

立法會
Legislative Council

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LC Paper No. CB(2)846/13-14
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 18 November 2013, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Paul TSE Wai-chun, JP (Deputy Chairman)
Hon Emily LAU Wai-hing, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, JP
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan

Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Members attending : Hon WU Chi-wai, MH
Dr Hon Fernando CHEUNG Chiu-hung

Members absent : Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon MA Fung-kwok, SBS, JP
Dr Hon Kenneth CHAN Ka-lok

Public Officers attending : Item IV

Mr LAU Kong-wah
Under Secretary for Constitutional and Mainland Affairs

Ms Anne TENG Yu-yan
Principal Assistant Secretary for Constitutional and Mainland Affairs

Mr LI Pak-hong
Chief Electoral Officer
Registration and Electoral Office

Mr SHUM Nam-lung
Deputy Chief Electoral Officer
Registration and Electoral Office

Mr MA Kit-chi
Principal Liaison Officer
Home Affairs Department

Item V

Mr LAU Kong-wah
Under Secretary for Constitutional and Mainland Affairs

Mr CHEUNG Doi-ching
Principal Assistant Secretary for Constitutional and Mainland
Affairs

Mr Stephen YIP Yam-wing
Principal Assistant Secretary for Education (Curriculum
Development)

Ms SHEA Wing-man
Principal Assistant Secretary for Labour and Welfare (Welfare) 1

Mr FUNG Pak-ho
Assistant Director (Enforcement and Torture Claim Assessment)
Immigration Department

Mr FUNG Man-chung
Assistant Director (Family & Child Welfare)
Social Welfare Department

Ms Diana LAM Man-yee
Senior Government Counsel
Department of Justice

Ms Trinky CHAN Tsz-ki
Assistant Secretary for Constitutional and Mainland Affairs

**Attendance by : Item V
invitation**

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Society for Community Organization /Children Rights Association

Miss SZE Lai-shan
Community Organizer

Against Child Abuse

Dr Jessica HO
Director

Amnesty International Hong Kong

Ms Debbie TSUI
Campaigner

Hong Kong Unison

Miss Annie LI
Campaign Officer

The Forthright Caucus Children's Rights Concern Group

Miss LAM Ling

Labour Party

Mr MOK Hiu-fung
Community Officer

The Democratic Party

Mr Ricky OR

Baby Friendly Hospital Initiative Hong Kong Association

Dr Patricia IP
Vice-chairman

Nu Tong Xue She

Mr CHUNG Chi-ho
Officer

Hong Kong Association for Specific Learning Disabilities

Ms CHOI Shuet-chun
Advocacy Team Convener

PathFinders Limited

Miss Luna CHAN
Chief Operations Officer

Society for Cultural Integration

Miss Holing YIP

The Association of Parents of the Severely Mentally Handicapped

Mr LEE Chi-yung
Chairman

Hong Kong Refugee Advice Centre

Ms Aleta Miller
Executive Director

Mr Jason LAU

Kids' Dream

Miss Dorothy LUI

Suen Mei Speech and Hearing Centre

Ms Bessie PANG
Executive Director

Heep Hong Parents' Association

Ms Cat LEE
President

Mr WU Ho-ting

Suen Mei Alumni Association

Ms LEE Siu-fan

重生者明珠計劃

Ms Eling SHI

Ms Ivy CHEUK
Assistant

Scholarism

Mr TAN Yi-chun

Civic Party

Mr Alvin YEUNG
Executive Committee Member

Hong Kong Committee for UNICEF

Ms Irene CHAN
Chief Executive

Hong Kong Committee on Children's Rights

Mrs Priscilla LUI
Vice-Chairman

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Miss Cindy HO
Senior Council Secretary (2) 3

Ms Wendy LO
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

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I. Confirmation of minutes of meeting

[LC Paper No. CB(2)266/13-14]

The minutes of the meeting held on 21 October 2013 were confirmed.

II. Information papers issued since the last meeting

[LC Paper Nos. CB(2)122/13-14(01), CB(2)238/13-14(01) and RP01/13-14]

2. Members noted that the following papers were issued after the last meeting -

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- (a) letter dated 18 October 2013 from Mr Charles Peter MOK and the written response from the Office of the Privacy Commissioner for Personal Data [LC Paper Nos. CB(2)122/13-14(01) and CB(2)238/13-14(01)]; and
- (b) research report entitled "Nomination and voting procedures governing presidential elections in selected places" prepared by Research Office of the Legislative Council ("LegCo") Secretariat [RP01/13-14].

