

Submission to Welfare Services Panel of the Legislative Council

Our views on the Family Council

The **Alliance for Children's Commission** is formed by 25 agencies and professional groups, which have committed ourselves to promote the establishment of a Children's Commission in Hong Kong. While we are seeking to represent the interests of children, we also agreed that family harmony is the cornerstone of social harmony. We welcome a Family Council to support and strengthen families in need in Hong Kong. However, we are disappointed to see that there is no mention of children throughout the Terms of Reference of the Family Council, while elderly, youth and women have been included. It is discriminative, an issue of equal opportunity and another clear example of children's concerns that have been neglected and relegated to the bottom of the government's agenda.

Successful family relationships require a balance of rights, duties and responsibilities of each member of the family. While there are commissions to take care of women, elderly and youth's interests, the Family Council gave a crystal clear picture that we need a commission to protect the interests of children instead of replacing it, so they would not become the only group being left out. Each Commission shall perform its role independently, and together we work to achieve family and social harmony.

The government shall be sensitive to the growing demand from the community. On 8 June 2007, a motion "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, safeguard the well-being of children, and ensure that children's perspectives are fully taken into account in the process of formulating government policies" was being passed by the Legislative Council with unanimous votes from all the attending legislators. More than 20 legislators across various political parties spoke to support the motion.¹ We believe the signal was clear and strong enough to draw necessary attention from the HKSAR Government. We could not accept the fact that the newly formed Family Council does not specify children nor children's commission in its Terms of Reference. We doubt if the children's perspective could be considered sufficiently throughout the discussion, not to mention any decision is made that could be against their interests.

¹ Minutes of the Legislative Council Meeting on 8 June 2007, page 478-521
<http://www.legco.gov.hk/yr06-07/chinese/counmtg/floor/cm0608-confirm-ec.pdf>

Under the Terms of Reference, one of the tasks of the Family Council would be to “rationalize the work of Elderly Commission, the Woman’s Commission and the Commission on Youth”, but what about the remaining over one-fifth of the Hong Kong population? We are talking about more than 1.3 million children under the age of 18 in Hong Kong. What about their rights and needs in the family? Is the government assuming that their parents, grandparents, elder siblings will speak up for them? The spate of family violence, home alone accidents and child abuse cases across Hong Kong told us that this is not the case. The fact that the abuse of children occurs most frequently in the family should say something about the need for a body specifically concerned with children as exists in most other countries where attention is given to children’s paramount interests.

The United Nations Convention on the Rights of the Child “UNCRC” being the most widely accepted international instrument in the world, openly recognized that children have their individual rights and special needs that are different from adults, so the United Nations also recommended the signatories to establish separate mechanism to protect children. The Convention was ratified in Hong Kong in 1994 and we hope the HKSAR Government does not further neglect or reject its international responsibility. In particular the United Nations Committee on the Rights of the Child has repeatedly called on the HKSAR Government to establish a Commission for Children in Hong Kong.²

We are open to discuss the structure of a Children’s Commission as long as its independence is considered to protect the best interest of children. In New Zealand, the Families Commission and Office of Commissioner for Children exist side by side to ensure mutual independence and collaboration at the same time. In replying to an independent study conducted by the Global Institute for Tomorrow for the Hong Kong Committee on Children’s Rights in 2006, the following comments were made in regard to the need for a Family Commission and Children’s Commission:

“The honest answer is that many things are done that are harmful to children that a Children’s Commissioner can draw attention to and suggest ways in which they can put right, usually working with the children’s family. I would strongly resist the idea that a Children’s Commissioner’s function could be subsumed within a Family Commission. History is against such an idea. Children’s interests do become submerged beneath those of adults when they are mixed”. Reply from the Office of Commissioner for Children,

² Concluding Observations of the UN Committee on the Rights of the Child released on 30 September 2005 http://www.hab.gov.hk/file_manager/en/documents/policy_responsibilities/CRC_Concluding_observations_2005_e.pdf

New Zealand on 3 November 2006.³

Last but not the least; we call on the Family Council to allow public access to all the agenda, minutes and documents for public scrutiny so as to enhance its transparency and accountability. We also request the Family Council to produce a public Consultation Paper before the term of members appointed to the Family Council expire at the end of 2009. In this way, the public will be better able to give their views on the recommendations made by the Family Council through a proper channel.

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³ *A Children's Commission for Hong Kong – Shaping the Future*
http://www.childrenrights.org.hk/A_Full_report.pdf

ALLIANCE FOR CHILDREN'S COMMISSION

爭取成立兒童事務委員會聯盟

The Alliance for Children's Commission is formed by 25 agencies and professional groups, which have committed themselves to promote the establishment of a Children's Commission in Hong Kong. They include:

爭取成立兒童事務委員會聯盟由 25 個組織及專業團體組成，承諾致力推動在香港成立兒童事務委員會，他們包括：

Against Child Abuse 防止虐待兒童會
Center for Child Development, Hong Kong Baptist University 香港浸會大學兒童發展研究中心
Children Rights Association 兒童權利關注會
Chinese YMCA of Hong Kong – Hin Keng Centre 香港中華基督教青年會 – 顯徑會所
Chinese YMCA of Hong Kong – Tsuen Wan Centre 香港中華基督教青年會 – 荃灣會所
Dr Fernando Cheung's office 立法會張超雄議員辦事處
Dr Kwok Ka Ki's office 立法會郭家麒議員辦事處
ELCHK – Grace Rehabilitation Service 基督教香港信義會 – 天恩展能服務
ELCHK – Uncle Long Legs' Letter Box 基督教香港信義會 – 長腿叔叔信箱
The Hong Kong Childhood Injury Prevention and Research Association 香港兒童安全促進會
Hong Kong College of Paediatrician 香港兒科醫學院
Hong Kong Committee for UNICEF 聯合國兒童基金會
Hong Kong Committee on Children's Rights 香港兒童權利委員會
Hong Kong Council of Early Childhood Education and Services 香港幼兒教育及服務聯會
Hong Kong Down Syndrome Association 香港唐氏綜合症協會
Hong Kong Human Rights Monitor 香港人權監察
229th Hong Kong Scout Group 香港童軍 229 旅
Hong Kong Society for the Protection of Children 香港保護兒童會
Kids' Dream 童夢同想
Playright Children's Play Association 智樂兒童遊樂協會
Society for Community Organization 香港社區組織協會
Suen Mei Speech & Hearing Centre 宣美語言及聽覺訓練中心
The Boys' and Girls' Clubs Association of Hong Kong 香港女童群益會
The Hong Kong Council of Social Service 香港社會服務聯會
TREATS 親切