

立法會
Legislative Council

LC Paper No. CB(2)390/17-18

(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

**Minutes of special meeting
held on Wednesday, 4 October 2017, at 9:30 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon SHIU Ka-chun (Chairman)
Hon KWONG Chun-yu (Deputy Chairman)
Hon CHAN Hak-kan, BBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon POON Siu-ping, BBS, MH
Hon Andrew WAN Siu-kin
Dr Hon Junius HO Kwan-yiu, JP
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN

Members absent : Hon LEUNG Yiu-chung
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon CHAN Chi-chuen
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon HUI Chi-fung

Public Officers : Item I
attending

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

Ms Karyn CHAN
Principal Assistant Secretary (Civic Affairs) 2
Home Affairs Bureau

Ms Annisa MA Sau-ching
Acting Assistant Director (Family and Child
Welfare)
Social Welfare Department

Attendance : Item I
by invitation

港島單親互助社

馮蓮女士
發言人

The Hong Kong Council of Social Service

Mr WONG Pik-lam
Officer (Family & Community Service)

Hong Kong Federation of Women's Centres

Miss TSOI Sin-man
Advocacy Officer

Divorce Support Group

韓露小姐
Member

Maintenance Concern Group

Miss Vannesa CHEUNG
Member

Women's Helpline

Miss CHENG Kwai-fun
Helpline Counsellor

Legal Advice Clinic

Miss Iris CHAN Ying-man
Education Officer

The Law Society of Hong Kong

Mr Dennis HO Chi-kuen
Chairman of Family Law Committee

New Arrival Women League

Mr WONG Kai-hing
Community Organiser

Democratic Alliance for the Betterment and
Progress of Hong Kong

Mr CHOI Tin-yam
Deputy Spokesperson

Hong Kong Family Welfare Society

Ms Christina SUEN Suk-yin
Manager

IFSC Concern Group, Hong Kong Social Workers'
General Union

Mr NG Wai-ming
Representative

香港基督教女青年會婦女事工部自強同學會

黃建昭女士
社會工作幹事

Association for Concern for Legal Rights of Victims
of Domestic Violence

Ms Yenni KWOK
Representative

Miss TANG Hiu-ting

New People's Party

Ms LAM Chung-yan
Representative

Ms Puja KAPAI

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

**Staff in
attendance** : Mr Roger CHUNG
Council Secretary (2) 4

Miss Alison HUI
Legislative Assistant (2) 4

Action

I. The proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access and relevant support measures

[LC Paper Nos. CB(2)1318/16-17(03) to (04), CB(2)1364/16-17(01) and CB(2)1540/16-17(01)]

At the invitation of the Chairman, Principal Assistant Secretary for Labour and Welfare (Welfare) 1 ("PAS(W)1") briefed members on the outcome of the public consultation exercise conducted between November 2015 and March 2016 on the proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access ("the proposed legislation") and relevant support measures, as well as the current development.

2. The Chairman invited the deputations/individuals to present their views. A total of 17 deputations/individuals expressed their views which were summarized in the **Appendix**.

The Administration's response to deputations' views

3. Acting Assistant Director (Family and Child Welfare) ("Atg AD (Family and Child Welfare)") advised that to promote the concept of continuing parental responsibility towards children even after divorce, the Social Welfare Department ("SWD") had been strengthening support measures and public education to enhance the services for separated/divorced families. The Integrated Family Service Centres/Integrated Services Centres had provided and enhanced services to support separated/divorced/divorcing families. Besides, SWD had tailor-made a psycho-educational programme for separated/divorced parents to instill the concept of continuing parental responsibility.

4. Atg AD (Family and Child Welfare) further advised that to facilitate the arrangement of children's contacts with non-residing parents, SWD strengthened the visitation services by launching a two-year Pilot Project on Children Contact Service ("the Pilot Project") in September 2016. SWD would review the Pilot Project with a view to better addressing the needs of separated/divorced/divorcing parents and their children. SWD would collect stakeholders' views on the Pilot Project and evaluate its effectiveness for mapping out the way forward.

5. Principal Assistant Secretary (Civic Affairs) 2 ("PAS(CA)2") advised that the Administration had taken a series of measures to improve the system of maintenance through legislative and administrative means

and stepped up the publicity and education work. Since the information and statistics related to maintenance currently available were limited and there were some new developments in related issues, the Administration would commission a study through the Family Council to examine various divorce-related issues including the collection of maintenance payment and enforcement of maintenance orders in Hong Kong with reference to overseas practices. The Administration would take into account the findings of the study in considering the way forward.

Discussion

Setting up a maintenance board

6. Taking the view that it was unnecessary to conduct any study on maintenance, the Chairman and Dr KWOK Ka-ki expressed dissatisfaction about the Administration's slow progress in establishing a maintenance board. The Deputy Chairman said that many maintenance recipients who were not paid maintenance had difficulty recovering maintenance in arrears. Taking the view that the community had been calling for the establishment of a maintenance board for many years and single-parent families had a higher poverty risk, he urged the Administration to accede to such a request swiftly. The Deputy Chairman, Dr KWOK and Ms YUNG Hoi-yan enquired whether the Administration had a timetable to complete the study on the collection of maintenance payment and set up a maintenance board. Dr Junius HO held the view that it was not necessary to set up a maintenance board to replace the existing mechanism for recovery of maintenance in arrears.