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)268/13-14(01) and (02)]

3. Members agreed to discuss the following items proposed by the Administration at the next meeting on 16 December 2013 -

- (a) overseas experience in implementing anti-stalking legislation; and
- (b) the second review of the Hong Kong Special Administrative Region ("HKSAR") by the Working Group on the Universal Periodic Review of the United Nations ("UN") Human Rights Council.

Regarding item (b) above, the Panel agreed to invite deputations to give views.

4. The Panel agreed to discuss the "Guidelines for the Chief Executive ("CE") in handling potential cases of conflict of interest and acceptance of advantages and entertainment concerning politically appointed officials" at a future meeting as proposed by Ms Emily LAU. The subject would be added to the List of outstanding items for discussion.

IV. Proposed technical amendments to electoral legislation

[LC Paper No. CB(2)268/13-14(03)]

5. At the invitation of the Chairman, Under Secretary for Constitutional and Mainland Affairs ("USCMA") and Chief Electoral Officer ("CEO") briefed members on the Administration's paper [LC Paper No. CB(2)268/13-14(03)] on proposed technical amendments to the LegCo

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Ordinance (Cap. 542), District Councils ("DCs") Ordinance (Cap. 547), Electoral Affairs Commission ("EAC") Ordinance (Cap. 541) and the subsidiary legislation made under the EAC Ordinance ("EAC Regulations"). The proposals were related to the voter registration ("VR") and electoral procedures for the LegCo, DC and Village Representative elections.

Application by existing geographical constituencies ("GC") electors for registration in DC (second) functional constituency ("FC")
(paragraphs 8 and 9 of the Administration's paper)

6. Referring to the above proposal, Dr Helena WONG asked whether the review of retention of DC (second) FC or otherwise in the 2016 LegCo Election would be covered in the public consultation on constitutional development to be commenced in December 2013. She queried whether the current proposal was intended to pre-empt a decision to abolish DC (second) FC in the future. USCMA explained that the proposal was made because the existing provisions had not provided an avenue for existing GC electors who currently were not registered in any FC to apply for registration in DC (second) FC. He explained that the proposed technical amendment aimed only to plug an existing loophole in the relevant legislation. He added that the way forward with regard to DC (second) FC in question would be considered after public consultation.

7. Mr WONG Yuk-man said that owing to his political stance and principle, he opposed any proposals in relation to the DC (second) FC.

Inclusion of electors requesting voluntary de-registration in the omissions list
(paragraphs 6 and 7 of the Administration's paper)

8. Mr SIN Chung-kai asked about the measures taken by the Registration and Electoral Office ("REO") for verifying requests for de-registration in order to prevent forgery. CEO explained that REO would issue a notification letter to the elector concerned after verifying his/her personal particulars contained in REO's database. The elector concerned who received the notification letter, if in doubt, could approach REO for follow-up action. Any suspicious case would be referred to the law enforcement agencies. CEO said that apart from issuing the notification letter, REO would try to contact the elector concerned by email (if available) before publication of the omissions list ("OL"). Moreover, after the proposed legislative amendment, REO would be empowered to include

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electors requesting voluntary de-registration in OL, thereby enhancing the transparency of the relevant procedures.

9. Mr SIN Chung-kai suggested that the voluntary de-registration procedure should require an affirmative action to be taken by the elector concerned to indicate his/her consent to the de-registration. He expressed concern that loopholes might exist under the present arrangements in that REO could only assume that the elector concerned had received the notification letter and, on that assumption, included the elector concerned in OL. CEO advised that if it was required that any elector requesting voluntary de-registration had to make the request in person to REO, it might cause undue inconvenience to electors. He added that REO was currently exploring the feasibility to launch an online system which would facilitate the electors to check their VR status and particulars via the Internet.

10. Mr SIN Chung-kai asked how REO would verify persons who were no longer eligible for registration as electors. CEO explained the existing arrangements for two categories of electors who would be included in OL, including electors who had passed away according to the information provided to REO by the Immigration Department; and electors who had been issued inquiry letters under the statutory process but failed to confirm or update their latest residential addresses or provide information required to the satisfaction of REO by the statutory deadline. Under the current proposal, electors who applied for voluntary de-registration would also be included in OL in the future.

11. Mr SIN Chung-kai remained concerned about the adequacy of measures adopted by REO to guard against forged applications for voluntary de-registration. CEO explained that apart from issuing the notification letter to the elector concerned, REO would require the elector requesting voluntary de-registration to provide his/her registration particulars (including the Hong Kong permanent identity card number) for verification by REO. CEO briefed members on the number of requests for voluntary de-registration ranging from about 100 to 200 annually in the past years (except in 2012 and 2013 which were about 1 800 and 500 respectively), among which no such case of forgery by a third party had been detected so far. Nevertheless, CEO undertook to consider the issues raised by Mr SIN when taking forward the legislative amendment.

