

**For discussion on  
10 May 2021**

**Legislative Council Panel on Welfare Services**

**Relevant Legislation and the Prevention, Notification and  
Immediate Response Mechanism for Child Abuse Cases**

**PURPOSE**

This paper sets out the relevant legislation to protect children from harm and abuse and the prevention, notification and immediate response mechanism for child abuse cases implemented by the Government in recent years.

**RELEVANT LEGISLATION**

2. The Government attaches great importance to the well-being of children. Existing laws to protect children from harm and abuse includes the Offences Against the Person Ordinance (Cap. 212)<sup>1</sup>, the Crimes Ordinance (Cap. 200), the Prevention of Child Pornography Ordinance (Cap. 579)<sup>2</sup>, the Protection of Children and Juveniles Ordinance (Cap. 213)<sup>3</sup>, etc. In particular, the Offences Against the Person Ordinance provides that ill-treatment or neglect by those in charge of children is an offence. The Hong Kong Police Force (the Police) have also implemented the Sexual Conviction

---

<sup>1</sup> Cap. 212 criminalizes persons who assaults, ill-treats, neglects, abandons or exposes child or young person or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, or any mental derangement) such person shall be guilty of an offence.

<sup>2</sup> Cap. 579 prohibits child pornography, pornographic performances by children and child sex tourism, and criminalizes the printing, making, producing, reproducing, copying, importing, exporting, publishing, possessing and advertising of child pornography.

<sup>3</sup> Cap 213 provides that a juvenile court, on its own motion or upon the application of the Director of Social Welfare (DSW) or of any person authorized by DSW in writing in that behalf or of any police officer upon being satisfied that a child or juvenile is in need of care or protection, may appoint the Director of Social Welfare to be the legal guardian of such child or juvenile; commit him/her to the care of any person whether a relative or not, who is willing to undertake the care of him/her, or of any institution which is so willing; or make an order placing him/her for a specified period, not exceeding 3 years under the supervision of a person appointed for the purpose by the court. The Ordinance further provides that DSW or any police officer of the rank of station sergeant or above may take/detain a child or juvenile who appears to be in need of care or protection to a place of refuge or hospital before he/she is brought before a juvenile court for an application be made to the juvenile court.

Record Check (SCRC) Scheme to allow employers who are engaging persons to undertake work relating to children or mentally-incapacitated-persons to ascertain whether such employees have any criminal conviction records against a specified list of sexual offences.

## **PREVENTION, NOTIFICATION AND IMMEDIATE RESPONSE MECHANISM FOR CHILD ABUSE CASES**

*Strengthening the provision of social work service at schools for early identification of children and families in need*

3. Strengthening social work services at schools are conducive to early identification of suspected child abuse cases and hidden family problems to enable schools and respective departments to render early intervention and support, the Education Bureau (EDB) provides comprehensive student guidance and support services to primary and secondary schools through the Whole School Approach and multi-disciplinary collaboration. Teachers work in collaboration with student guidance personnel and professional staff to provide remedial, preventive and developmental guidance services. Starting from the 2018/19 school year, EDB has provided more resources for public sector primary schools to implement, in light of their school-based circumstances, the policy of “one school social worker for each school”, with a view to strengthening their social work and guidance services. Under the new funding mode, public sector primary schools may, having regard to their own circumstances, create a graduate social worker post to increase stability or receive an equivalent amount of subsidy to employ a school-based registered graduate social worker on their own or hire the service of a school-based registered graduate social worker from a social work service provider. In the 2020/21 school year, over 80% of the public sector primary schools have employed school-based graduate social workers.

4. As for secondary schools, since the 2019/20 school year, the “two school social workers for each school” initiative has been implemented in more than 460 secondary schools. The number of school social workers for each secondary school has been increased from 1.2 to 2 with enhanced supervisory support.

5. To facilitate early identification of and provision of assistance to pre-primary children and their families with welfare needs, the Social Welfare Department (SWD) has launched a three-year “Pilot Scheme on Social Work Service for Pre-primary

Institutions” (the Pilot Scheme) since 2018/19 with a aim to serve all subvented/ aided pre-primary institutions in the three-year period. A total of 725 eligible pre-primary institutions have joined the Pilot Scheme. The scope of service includes providing professional counselling and referral service for children and families, crisis management for cases in need, organising parental education activities and providing professional consultations for teaching staff and families.

#### *Procedural Guide for Multi-disciplinary Co-operation*

6. To protect children suspected or found to be maltreated, SWD, in collaboration with relevant government departments, non-governmental organisations (NGOs) and relevant professionals, implemented from April 2020 the “Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation (revised 2020)” (the Procedural Guide) for use by different professionals including personnel engaged in social services, health services, education services, law enforcement and those in close contact with children. The Procedural Guide sets out clear procedures for the identification and reporting mechanism as well as the protection actions, multi-disciplinary case conferences and follow-up plans for suspected child abuse cases.

#### *Procedural Guides and Reporting Mechanism for Schools*

7. One of the keys to early identification and intervention of child maltreatment cases includes enhancing the awareness of the school personnel (e.g. principals, teachers and/or supporting staff). On the basis of SWD’s Procedural Guide, EDB has strengthened the related training and reviewed/ updated the “School Administration Guide”, “Kindergarten Administration Guide” and “Operational Manual for Pre-primary Institutions” to provide schools with more specific and clearer guidelines on the procedures for early identification and proper handling of child abuse cases. Schools should observe relevant guidelines/ circulars/ codes of practice issued by EDB and SWD’s Procedural Guide to establish or enhance schools’ internal mechanism, procedures and measures to prevent, identify, handle and support children suspected or found to be maltreated.

