

**立法會**  
***Legislative Council***

LC Paper No. CB(2)994/15-16

(These minutes have been  
seen by the Administration)

Ref : CB2/PL/WS

**Panel on Welfare Services**

**Minutes of meeting**  
**held on Monday, 14 December 2015, at 10:30 am**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon CHEUNG Kwok-che (Chairman)  
Hon CHAN Yuen-han, SBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEUNG Yiu-chung  
Hon Frederick FUNG Kin-kee, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Frankie YICK Chi-ming, JP  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu, JP

**Members absent** : Hon Gary FAN Kwok-wai  
Hon CHUNG Kwok-pan

**Public Officers attending** : Item IV

Ms Doris CHEUNG, JP  
Deputy Secretary for Labour and Welfare (Welfare)1  
Labour and Welfare Bureau

Mr Kenneth CHENG  
Principal Assistant Secretary for Labour and Welfare  
(Welfare) 1  
Labour and Welfare Bureau

Ms Aubrey FUNG  
Principal Assistant Secretary for Home Affairs (Civic  
Affairs)2  
Home Affairs Bureau

Ms Mary HO  
Government Counsel (Civil Advisory)  
Department of Justice

Item IV and V

Mr Matthew CHEUNG, GBS, JP  
Secretary for Labour and Welfare  
Labour and Welfare Bureau

Miss Annie TAM, JP  
Permanent Secretary for Labour and Welfare  
Labour and Welfare Bureau

Item IV and VI

Mr FUNG Man-chung  
Assistant Director of Social Welfare (Family and Child  
Welfare)  
Social Welfare Department

Item V

Mr David LEUNG, JP  
Commissioner for Rehabilitation  
Labour and Welfare Bureau

Mr FONG Kai-leung  
Assistant Director (Rehabilitation and Medical Social  
Services)  
Social Welfare Department

Item VI

Ms Annisa MA  
Chief Social Work Officer (Domestic Violence)  
Social Welfare Department

Mr Herman HUI, SBS, MH, JP  
Chairman of the Child Fatality Review Panel

**Clerk in attendance** : Mr Colin CHUI  
Chief Council Secretary (2) 4

**Staff in attendance** : Ms Catherina YU  
Senior Council Secretary (2) 4

Miss Maggie CHIU  
Legislative Assistant (2) 4

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**I. Application for late membership**

[LC Paper Nos. CB(2)322/15-16(01) and CB(2)401/15-16(01)]

In response to the Chairman's invitation of views, members accepted the applications for late membership by Mr YIU Si-wing and Mr Gary FAN.

**II. Information paper(s) issued since the last meeting**

[LC Paper Nos. CB(2)401/15-16(02) and CB(2)420/15-16(01)]

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

(a) letter dated 3 December 2015 from Dr Hon Fernando CHEUNG Chiu-hung requesting the Panel to discuss issues relating to community care and support services for persons with disabilities [LC Paper No. CB(2)401/15-16(02)]; and

(b) letter dated 4 December 2015 from Dr Hon Fernando CHEUNG Chiu-hung requesting the Panel to discuss the progress of the review of Disability Allowance ("DA") [LC Paper No. CB(2)420/15-16(01)].

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3. Regarding (a) above, Dr Fernando CHEUNG said that as some services, e.g. meal delivery, home making, etc., were not provided under the Home Care Service for Persons with Severe Disabilities ("HCSPSD") or Integrated Home Care Services ("IHCS"), some persons with disabilities could not continue to use these services after they had opted for HCSPSD or IHCS. The Panel should discuss community care and support services for persons with disabilities so that community care and support services for persons with disabilities could be rationalized as early as possible.

4. The Deputy Chairman suggested that in view of the ageing of persons with intellectual disabilities, the Panel should also discuss the provision of support services for this group of people. The Chairman said that the Subcommittee on Issues Relating to the Future Development of Elderly Services Schemes ("Elderly Services Subcommittee") would commence work in January 2016 and issues relating to elderly persons with disabilities and ageing of persons with intellectual disabilities could either be discussed by the Panel or the Elderly Services Subcommittee. Dr Fernando CHEUNG said that while there was an ageing problem of persons with intellectual disabilities, some persons with intellectual disabilities had not reached the age of 60. As such, issues relating to this group of people might not be covered by the Elderly Services Subcommittee. The Chairman said that the item "Ageing of persons with intellectual disabilities" had already been included in the Panel's list of outstanding items for discussion. To his understanding, the Rehabilitation Advisory Committee ("RAC") was preparing a report on the subject matter. He requested the Secretariat to check with the Administration the timing of briefing the Panel on the RAC report.

