

Legislative Council of the Hong Kong Special Administrative region of the People's Republic of China

**Panel on Welfare Services**

**Consultancy Study on the Long-term Development of Child Care Services**

Meeting on Saturday, 19 January 2019

9.30am to 2.00pm

Conference Room 1 of the Legislative Council Complex

Oral Submission by Medina Speers  
PathFinders Limited

Background Reading:	
LegCo reference	<a href="https://www.legco.gov.hk/yr18-19/english/panels/ws/agenda/ws20190119.htm">https://www.legco.gov.hk/yr18-19/english/panels/ws/agenda/ws20190119.htm</a>
HKU Report: Consultancy Study on the Long-term Development of Child Care Services	<a href="https://www.swd.gov.hk/storage/asset/section/219/Final_Report_(eng).pdf">https://www.swd.gov.hk/storage/asset/section/219/Final_Report_(eng).pdf</a>
LegCo Papers:	
Paper provided by the Administration 4 December 2018	<a href="https://www.legco.gov.hk/yr18-19/english/panels/ws/papers/ws20181210cb2-378-3-e.pdf">https://www.legco.gov.hk/yr18-19/english/panels/ws/papers/ws20181210cb2-378-3-e.pdf</a>
Background brief prepared by the Legislative Council	<a href="https://www.legco.gov.hk/yr18-19/english/panels/ws/papers/ws20181210cb2-378-4-e.pdf">https://www.legco.gov.hk/yr18-19/english/panels/ws/papers/ws20181210cb2-378-4-e.pdf</a>

Secretariat for the meeting on 10 December 2018	
PF Submissions to LegCo's Subcommittee on Children's Rights	<p>April 2018 - Reform of Child Protection Legislation  <a href="http://www.pathfinders.org.hk/public/wp-content/uploads/Oral-submission_-_Reform-of-child-protection-legislation-4-April-2018-FINAL.docx-2.pdf">http://www.pathfinders.org.hk/public/wp-content/uploads/Oral-submission_-_Reform-of-child-protection-legislation-4-April-2018-FINAL.docx-2.pdf</a></p> <p>February 2017 - Review of Residential Child Care Services  <a href="http://www.pathfinders.org.hk/public/wp-content/uploads/Written-Submission-to-HKSAR-LegCo-Subcommittee-on-Childrens-Rights.pdf">http://www.pathfinders.org.hk/public/wp-content/uploads/Written-Submission-to-HKSAR-LegCo-Subcommittee-on-Childrens-Rights.pdf</a></p> <p>January 2017 - Multi-Disciplinary Case Conference review and permanency planning  <a href="http://www.pathfinders.org.hk/public/wp-content/uploads/MDCC-Written-Submission-FINAL-16-Jan-2017.pdf">http://www.pathfinders.org.hk/public/wp-content/uploads/MDCC-Written-Submission-FINAL-16-Jan-2017.pdf</a></p>
PF 2016 Chapter: Improving Access to Justice for migrant children born in Hong Kong	Reforming Hong Kong's Child and Family Justice System: Integrating Legal, Comparative and Multidisciplinary Approaches. Edited by Anne Scully-Hill. Sala Sihombing and Katherine Lynch. Chinese University of Hong Kong. 2016. ISBN: 978-962-996-852-0

Good morning/afternoon [\[check which it is when you speak!\]](#).

My name is Medina Speers and I represent PathFinders.

Foreign Domestic Workers are key in providing childcare services to many Hong Kong families. PathFinders welcomes the Government's Consultancy Study on the Long-term Development of Childcare Services and generally supports its recommendations, in particular those relating to training for home based child carers such as FDWs.

However, the Study fails to consider:

1. The childcare needs of FDWs during their maternity leave when they give birth in Hong Kong; and
2. The long-term care of children in the welfare system.

The purpose of this submission is to make recommendations to ensure that FDWs and children in care are included in measures to improve childcare provision in Hong Kong and to reinforce calls for training for home based child carers.

### **Childcare services for babies born to FDWs in Hong Kong [\[read out these headings\]](#)**

There are currently 380,000 domestic workers in Hong Kong. This number is due to rise to over 600,000 in the coming years. The majority of FDWs are women of childbearing age and it is not surprising that many of them have children here in Hong Kong.

Under the government's live-in rule FDWs have to live in their employer's home even during their maternity leave. Unsurprisingly most employers are unwilling or simply unable to accommodate a baby. If the mother does not have family or friends in Hong Kong able to care for the child, the baby often ends up staying in the public hospital while awaiting documentation so that mother and baby can return to her home country.

### **Long-term care within the welfare system**

Despite many calls from PathFinders and others working in child welfare for the Social Welfare Department to enshrine permanency planning in their childcare policies, too many children are still stuck in the public care system. PathFinders has cases where children are languishing in institutional or foster care as nobody can resolve issues of parental authority, nationality and/or immigration status.

### **Childcare training for FDWs**

The Study clearly identifies FDWs as important in provision of childcare services in Hong Kong. It is crucial that any individual to whom the care and wellbeing of our children is entrusted is fully trained and aware of the latest developments and best practice in childcare.

**We make the following recommendations:**

1. The government either relaxes the live-in rule during a FDW's maternity leave or establishes a mother and baby unit where FDWs on maternity leave can live with their newborns;
2. The Social Welfare Department should set clear and practical procedures to guide permanency planning and residential childcare to minimise delays in establishing a safe and permanent future for the child. For example, in the UK, a strict timetable of case reviews and actions is set out and the UK Children and Families Act of 2014 enforces a 26-week deadline in all care supervision and other family proceedings;
3. The government should fully embrace the Study's recommendations for interim measures to provide training for FDWs to enhance their knowledge of early brain and childhood development and to upgrade their childcare skills. A certificate should be issued to FDWs who successfully complete recognised training courses; and
4. Comprehensive and legally enforceable regulations should be introduced to ensure accountability, quality and consistency across all childcare services

Thank you