7. PAS(CA)2 reiterated the need for conducting the proposed study as explained in paragraph 5 above. She said that the Administration aimed to issue tender invitations for the study within 2017 with a view to commencing the study in early 2018. The consultant would collect stakeholders' views through surveys, consultative interviews and/or focus group discussions in the evidence-based study. It was expected that the study would be completed in around mid-2019. The Administration would report the findings of the study to the relevant Panel of the Legislative Council ("LegCo") when ready.

8. Dr Fernando CHEUNG said that a motion was passed by the Panel on Welfare Services ("the Panel") at its meeting on 8 May 2017 urging the Administration to set up a maintenance board and enhance the support services for divorced families. He expressed dissatisfaction at the Administration's reluctance to accede to such requests of the Panel and deputations. While supporting the concept of the "parental responsibility

model" ("the Model") and the principle that the best interests of children should guide all proceedings concerning children, Dr CHEUNG considered that the Administration could not safeguard the interests of children of divorced families after implementation of the proposed legislation. For example, some divorced parents had refused to pay maintenance to their ex-spouses and some divorced parents had disputes in the course of making major decisions together for their children. He enquired about the mechanism for evaluating the risk of domestic violence in divorced families. In this connection, he sought information about (a) the number of maintenance recipients who were unable to collect the maintenance and opted to receive the Comprehensive Social Security Assistance ("CSSA") payments; and (b) the number of divorced families with a history of domestic violence. Atg AD (Family and Child Welfare) advised that the Administration kept information on the reasons for applying for CSSA, such as single parenting. The Administration did not have information on the number of divorced families with a history of domestic violence. Dr CHEUNG and Mr KWOK Wai-keung held the view that the Administration should have the latest information about the condition of divorced families. They expressed grave concern about the Administration's inaction to address the problems in relation to maintenance if the proposed legislation were to be implemented.

Enhancing support services for divorced families

9. Dr KWOK Ka-ki shared the deputations' views that the Administration should take additional measures and provide more resources for divorced families, e.g. establishing one-stop service centres for divorced families in all the 18 districts and more parent-child contact centres ("PCCCs"). In view of insufficient support services for divorced families, the proposed legislation might worsen problems in relation to maintenance and domestic violence. He enquired whether the Administration would provide the required support services for divorced families.

10. While supporting the Model, Ms YUNG Hoi-yan expressed concern about the impact of implementation of the Model on divorced families with a history of domestic violence. Given that there were currently inadequate support services for divorced families, she opined that the proposed legislation should not be implemented at this stage. Instead of only providing the service of PCCC under the Pilot Project, the Administration should consider setting up one-stop service centres for divorced families to provide specialized and sustainable services. She asked whether the Administration would regularize the Pilot Project.

11. Noting that a certain amount of the views collected by the

Administration requested for additional support measures and resources before implementing the proposed legislation, Mr POON Siu-ping said that he had joined the Panel's visit to PCCC under the Pilot Project on 27 June 2017 to understand its operation. He suggested that the Administration should regularize the Pilot Project as soon as possible. Noting that the proposed legislation could be introduced to LegCo in early 2018 and SWD would continue to explore possible ways to enhance the support measures, Mr POON enquired whether the Administration had any concrete plans to provide more complementary support services to tie in with implementation of the proposed legislation and the manpower resources allocated to such services.

12. PAS(W)1 and Atg AD (Family and Child Welfare) reiterated that the Administration would conduct a comprehensive review of the Pilot Project for mapping out the way forward as explained in paragraph 4 above. The Administration would keep in view implementation of the Pilot Project and continue to strengthen support services for separated/divorced/divorcing families irrespective of whether the proposed legislation would be implemented. The Administration would study the suggestion of providing more complementary support services to tie in with implementation of the proposed legislation. In response to the Chairman's enquiry about the progress of reviewing the Pilot Project, Atg AD (Family and Child Welfare) advised that SWD maintained close contact with the Hong Kong Family Welfare Society on the progress of the Pilot Project and the review would be completed before the end of the Pilot Project.

(At 11:30 am, the Chairman extended the meeting for 15 minutes beyond the appointed ending time to allow sufficient time for discussion.)

13. Mr KWOK Wai-keung expressed grave concern about the Administration's slow progress in providing sufficient support services for divorced families since a public consultation was conducted in 2015. He opined that the Administration should respond to the views and suggestions expressed by members and deputations in enhancing such support services. Mr KWOK called on the Administration to allocate sufficient resources for PCCC to continue its service before completion of the review of the Pilot Project. In response, Atg AD (Family and Child Welfare) supplemented that the way forward for the Pilot Project would be mapped out in mid-2018. The Deputy Chairman considered that the Administration should map out earlier the way forward for PCCC under the Pilot Project.