5. Regarding (b) above, the Chairman said that the Administration had proposed to discuss the review of DA at the Panel meeting scheduled for 15 February 2016.

**III. Items for discussion at the next meeting**

[LC Paper Nos. CB(2)421/15-16(01) to (02)]

6. Members noted that the Administration had proposed to discuss at the next meeting scheduled for 11 January 2016 the following items –

- (a) Pilot Scheme on Community Care Service Voucher for the Elderly (Second Phase);
- (b) Setting up a new contract residential care home for the elderly at the Social Welfare Facilities Block of the public rental housing

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("PRH") development at North West Kowloon Reclamation Area Site 6, Sham Shui Po, Kowloon; and

- (c) Salary adjustment arrangement for staff in non-governmental organizations ("NGOs") receiving Lump Sum Grant subvention and the progress of the implementation of the Best Practice Manual.

Members agreed that stakeholders should be invited to attend the meeting to give views on items (a) and (c) above respectively.

*(Post meeting note: the Panel would hold a special meeting on 6 February 2016 to receive deputations' views on the Administration's proposal of the implementation of the Second Phase of the Pilot Scheme.)*

**IV. The proposed legislation to implement the Law Reform Commission Report on Child Custody and Access**

[LC Paper Nos. CB(2)338/15-16(01) and CB(2)421/15-16(03)]

7. At the invitation of the Chairman, Secretary for Labour and Welfare ("SLW") informed members that the Labour and Welfare Bureau had launched a public consultation on the proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access ("the Report") since 25 November 2015, which would last until 25 March 2016. He said that the main thrust of the Report related to the introduction into Hong Kong's family law of a "parental responsibility model" ("the Model"). Underlying the Model was the principle that the best interests of children should guide all proceedings concerning children. He briefed members on the salient provisions of the proposed legislation contained in the draft Children Proceedings (Parental Responsibility) Bill ("the draft Bill") and the support measures set out in the consultation paper.

Support services for divorced families in need

8. Mr TANG Ka-piu said that support services for divorced families were vital for the smooth implementation of the Model. Expressing concern that the existing services provided by Integrated Family Service Centres ("IFSCs") were ineffective in assisting divorced families in matters relating to collection of maintenance payments and visitation, he asked whether the Administration would strengthen the existing support services and introduce new measures to assist divorced families.

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9. Mr LEUNG Che-cheung said that the implementation of the Model by legislative means could not solve all conflicts between divorced parents, particularly those with history of domestic violence. He said that according to a survey conducted by the Democratic Alliance for the Betterment and Progress of Hong Kong, over 60% of divorced persons responding to the survey supported the concept of co-parenting. It might be an indication that the remaining 40% of the respondents had taken parental responsibility lightly. To facilitate co-operation and continuing parental responsibility, the Administration should provide additional and comprehensive support services for divorced families.

10. SLW responded that the Administration planned to launch a pilot project on children contact service ("Pilot Project") in the first half of 2016-2017. Under the Pilot Project, a safe and conflict-free environment would be provided for children to meet with the parents not living with them. A team of social workers with experience in handling divorced families would provide support to facilitate the contacts. The Administration would consider adopting specific measures having regard to the views received during the public consultation exercise and circumstances of individual cases. In considering support measures for implementing the Model, the Administration would take account of members' concern about problems faced by divorced families with history of domestic violence.

11. Principal Assistant Secretary for Home Affairs (Civic Affairs)<sup>2</sup> supplemented that legislation, administrative support and publicity in relation to the enforcement of maintenance orders had been strengthened. The procedures with respect to issue of Attachment of Income Orders and judgment summons had also been simplified.

12. Assistant Director of Social Welfare (Family & Child Welfare) ("ADSW(Family & Child Welfare)") said that DVDs containing information on the concept of co-parenting had been provided for frontline staff since March 2014 and training would be strengthened to prepare them for the implementation of the Model. The Social Welfare Department ("SWD") had produced a set of handbooks to provide more detailed information and guidance for separated/divorced parents and their children on co-parenting issues for distribution by phases from September 2015 onwards. A website had been rolled out on 30 November 2015 to facilitate public access to information on parental responsibility. SWD had developed and was trial-running a short psycho-educational programme to instil the concept of continuing parental responsibility in separated/divorced parents. The Administration would keep in view the manpower requirements for the provision of support services after the Children Proceedings (Parental Responsibility) Bill ("the Bill") had come into effect.

