

## **Progress Report on the Motion “Commission on Children”**

### **Background**

At the Legislative Council meeting on 8 June 2007, Members passed the following motion moved by Dr the Hon Fernando Cheung Chiu-hung –

“That this Council urges the Government to set up a Commission on Children to fulfill the obligations under the United Nations Convention on the Rights of the Child (UNCRC), safeguard the well-being of children, and ensure that children’s perspectives are fully taken into account in the process of formulating government policies”.

This paper reports on progress and the Administration’s position on the subject.

### **Progress Report**

2. As explained to Members during the Motion Debate, the Government is firmly committed to promoting the rights of children and to honour its obligations under the UNCRC. We have been steadfast in safeguarding the children’s rights and in promoting community understanding and respect of these rights. We also fully take into account the children’s interests and perspectives in formulation of policies.

3. The concepts of child protection and “the best interest of the child” have consistently been essential considerations in all relevant decision-making of Government, both in the formulation of policies and in the preparation of legislative proposals on matters relating to or affecting children. There are, as necessary and appropriate, specific laws – such as the Protection of Children and Juveniles Ordinance, Cap 213, and others – which protect the rights of children. The implementation of these

policies and legislation are open to monitor by the Legislative Council, the media and the public at large.

4. In pursuance of our policy commitment and in implementation of the provisions of the UNCRC, we have taken extensive measures in various policy areas to promote the rights and welfare of children. In the field of education, for example, it is our established policy to provide nine years free and universal basic education to all eligible children. This surpasses the target in Article 28 of the UNCRC to “make primary education compulsory and available free to all”. When the new senior secondary academic structure is implemented in 2009, all students will have the opportunity to receive 12 years of education in school. Indeed, education remains one of the Government’s highest priorities and has consistently been allocated a lion’s share of resources in our budget.

5. We also attach major importance to the healthy development of children. Our child welfare policy is founded on the guiding principle of providing “child-centred, family focused and community based” services which cater to the physical and developmental needs of children and take care of the needs of children from disadvantaged background or with special needs. In addition to the existing wide range of programmes and support services, we have recently extended the Comprehensive Child Development Service which was started as a pilot project in Shamshuipo, Tin Shui Wai, Tuen Mun and Tseung Kwan O, to cover also Tung Chung and the whole of the Yuen Long District. Action is also in hand to set up the Child Development Fund to promote the formulation and implementation of personal development plans for children from disadvantaged background.

6. In the area of employment, Government is committed to protecting children from exploitation and from being engaged in work activities which may be harmful to them. The Employment of Children Regulations, for example, prohibits the employment of children under 13. Children below 15 are not allowed to be employed in industrial undertakings. There is also existing legislation which regulates employment of persons under 18, including legislation which prohibits the

employment of such persons in dangerous trades. The statutory provisions are vigorously enforced.

7. The above are just some examples and illustrations. We will continue our endeavours in all relevant Government policies and activities to promote and to protect the rights of children in our community. We shall also continue to improve our services and implement new measures where necessary and practicable.

8. As regards the proposal for the establishment of a Children's Commission, it should be noted that this is not an obligation stipulated under the UNCRC. On the other hand, consistent with the UNCRC, the Government firmly recognises the importance of the family as the fundamental group of society and the natural environment for the growth and well-being of all its members including particularly children.

9. In this connection, the Chief Executive has, in his 2006-07 Policy Address, announced the decision for the Government to conduct a study on whether to establish a Family Commission responsible for policies and initiatives relating to the family, including the mechanisms for handling issues concerning different gender and age groups (including youth and children). That exercise is in its final stage and we shall consider the way forward in light of the outcome of the study.

Constitutional and Mainland Affairs Bureau  
September 2007