Way forward for the proposed legislation to implement the

recommendations of the Law Reform Commission Report on Child Custody and Access

14. In response to the Chairman's enquiry about the way forward for the proposed legislation, PAS(W)1 advised that the Administration was studying the views received during the public consultation carefully in considering the way forward.

15. Noting that the Law Reform Commission ("LRC") was invited to consider the law relating to guardianship and custody of children and to recommend appropriate changes to the law in 1995, Dr Junius HO expressed concern about the Administration's slow progress of implementing the recommendations of the Law Reform Commission Report on Child Custody and Access. Given the diverse views expressed in the public consultation exercise on the proposed legislation, he suggested that the Administration should consider the way forward for the proposed legislation and revert to LRC if necessary.

II. Any other business

16. There being no other business, the meeting ended at 11:42 am.

Council Business Division 2
Legislative Council Secretariat
24 November 2017

Panel on Welfare Services

Special meeting on Wednesday, 4 October 2017, at 9:30 am

The proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access and relevant support measures**Summary of views and concerns expressed by deputations/individuals**

No.	Name of deputation / individual	Views
1.	港島單親互助社	[LC Paper No. CB(2)2142/16-17(01)]
2.	The Hong Kong Council of Social Service	[LC Paper No. CB(2)2151/16-17(01)]
3.	Hong Kong Federation of Women's Centres	[LC Paper No. CB(2)65/17-18(01)]
4.	Divorce Support Group	[LC Paper No. CB(2)65/17-18(01)]
5.	Maintenance Concern Group	<ul style="list-style-type: none"> ● Objected the proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access ("the proposed legislation") before adequate support measures and resources for divorced families were in place. ● Given that improvement measures for the system of maintenance had failed to facilitate the collection of maintenance payment, the Administration should have a specific plan to further improve the system, e.g. setting up a maintenance board. ● Expressed concern that maintenance payment was counted as income and the amount of the Comprehensive Social Security Assistance payment for maintenance recipients would be deducted correspondingly.
6.	Women's Helpline	<ul style="list-style-type: none"> ● Objected the proposed legislation since it could not protect the interests of disadvantaged parents in divorced families. ● By making reference to Singapore, the Administration should establish five one-stop service centres for divorced

No.	Name of deputation / individual	Views
		families in order to provide adequate support services.
7.	Legal Advice Clinic	<ul style="list-style-type: none"> ● Given the inadequate support services for divorced families, there might be more conflicts if divorced parents had to meet their ex-spouses for matters relating to maintenance and visitation. ● Before implementing the "parental responsibility model" ("the Model") by legislative means, the Administration should consider establishing one-stop service centres for divorced families. ● Enquired whether the Administration had a timetable to respond to the problems in relation to maintenance.
8.	The Law Society of Hong Kong	<ul style="list-style-type: none"> ● Supported implementing the Model by legislative means. The proposed legislation could address public concerns in relation to child custody and access. ● The Administration should provide adequate support services for divorced families irrespective of whether the proposed legislation would be implemented. ● In the light of the new developments of maintenance systems in Hong Kong, the Administration should address the problems in relation to maintenance as soon as possible.
9.	New Arrival Women League	<ul style="list-style-type: none"> ● Objected the proposed legislation even when there were additional support measures and resources. ● Implementation of the proposed legislation would not be practicable since many divorced families had a history of domestic violence. ● The Administration should study the examples of foreign countries which were reviewing their legislation in relation to the Model.
10.	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> ● Supported the principle that the best interests of children should guide all proceedings concerning children. ● Before implementing the Model by

No.	Name of deputation / individual	Views
		legislative means, the Administration should consider taking steps to strengthen support for divorced families, such as establishing more parent-child contact centres and one-stop service centres for divorced families as well as deploying mediators for each Integrated Family Service Centre.
11.	Hong Kong Family Welfare Society	[LC Paper No. CB(2)2167/16-17(01)]
12.	IFSC Concern Group, Hong Kong Social Workers' General Union	[LC Paper No. CB(2)2142/16-17(02)]
13.	香港基督教女青年會婦女事工部自強同學會	[LC Paper No. CB(2)2142/16-17(03)]
14.	Association for Concern for Legal Rights of Victims of Domestic Violence	[LC Paper No. CB(2)2167/16-17(03)]
15.	Miss TANG Hiu-ting	<ul style="list-style-type: none"> ● Objected the proposed legislation. ● In countries with similar legislation, co-parenting would cause nuisance and inconvenience to the parties concerned since the new consent and notification requirements could be used by hostile parents to obstruct ex-spouses. ● Expressed concern that the proposed legislation might bring about more court cases.
16.	New People's Party	[LC Paper No. CB(2)48/17-18(01)]
17.	Ms Puja KAPAI	[LC Paper No. CB(2)2167/16-17(02)]