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13. Dr Fernando CHEUNG expressed worries about the difficulties in implementing the Model. He said that cross-boundary divorced families involving domestic violence were unable to put co-parental responsibility into practice if the divorced mothers who were to raise their children did not have the right of abode in Hong Kong. The Administration should provide complementary support services for families in need to enable the implementation of the Model.

14. ADSW(Family & Child Welfare) responded that the Family and Child Protective Services Units would follow up cases involving custody disputes referred by the courts, including those involved in domestic violence and cross-boundary families. As the courts had made more orders for joint custody in the past few years, the concept of parental responsibility was not entirely new to SWD staff. SWD staff had received relevant training to make suitable arrangements for divorced parents and their children. The Administration would pay attention to divorced families with parents who did not have the right of abode in Hong Kong and would engage volunteers to provide assistance for those families.

15. Mr Albert HO said that social workers were facing heavy workload with increase in the number of joint custody orders and the implementation of the Model would exacerbate the problem. The Administration should allocate additional resources to alleviate the work pressure of social workers. He also expressed concern about whether there would be adequate complementary support services, e.g. availability of suitable places for visitation and provision of adequate number of social workers, to tie in with the proposed legislative regime.

16. SLW responded that the Family Court was already moving towards the direction of making joint custody orders and the early implementation of the proposed legislative regime would be useful in rationalizing the matter. He further said that the Administration would arrange visitation at government premises or venues provided by NGOs.

17. Mr CHAN Chi-chuen said that in some cases, co-parenting would cause nuisance and inconvenience to the parties concerned. Co-parenting could be a nightmare for some divorced parents and their children if the required support services were not provided for them. The Administration should address concerns raised by members relating to support services for divorced families in need.

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Arrangements under the Pilot Project

18. Mr POON Siu-ping sought information on the specific arrangements of the Pilot Project. The Chairman enquired whether the children contact service under the Pilot Project would be provided by SWD or NGOs and the staff-to-user ratio.

19. SLW responded that the Administration had not yet decided the details of the Pilot Project. The preliminary thinking was to provide children contact service in co-operation with NGOs. The Administration would provide additional manpower resources required for the implementation of the Pilot Project. The Chairman said that the Administration should provide information on the number of social workers allocated to the provision of children contact service when it had a more concrete plan for the Pilot Project.

20. In response to the Chairman's enquiry about whether the team operating the Pilot Project would have statutory powers, SLW responded that given the service nature of the Pilot Project, it was not necessary for the team to have statutory powers. The Chairman said that the Administration should take note of the difficulties in conferring statutory powers to NGOs, if need be, for delivering children contact service.

21. The Chairman was of the view that the Administration would not be able to assess the effectiveness of the Pilot Project if the service was to be provided by only one team. The Administration should engage several teams, some of which should be operated by SWD and some by NGOs, to compare and find out the most suitable mode of operation.

22. Mr Alan LEONG said that the Administration should prepare a report on the Pilot Project upon expiry of the pilot period. The report should include recommendations on the areas to which additional manpower resources, including the number of additional social workers, should be deployed for the implementation of support services. The report should be submitted to the Council for Members to consider whether and, if so, how the Model should be implemented by legislative means.

Legislative timetable for the Bill

23. In response to Mr YIU Si-wing's concern about the lengthy time taken to implement the recommendations of the Report, SLW said that the Law Reform Commission published a series of four reports between 2002 and 2005, namely Guardianship of Children; International Parental Child



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Abduction; The Family Dispute Resolution Process; and the Report. The Report was the final one in the series. The Guardianship of Minors (Amendment) Bill 2012 was enacted and the Child Abduction Legislation (Miscellaneous Amendments) Bill 2013 was passed in November 2014. The recommendations in the Report on Family Dispute Resolution Process were being followed up by relevant government bureaux/departments ("B/Ds") and organizations, with the Home Affairs Bureau coordinating updates for reporting to the Law Reform Commission.

24. Mr YIU Si-wing said that the following information would be useful for assessing whether there was notable increase in court cases on issues about children of divorced parents and abuse of right to participate in their children's lives by some parents and facilitating the drawing up of the legislative timetable for the Bill –

- (a) the increase in the number of court cases on issues about children of divorced parents;
- (b) the increase in the number of cases involving parents who had abused the right to participate in their children's lives and deliberately obstructed or delayed the making of major decisions relating to their children; and
- (c) the effectiveness of different types of support services provided by the Administration in reducing the aforesaid court cases and abuse cases.

