

**Special Meeting of Legislative Council Panel on Welfare Services**  
**“Discussions on mechanism for handling abuse cases relating to children from high risk families and follow-up to the Child Fatality Review Report”**  
**28 May 2016**

The Hong Kong Committee on Children's Rights appeals to the authorities to conduct a full and independent review on the death of Yeung Chi-wai. The Hong Kong Government needs to do justice to the kid and address the policy deficiencies the case has reflected immediately, so that no kid will fall into the same tragedy again. The incident has also reflected our inaction in solving the problem of parental substance abuse where many countries have long been developing proactive policies, monitoring the problem with reliable data.

### **The death of Yeung Chi-wai**

Yeung Chi-wai is a five-year-old boy who suffered with mental disabilities. He died on 23 March 2013 with injuries found on his face, abdomen, forearm and knee. Further examinations discovered traces of methamphetamine (ice) in his body with a toxic level 7 times higher than the usual ice-related death. Chi-wai's case was rounded up by the Coroner's court as a misadventure on 17 March 2016.

***“When drugs are in the picture, neglect is a certainty.”***

Chris Swenson-Smith, division director of children and family services at Pima County Juvenile Court

**Chi-wai was known to multi-disciplinary professionals in a case conference one month before his death.** At that time, the conference defined his situation neglect, and recommended a Care or Protection Order together with out-of-home institutional care. However, it was alleged that the Order was never applied, and Chi-wai, **in view of the lack of institution placement**, was returned to his carers: his mother and her boyfriend, both having drug behaviors at home. One month later, Chi-wai was suspected to have picked up and swallowed a tablet of methamphetamine on the bed or floor that caused his death. Both Chi-wai's mother and his mother's boyfriend were charged for child neglect, but they were later acquitted due to the lack of evidence. In countries such as the UK and the US, there are already in place legislation to penalize parents or carers who did not take proper action to protect children from abuse. Hong Kong is still very far behind in the development of child protection laws and policies.

Not only did the child protection policy in Hong Kong fail to protect Chi-wai, after the incident, **the Coroner even advised Social Welfare Department to suggest drug taking methods, locations and drug storage requirements in the Procedural Guide for Handling Child Abuse Cases** to prevent children from accidentally taking drugs. We are disappointed by this recommendation as it normalizes drug abuse, and it failed to take on the perspective of children and protect them from their substance abuse parents.

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**Chi-wai is not the only victim.** In the past 3 years, at least 11 kids were abused, neglected, poisoned, dropped from height, injured or even died as a result of parental substance abuse. Our child protection system seems to have fallen through these kids.

### **How the world sees Hidden Harm today**

Overseas experience told us that 40% of child abuse and neglect cases are related to parental substance misuse. Children whose parents abuse substance are 3 times likelier to be abused and 4 times likelier to be neglected.

Parental substance abuse places children at high risk for medical and mental health problems that are totally **preventable**. If this problem is not properly addressed in the early stage, it would add up to serious economic and social costs as a result of heavy dependence on welfare services, health care, court, prison and rehabilitative systems.

In order to tackle the problems of parental drug misuse, many countries have begun proactive strategies by collecting standardized data from health care and welfare teams, improving the reporting, coordination systems and legal framework, as well as finding ways to hear the voice of these vulnerable children more clearly.

However, **Hong Kong has yet reliable data to reflect the extent of this hidden problem to children.**

For this reason, Hong Kong Committee on Children's Rights uses "Hidden Harm" as the theme to kick start a "Child Rights Review" <http://review.childrenrights.org.hk/child-rights-review/why-this-review/>. By digging into the local data as well as overseas investigations and reports, we hope to help the Hong Kong community see this problem more clearly, and together we can find ways on how to address the problem for our 1.1 million children population in Hong Kong that we always call *Our Future*.

### **Our Appeal and Recommendations**

We appeal to the HKSAR Government to:

#### **Identify the problem of Parental Substance Abuse**

1. Conduct a full and independent **Case Review** to do justice to Yeung Chi-wai and to prevent history repeating itself and other children suffered from the "hidden harm".
2. Set a clear objective by taking a full account of the particular challenges posed by parental problem drug use when revising child protection policies and procedures, with the consequent implications for staff training, assessment and case management procedures, and inter-agency liaison.

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3. Make **data collection** on the problems, needs and challenges of children of problem drug users as a routine with the help of various services units, and set out an agreed minimum consistent set of data for collection.

**Conduct a Review of the Child Protection System**

1. Refine the **definition** of child abuse to include parental substance abuse.
2. Make sure that the **handling guidelines of suspected child abuse are strictly followed through in reality.**
3. **Forge links** between drug misuse services, maternity services and children's health and social care services that will enable them to respond in a coordinated way to the needs of the children of problem drug users.
4. **Evaluate the effectiveness of the MDCC**
  - Make sure that the Multi-disciplinary Case Conference on Protection of Child with Suspected Abuse (MDCC) is **transparent and accountable.**
  - Make medical experts and psychiatrists/psychologists in the MDCC a significant presence to **measure the risk and health impacts on children.**
5. Provide easily **accessible and affordable support services.**
  - Conduct a **Review of the Foster Care and Residential Care System and Services** to ensure every child can be accommodated in a safe and appropriate place in situations of emergency; and provide support services to help children to gradually reunify with their family, so as to prevent them from being stuck in Institutional Care.
  - Provide well-supervised **home visitation program to the newborn and the mother** for early identification of substance abuse parents or carers.

**Reform the Child Protection laws to give better protection to children**

1. Give a legal definition on Child Abuse and Child Neglect;
2. Make exposure of a child to drugs a crime;
3. Make mandatory detoxification program an option for judging in court with reference to the World Health Organization (WHO) standards and guidelines.

**Make the voices of the children of problem drug users heard and listened to by**

1. Developing means of enabling the children of problem drug users to safely express their thoughts and feelings about their circumstances;
2. Attending to the fundamental need in establishing a **Children's Commission.** We need a Children's Commission to represent children in policies and practices at all times. Otherwise, children's problems will not be properly tackled.

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**Hong Kong Committee on Children's Rights**

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