enquiries.

ENQUIRIES

13. In case of enquiries about this brief, please contact Mr Stephen SUI, Commissioner for Rehabilitation, Labour and Welfare Bureau, at 2810 2029.

February 2012
Labour and Welfare Bureau

Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2012

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

1. **Commencement**
This Order comes into operation on 1 April 2012.
2. **Protection of Children and Juveniles (Places of Refuge) Order amended**
The Protection of Children and Juveniles (Places of Refuge) Order (Cap. 213 sub. leg. B) is amended as set out in section 3.
3. **Schedule amended (places of refuge)**
 - (1) The Schedule—
Repeal item 11.
 - (2) The Schedule, after item 12—
Add
“13. Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel.”



Chief Executive

14 February 2012

Explanatory Note

The Schedule to the Protection of Children and Juveniles (Places of Refuge) Order (Cap. 213 sub. leg. B) specifies the places of refuge for the purposes of the Protection of Children and Juveniles Ordinance (Cap. 213).

2. This Order removes Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel from the Schedule, and adds to it Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel.

Existing Schedule to the Protection of
Children and Juveniles (Places of Refuge)
Order (Cap. 213B) to be Amended

Chapter: 213B Title: PROTECTION OF Gazette L.N. 237
CHILDREN AND Number: of 2006
JUVENILES
(PLACES OF
REFUGE) ORDER

Schedule: Heading: SCHEDULE Version 31/12/2007
Date:

[paragraph 2]

PLACES OF REFUGE

Item	Place of refuge
1.	The Po Leung Kuk.
2.	(Repealed L.N. 557 of 1994)
3.	(Repealed L.N. 9 of 2004)
4.	(Repealed L.N. 237 of 2006)
5.	(Repealed L.N. 244 of 1999)
6.	(Repealed L.N. 557 of 1994)
7.	(Repealed L.N. 530 of 1996)
8.	(Repealed L.N. 237 of 2006)
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)
12.	Tuen Mun Children and Juvenile Home. (L.N. 237 of 2006)

IMPLICATIONS OF THE PROPOSAL

FINANCIAL IMPLICATIONS

Annual subvention at \$13,269,000 will be provided to Po Leung Kuk to take over the operation of the Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel (“Wing Lung”). The subvention will be absorbed by the Social Welfare Department (“SWD”) through re-deployment of resources and savings realised from the hiving-off of Wing Lung, including deletion of civil service posts and decrease in operating costs. The financial implications of the proposal will be reflected in SWD’s draft estimates of 2012-13 and subsequent years.

CIVIL SERVICE IMPLICATIONS

2. Staff occupying the 55 civil service posts in Wing Lung will be redeployed to other service units of SWD. The Department will take suitable measures to ensure that the surplus staff are gainfully employed.