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25. SLW undertook to provide the information under request, if available, and said that there were some 20 000 divorce cases in 2014 which were about three times of those in the 1990s. The introduction of the Model might help reduce the number of court cases on issues about children of divorced parents as the Model emphasized the continuing responsibilities of both parents towards their children.

26. In response to Mr POON Siu-ping's enquiry about the legislative timetable for the Bill, SLW said that the inclusion of the draft Bill in the consultation paper provided an opportunity for the legal sector and the social welfare sector to study in detail the proposed legislation. The Administration would keep close contact with the Hong Kong Bar Association, the Law Society of Hong Kong and the Judiciary during the public consultation period. Consultation fora would also be organized to receive views from members of the public on the draft Bill. He encouraged

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Members to give views on the draft Bill so that the Administration could revise the draft Bill in the light of Members' views, thereby facilitating the scrutiny of the Bill when it was introduced into the Council. It was the Administration's plan to introduce the Bill into the Council in the 2016-2017 Legislative Council session.

Safeguarding the interests of children of divorced families

27. Dr Fernando CHEUNG enquired whether the Administration had sought children's views on the Model and the means to collect their views. Permanent Secretary for Labour and Welfare ("PS(LW)") responded that in addition to consulting children concern groups, the Administration intended to invite children of divorced families through NGOs to give views on the Model. Those children's views would be collected by means of small group discussions led by social workers. Dr Fernando CHEUNG opined that such consultation exercise should have been launched before the draft Bill was finalised.

28. Noting from the proposal in the draft Bill that a parent should notify every other person who had parental responsibility for the child in writing before making major decisions in relation to the child, Mr POON Siu-ping asked whether a parent failing to do so would be held criminally liable after the implementation of the Model.

29. Mr LEUNG Kwok-hung said that as there was no mechanism for children to express their disagreement about the custody and visitation arrangements, their interests could not be safeguarded. The Administration should have made reference to the United Nations Convention on the Rights of the Child in preparing the draft Bill. SLW responded that a new mechanism for expression of views by children and independent representation for children's interests was proposed under Part 6 of the draft Bill.

30. Mr LEUNG Yiu-chung said that many children of divorced families had great worries that they would become the crux of disputes of their parents. Such worries would have a profound and far-reaching impact on the children's development. While the intention of the Model was good, he expressed grave concern about the adverse effect on children if divorced parents were mandated by law to take parental responsibility. In his view, intervening the tripartite relationship (i.e. the children and both parents) by way of law should be the last resort. The concept of parental responsibility would be better promoted through support services such as mediation and counseling services. The implementation of the Model by legislative means should be carefully considered.

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31. SLW responded that the concerns expressed by members had been reflected in the Report and, under the Model, the children's best interests should always be safeguarded as the first priority. The Report recommended replacing the concept of "guardianship" by "parental responsibility" to sweep away the concept of "ownership" of children and encourage greater involvement of both parents in the lives of their children even after divorce. The court would take into account circumstances of individual cases in making orders with respect to children in divorce cases. A statutory checklist of factors was proposed in Part 2 of the draft Bill to assist the court in determining what would be in the best interests of the child in children proceedings. Agreeing that the provision of complementary support services was important for implementing the Model in view of the paradigm shift in parenting concept, SLW said that the Administration would consider strengthening services provided by IFSCs.

32. Mr Alan LEONG was of the view that the social welfare services provided by the Administration were inadequate and ineffective. He said that protecting the best interests of children was the predominant principle of the Family Court in deciding custody arrangements for children. Before the implementation of the Model, clear-cut arrangements could be made for children of divorced families. Divorced parents would however be forced to see each other for matters relating to their children under the proposed legislative regime. There should be adequate complementary support services, sufficient resources and manpower to provide such services to ensure that children's best interests would be protected under the new legislative regime.

Addressing the housing problems of divorced women who were victims of domestic violence

33. Mr LEUNG Kwok-hung said that many applications of victims of domestic violence who were assuming custody of children for PRH under the Conditional Tenancy Scheme ("CTS") were rejected by SWD. He urged the Administration to review CTS to solve the housing problems of those victims.

34. The Deputy Chairman doubted whether the proposed legislative regime would be able to solve the existing problems encountered by divorced families. She sought information on the measures the Administration would adopt to address the housing problems of the victims of domestic violence from divorced families.