8. Primary and secondary schools are required to report students’ non-attendance to EDB on the seventh day of student’s continuous absence regardless of the reasons with a view to helping non-attendance students resume schooling at an earliest opportunity. In the course of following up the non-attendance cases by EDB or the schools, if the students or their families are found to have problems or needs other than

non-attendance, the cases would be referred to SWD, relevant social services agencies or the Police so that suitable follow-up action could be taken. As for kindergartens, EDB issued a circular in February 2018 requesting all kindergartens to report to EDB students absent from schools for seven consecutive school days without reasons or under doubtful circumstances. The purpose is to raise the alertness of school personnel and support kindergartens to identify students in need of support, including suspected child maltreatment cases, for early intervention. School personnel should always pay attention to students' condition. For suspected child abuse cases, even if students concerned have not been absent or taken less than seven consecutive days of absence, schools should take action as early as possible according to EDB circulars/guidelines and report to EDB as appropriate.

### *Family Support Services*

9. To assist families who have difficulties in child care and parenting, the 65 Integrated Family Service Centres (IFSCs) and two Integrated Service Centres (ISCs) have been providing support services to vulnerable or at-risk families with weakened parenting capabilities through counselling, therapeutic and support groups, and referring the needy families to appropriate community services, etc. In addition, IFSCs/ISCs will proactively reach out to families lacking motivation to seek help.

10. The Comprehensive Child Development Service (CCDS) jointly implemented by the EDB, SWD, the Department of Health (DH) and the Hospital Authority (HA) aims to identify various health and social needs of children (aged 0 to 5) and their families at an early stage so that timely support and services can be provided to the children in need. CCDS makes use of the Maternal and Child Health Centres of DH, the hospitals of HA and other relevant service units, such as IFSCs, ISCs and pre-primary institutions to identify at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs (including families at the risk of child maltreatment), and pre-primary children with health, developmental and behavioural problems. Children-in-need and families identified will be referred to the appropriate health and social service units for follow-up. To enhance inter-disciplinary communication and collaboration, HA, DH and SWD jointly developed a standardised assessment framework and the Manual of Parenting Capacity Assessment Framework (for the 0-36 months old) for use by professionals when making assessment on childcare and parenting capacity of the parents/ carers.

## *Training and Public Education*

11. In 2019-20, SWD organised and subsidised training programmes for frontline professionals (e.g. social workers, educators, police officers and healthcare personnel) to enhance their alertness of early identification of suspected child abuse cases and the procedures for handling the cases including reporting of suspected cases, risk assessment, immediate protection actions, investigation and follow-up services through multi-disciplinary collaboration, etc. For training courses organised by EDB, HA, DH and NGOs for their frontline personnel, SWD provides support by deploying staff to speak on the subject of child protection. In 2019-20 and 2020-21, a total of 18 200 participants attended relevant training programmes (including social workers, educators, police officers, government counsels, medical professionals and healthcare personnel, etc.).

12. As for teachers of kindergartens, secondary and primary schools, EDB has since 2018 organised annual briefings/ seminars jointly with SWD and the Police on early identification, intervention and support of student victims of child abuse cases. From the 2017/18 to 2019/20 school years, 26 relevant seminars were conducted with a total of about 5 600 participating school personnel. In addition, EDB has commissioned tertiary institutions to provide Certificate Courses on Student Guidance and Discipline for Teachers of Primary/Secondary Schools which cover modules relating to child abuse, domestic violence, etc.

13. To raise public awareness of the importance of family cohesion and prevention of child maltreatment, as well as to encourage people in need to seek early assistance, SWD launched a video in 2019-20 on the serious impact of witnessing parental conflict on the child development to help the public understand the impact of family conflict on children and to promote co-parenting amongst separated or divorced parents for the best interests of their children. In 2020-21, in addition to reinforcing the message on “cherish our families, stop domestic violence”, SWD also widely promoted the message that “child abuse is a crime” to remind parents, couples or family members to keep calm and think twice in every conflict and dispute so as to avoid resorting to violence.

## **LAW REFORM COMMISSION’S REVIEW**

14. The Sub-committee on Causing or Allowing the Death of a Child or Vulnerable Adult under the Law Reform Commission (LRC) published a consultation paper in 2019,

proposing a new criminal offence of *“failure to protect a child or vulnerable person where the child’s or the vulnerable person’s death or serious harm results from an unlawful act or neglect”* against a person *“who had a duty of care to the victim”* or *“was a member of the same household as the victim”*, but *“failed to take steps that the defendant could reasonably be expected to have taken in the circumstances to protect the victim from such harm...”*. Upon LRC’s publication of the final report, the Government will seriously consider the proposed recommendations and take appropriate follow-up actions as soon as possible.

## **ADVICE SOUGHT**

15. Members are invited to note the content of this paper.

**Labour and Welfare Bureau**  
**Education Bureau**  
**Security Bureau**  
**Hong Kong Police Force**  
**Social Welfare Department**

**May 2021**