35. SLW responded that District Social Welfare Officers would recommend eligible cases to the Housing Department for CTS under

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compassionate rehousing, after having conducted comprehensive assessment on the cases with regard to their respective circumstances. The Chairman said that the issue was a long-standing problem and the Administration should critically look into the matter.

Receiving deputations' views on the proposed legislation and support measures

36. Mr CHAN Chi-chuen took the view that members should be allowed some time to give views on the draft Bill before the Bill was introduced into the Council. In response to the Chairman's invitation of views, Dr Fernando CHEUNG, Mr LEUNG Kwok-hung and Mr LEUNG Yiu-chung considered that deputations should be invited to give views on the proposed legislation and the support measures at a Panel meeting. Mr LEUNG Kwok-hung said that children of divorced families and children concern groups should be invited.

*(Post-meeting note: The Panel held a special meeting on 22 February 2016 to receive deputation's view on the proposed legislation to implement the Law Reform Commission Report on Child Custody and Access.)*

**V. The Pilot Scheme on On-site Pre-school Rehabilitation Services**  
[LC Paper Nos. CB(2)421/15-16(04) to (05)]

37. At the invitation of the Chairman, SLW briefed members on the implementation of the Pilot Scheme on On-site Pre-school Rehabilitation Services ("Pilot Scheme").

Supply of allied health professionals for the Pilot Scheme

38. Dr Fernando CHEUNG commended that the Pilot Scheme had responded to the demand for pre-school rehabilitation services to a great extent. He, however, expressed concern about the continuity of on-site pre-school rehabilitation services and the inadequate supply of allied health professionals (e.g. occupational therapists, physiotherapists and speech therapists) for the provision of such services. He enquired about the Administration's plan for the regularization of the Pilot Scheme and the development of allied health professionals.

39. SLW responded that it was the Administration's target to regularize the Pilot Scheme and achieve "zero-waiting" for pre-school rehabilitation

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services so that children with special needs could receive the required services in time. The Administration would capitalize on the experience of the Pilot Scheme and strive to secure resources for its regularization. A steering committee, chaired by the Secretary for Food and Health, had been established to formulate recommendations to alleviate the shortage of allied health professionals in the welfare sector. With the support of the University Grants Committee, the student intakes of Bachelor of Science (Hons) Occupational Therapy ("OT") and Bachelor of Science (Hons) Physiotherapy ("PT") programmes had been increased. In addition, SWD had implemented a training sponsorship scheme to sponsor the tuition fees of students enrolled in the two-year Master programmes in OT and PT of the Hong Kong Polytechnic University to encourage them to join the welfare sector upon graduation. Students were required to serve at the relevant NGOs for no less than two years upon graduation. 59 graduates of the programmes from the batch in 2012 had joined the welfare sector.

40. Given that training programmes for allied health professionals would take a few years to complete, Mr LEUNG Yiu-chung and Mr YIU Si-wing were concerned about whether the existing supply of allied health professionals could cope with the growth in the service demand brought about by the Pilot Scheme.

41. SLW responded that the cross-departmental vetting committee had considered the required manpower of the participating NGOs for the Pilot Scheme when issued the offers. PS(LW) supplemented that the 16 participating NGOs had confirmed that they would be able to arrange manpower, either by internal deployment or reallocation of resources, to serve the 2 925 children studying in some 450 kindergartens ("KGs") or kindergarten-cum-child care centres ("KG-cum-CCCs") over the territory without affecting their other existing services. Depending on the manpower situation of the welfare sector, the Administration would consider increasing the service quota of the Pilot Scheme in future.

42. Mr LEUNG Yiu-chung expressed concern that service users might only be provided with skimpy services if the service duration was too short and the staff-to-user ratio was too high. He sought information on the time allocated to each user per service session and the ratio of allied health professionals to service users. Assistant Director (Rehabilitation and Medical Social Services) ("AD(R&MSS)") responded that each child would be provided with a minimum of 60 training hours and some of the training should take place in early education and training centres ("EETCs") equipped with the necessary facilities for therapy and training services. Training and support programmes would also be provided to parents, teachers and child care workers.

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Evaluation of the effectiveness of the Pilot Scheme

43. Mr POON Siu-ping enquired about whether standards of effectiveness had been set for the Pilot Scheme and the timing for evaluating its effectiveness. Mr YIU Si-wing sought information on the selection of the 16 participating NGOs, the intervals of evaluating their performance and the consequences the NGOs had to bear if their performance did not measure up to the prescribed standards. SLW responded that a consultant would be engaged to evaluate the Pilot Scheme. In examining the proposals submitted by the applicant NGOs, the Administration had vetted their background and service standards. NGOs participating in the Pilot Scheme were required to fulfil a specified set of output and outcome standards. The Administration would monitor their performance closely and on a continuous basis according to the established mechanism. Participating NGOs would be required to make improvements if necessary.

44. Given that the number of KGs/KG-cum-CCCs to be served by participating NGOs would vary, the Chairman expressed concern that there would be an imbalanced allocation of resources to these KGs/KG-cum-CCCs. He asked whether participating NGOs were allowed to transfer service quota among the KGs/KG-cum-CCCs they served. PS(LW) responded that the Administration had stringently assessed the capacity of participating NGOs versus the service quota they proposed. The Administration would allocate a suitable number of project teams to participating NGOs according to the assessment results, where each project team would need to serve 100 children. Participating NGOs might flexibly deploy a small number of surplus service quota to children who were studying in KGs or KG-cum-CCCs but were waiting for assessment.

Provision of additional pre-school rehabilitation service places

45. Given that the planned provision of additional pre-school rehabilitation service places still fell short of the demand, Mr TANG Ka-piu said that the Administration should draw up plans to enable all children with special needs to receive the required services in time. Expressing concern that there was no growth in the provision of additional pre-school rehabilitation places in the current term government, Mr LEUNG Kwok-hung urged the Administration to make use of vacant school premises for the provision of pre-school rehabilitation services. Mr YIU Si-wing asked whether the Administration had assessed when the demand for pre-school rehabilitation services could be fully met.

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46. SLW responded that SWD provided, through EETCs, Special Child Care Centres ("SCCCs") and Integrated Programme in KG-cum-CCCs ("IPs"), a total of 6 810 pre-school rehabilitation service places for children assessed by the Child Assessment Centres of the Department of Health to be in need of early professional intervention. Under the Pilot Scheme, on-site pre-school rehabilitation services would be provided for children studying in KGs or KG-cum-CCCs and waitlisting for EETCs, IPs or SCCC. Separately, the Administration had been providing a subsidy for eligible children to acquire self-financing services under a means-tested Training Subsidy Programme ("TSP"). Sites had been reserved for the provision of about 1 100 additional pre-school rehabilitation service places in the next five years. According to the preliminary estimate by NGOs participating in the Special Scheme on Privately Owned Sites for Welfare Uses ("Special Scheme"), 3 800 additional pre-school rehabilitation service places could be provided. These places would significantly reduce the waiting time for pre-school rehabilitation services. AD(R&MSS) supplemented that 344 pre-school rehabilitation service places would be provided in 2017-2018 under the Special Scheme.

47. SLW further said that SWD had secured three vacant school premises in Tuen Mun, Tai Po and Sai Kung for setting up integrated welfare service complexes. AD(R&MSS) supplemented that some premises of vacant KGs had already been refurbished and used for providing pre-school rehabilitation services.

48. Noting that 5 821 children were waiting for pre-school rehabilitation services but the Pilot Scheme could only provide 2 925 service places, Mr POON Siu-ping sought information on the criteria for admitting children to the Pilot Scheme. Given that some parents might prefer services from EETCs, IPs or SCCC to on-site pre-school rehabilitation services, Mr TANG Ka-piu enquired whether parents would be provided with sufficient information for choosing suitable services and whether their children would be provided with services according to the choice of their parents.

49. SLW responded that to avoid duplication of services, children with special needs receiving services from EETCs or training subsidies under TSP would be allowed to join the Pilot Scheme if they withdrew from EETCs or TSP. If children receiving services from the Pilot Scheme were selected for entry to EETCs, IPs or SCCC, their parents might choose for their children to remain in the Pilot Scheme or opt for EETCs, IPs or SCCC.

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50. Mr TANG Ka-piu was wary that the Administration would reduce the service places of EETCs, IPs or SCCCs after the implementation of the Pilot Scheme to cut costs. In his view, the Administration should study the existing utilization of the services and project the future demand for pre-school rehabilitation services in order to better plan the provision of such services. SLW responded that a consultant would be engaged to evaluate the Pilot Scheme and analyses of the utilization of pre-school rehabilitation services would be included in the evaluation.

51. The Chairman said that as many additional pre-school rehabilitation service places would only come on stream in the next few years and some service users of the Pilot Scheme might still be in KGs/KG-cum-CCCs when the Pilot Scheme ended in 2017, the Administration should consider extending the Pilot Scheme or adopting other measures to address the demand for pre-school rehabilitation services between the lapse of the Pilot Scheme and the availability of these additional service places.

52. SLW responded that the Administration would endeavor to secure resources to regularize the Pilot Scheme to ensure the continuity of the services. The Administration would be flexible in facilitating the articulation of the Pilot Scheme to the regularized scheme.

**VI. Child Fatality Review Report**

[LC Paper Nos. CB(2)1946/14-15(01) and CB(2)421/15-16(06) to (07)]

53. At the invitation of the Chairman, ADSW(Family & Child Welfare) briefed members on the findings and recommendations made by the Child Fatality Review Panel ("CFRP") as contained in its first and second reports released in May 2013 and July 2015 respectively.

54. Mr Herman HUI, Chairman of CFRP, said that the review of child death cases was not intended to ascertain death causes or attribute responsibility to the parties concerned. The objective of the review was to promote inter-sectoral collaboration and multi-disciplinary cooperation for preventing or reducing avoidable child death cases. Although CFRP had no statutory powers, it had succeeded in promoting the implementation of some improvement measures.



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Processing time and scope of review of child death cases

55. Given that review of child death cases could only be conducted after the completion of all criminal proceedings and death inquiry procedures, Dr Fernando CHEUNG expressed concern that the findings of CFRP were outdated. In the case of the second CFRP report which covered child death cases occurred in 2010 and 2011, its findings lagged behind by four to five years.

56. Mr Herman HUI responded that while CFRP hoped to speed up the review process, it could not commence the review before the conclusion of police investigations and completion of the legal proceedings such as death inquest. CFRP would keep in touch with the Coroner's Court and commence the review of child death cases once the required information was available. CFRP would also follow up on the responses to and implementation of its recommendations by government B/Ds and service organizations.

57. In response to Mr Albert HO's enquiry about the scope of the child fatality review, Mr Herman HUI said that the review covered both natural and non-natural death cases, including but not limited to cases reported to the Coroner's Court, and regardless of whether recommendations had been made by the Coroner's Court. All child death cases would be studied in detail and the death causes were scrutinized with the assistance of medical experts including a forensic pathologist. CFRP would maintain close contact with the Coroner's Court in obtaining the necessary information on child death cases to facilitate the review.

58. Mr LEUNG Kwok-hung opined that given that CFRP was a standing Panel, it should be more efficient than the review panel of the Pilot Project on CFR in reviewing child death cases.

59. Mr TANG Ka-piu asked whether representatives of relevant B/Ds or experts would be invited to provide evidence in the process of the review and how CFRP would enhance its roles and functions to enable relevant parties to respond positively to its recommendations. Mr Herman HUI responded that in examining child death cases, CFRP would collect information on the background of the deceased children, such as their household conditions and school life, working background of their parents, and living habits, etc. CFRP would also look into whether the cases had been followed up by social workers. The B/Ds and service organizations concerned would be asked to provide more information to facilitate the review. He said that CFRP had made efforts in the past few years to

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promote inter-sectoral collaboration and multi-disciplinary cooperation for prevention of avoidable child death cases and had made certain achievements. He believed that CFRP had gained the trust of many service organizations.

60. Dr Fernando CHEUNG reiterated his concern about the time lag in the review of child death cases. Mr Herman HUI responded that CFRP hoped to expedite the review process and legal advice on whether CFRP could obtain the required information earlier had been sought. It was advised that it was not suitable for CFRP to ask for information on child death cases when police investigations or judiciary procedures were still in progress.

Implementation of improvement measures for preventing child death cases

61. Dr Fernando CHEUNG said that the CFR mechanism should enable concrete improvements to existing measures, service systems or legislation. Many of CFRP recommendations were not specific. He expressed concern that some B/Ds had not implemented the recommendations made by CFRP. Citing the recommendation made in the second CFRP report regarding folding tables as an example, he said that while CFRP supported the recommendations made by the Coroner's Court that folding tables without safety locking devices should be prohibited from importing to Hong Kong or manufacturing locally, the Customs and Excise Department had not acted according to the recommendation but simply responded that it had regularly conducted spot checks on folding tables supplied at retail level and provided education programmes or seminars for furniture suppliers, kindergarten parents and teachers. As B/Ds were not mandated to follow up recommendations made by CFRP, the CFR mechanism could not serve its purposes effectively. Furthermore, as CFRP was set up under SWD, SWD might not be able to mobilize other B/Ds to improve the measures and services under their purview. In his view, a mechanism should be established to measure the improvements made to service systems by relevant B/Ds and service organizations. In addition, the authority of the CFRP should be enhanced. Mr TANG Ka-piu opined that CFRP should be conferred with more powers and become a statutory body. The Chairman said that given that prevention of child death cases relied very much on collaborations of different B/Ds, CFRP should not be formed under one single government department.

62. Mr Herman HUI responded that CFRP comprised a parent representative and professionals from different disciplines, including legal, education, medical, social welfare, etc. so that child death cases would be

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reviewed from various perspectives. CFRP members worked independently from SWD and would make their best efforts to achieve the objectives of the review irrespective of the government department under which CFRP was set up. While not all recommendations made by CFRP would be responded promptly by relevant B/Ds, the B/Ds concerned had carefully studied the recommendations. The awareness of certain safety issues had been increased after the implementation of improvement measures as recommended by CFRP. He believed that B/Ds would uphold the spirit of professionalism and fulfil social responsibility to improve existing service systems.

63. Dr Fernando CHEUNG enquired about the actions CFRP would take when B/Ds or service organizations did not take forward the recommendations made by CFRP or the Coroner's Court. Mr Herman HUI responded that upon completion of the review of a case, which would usually take three to six months, CFRP would contact relevant B/Ds or service organizations and seek their views on its observations. B/Ds or service organizations would be requested to provide responses to CFRP's recommendations and suggest measures to fill the service gaps, if any. For recommendations which were considered by B/Ds to be infeasible, CFRP might seek further responses from the concerned policy bureaux. The Chairman suggested that CFRP should consider publishing a report on an annual basis so that members could follow up on responses to and implementation of CFRP's recommendations.

64. Mr Albert HO said that arising from several serious family tragedies involving death of children which happened in or after 2004, a number of recommendations on improving support for families-at-risk had been made. Some of these recommendations were : (a) contact phone numbers of social workers and refuge centres should be provided for families-at-risk; (b) the 24-hour hotline service which provided crisis intervention and emotional support for people facing family crisis should be enhanced; (c) follow-up visits by medical social workers should be arranged for families-at-risk with members suffering from serious mental illness; and (d) guidelines should be provided for schools to handle students suffering from mental illness. He enquired whether the Administration had made improvements to these areas.

65. ADSW(Family & Child Welfare) responded that the review of child death cases covered cases which occurred in or after 2006. He undertook to check whether the information under request was available.

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Establishing a review mechanism for child serious injuries cases

66. Dr Fernando CHEUNG said that the Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence ("Subcommittee"), which was formed under the Panel in the Fifth Legislative Council, had requested the Administration to establish a review mechanism for serious injuries involving children. He asked whether the Administration would accede to the Subcommittee's request.

67. ADSW(Family & Child Welfare) responded that as there were many causes of injuries, it would be difficult to provide a universal definition of serious injuries. That said, the Administration was concerned about each and every child abuse case and hoped to find out the causes with a view to preventing child abuse. Multi-disciplinary case conferences ("MDCCs") would be conducted to follow up suspected child abuse cases. In the last review of the MDCC of the Procedural Guide in Handling Child Abuse Cases, the welfare sector suggested that child serious injuries cases might be reviewed on the premise that investigations by the Police would not be affected and privacy of the parties concerned would be protected. The Administration would discuss the subject matter with the sector in early 2016.

68. Dr Fernando CHEUNG said that child serious injuries review mechanism had already been established in many overseas jurisdictions for many years. In the United Kingdom, there was a clear definition for child serious injuries and legal guidelines had been provided in this respect. The Administration should make reference to overseas experience and establish a review mechanism for child serious injuries cases as early as possible.

69. ADSW(Family & Child Welfare) responded that as the purpose of CFR was on prevention of avoidable child deaths, serious injuries cases were excluded from the CFR mechanism. The Administration would, however, explore enhancements to the mechanism for handling child abuse cases. The Chairman said that the Administration should consider including child serious injuries cases in the CFR mechanism and CFRP should study whether it was feasible for it to also examine child serious injuries cases.

Follow-up on the CFR reports

70. Dr Fernando CHEUNG said that the Administration should be requested to provide its responses to and actions taken for the recommendations made in the first and second CFR reports. The Chairman suggested and members agreed that the Panel should hold a special meeting to discuss the reports of CFRP with relevant government departments.

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**VII. Any other business**

71. There being no other business, the meeting ended at 1:12 pm.

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Legislative Council Secretariat  
2 March 2016