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12. Mr WONG Yuk-man opined that before implementation of the above proposal, it was doubtful whether the removal of the names of those electors

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Admin requesting voluntary de-registration from the provisional register, without first including such names in OL, was legally in order. In this connection, he suggested that the Administration should clarify whether voluntary de-registration was allowed under the current VR policy and relevant legislation.

Postponement/adjournment of elections

(paragraph 17 of the Administration's paper)

13. Ms Emily LAU said that she had no strong view on the above proposal. Making reference to the gunshot incident in the 2006 presidential election of Taiwan as an example, Ms LAU asked about the considerations of the Government in deciding whether or not to exercise the power to declare the postponement/adjournment of an election under the electoral law.

Admin 14. CEO advised that under the relevant electoral law, CE was vested with the power to declare the postponement of a general/ordinary election and the adjournment of the polling and counting of votes in respect of a general/ordinary election in the prescribed scenarios (i.e. riot, open violence or any occurrence of public danger). EAC was vested with the power to declare the postponement of election, adjournment of poll or count in respect of a single constituency. The power to declare the adjournment of poll or count at a particular station was vested in the Presiding Officer ("PRO"). CEO pointed out that any decision to postpone/adjourn an election/poll/count in the case of public health danger would need to have regard to objective and scientific considerations as well as practical circumstances, including available expert advice on the possible effects on the smooth conduct of the election/poll/count. Ms Emily LAU considered that the mechanism might need to be reviewed to allow that other relevant parties (e.g. candidates) could raise objection to or any other views regarding the decision made by CE so as to ensure fairness of election.

Admin 15. In response to Ms Emily LAU's concern on the availability of polling stations on the rescheduled polling day, CEO explained that as a contingency arrangement, the venues for use as polling stations would be reserved for such use on both the polling day and the following Sunday. Ms LAU expressed concern that the arrangement could not cater for the occurrence of serious incidents which rendered the postponed/adjourned election unable to be resumed on the following Sunday. She requested the Administration to follow up.

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Counting procedures at the main counting station ("MCS")
(paragraphs 14 to 16 of the Administration's paper)

16. Ms Cyd HO asked whether the above proposal would make it more difficult in ensuring that the numbers of ballot papers issued and collected (including those cast in a small polling station ("SPS") or a dedicated polling station ("DPS") and the MCS polling station) tallied. CEO clarified that the proposal did not introduce any changes to the existing counting arrangements but only sought to remove ambiguities in the relevant provisions and better align with the counting process in respect of the MCS polling station whereby PRO of MCS, when counting the votes at MCS, was only required to set aside one of the ballot boxes at the polling station for mixing with the ballot papers received from SPSs/DPSs. This arrangement was introduced in 2012 and its purpose was to enable PRO of MCS to start the vote counting process as early as practicable without waiting for the arrival of all the ballot boxes from SPSs and DPSs. CEO added that before the mixing of the ballot papers at MCS as explained above, the number of ballot papers received from SPSs/DPSs would first be counted and verified, and the same would be done to the ballot papers cast in the ballot boxes of MCS polling station at the end of the counting process.

17. Mr WONG Yuk-man said that he had no strong view on this proposal. However, he considered that the Administration should review the effectiveness of the above arrangement adopted in 2012 as such arrangement might not be necessary if a sufficient number of polling stations could be set up, citing Taiwan as an example where the counting arrangements were very efficient due to the availability of a large number of polling stations where the poll-cum-count arrangement was also adopted.

Extension of electoral deadlines in case of inclement weather
(paragraphs 3 to 5 of the Administration's paper)

18. Mr WONG Yuk-man considered the proposal a fair arrangement which should have been introduced long ago to avoid legal disputes.

An elector to cast all his votes at one time in LegCo elections
(paragraph 13 of the Administration's paper)

19. Mr Christopher CHEUNG asked what measures would be put in place, under the proposal, to check whether an elector who had been issued with two or more ballot papers had cast all his/her votes in one go. He also

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asked whether the vote cast would be valid if the elector concerned was found to have not cast all his/her vote(s).

20. CEO said that in the 2012 LegCo Election, a coloured backing sheet was given to an elector when ballot papers were issued to him/her. The colour of the backing sheet indicated the number of ballot papers that had been issued to the elector. The polling staff would then monitor the casting of votes to ensure that the ballot papers issued to the elector were put into the appropriate ballot boxes. CEO explained that it was the personal choice of an elector as to whether he/she wished to cast all his/her votes in an election. Ballot papers issued to electors but not cast by the electors and left behind at the polling station would be treated as invalid.

Related issue

Proposal on VR statutory deadlines

21. Mr WONG Yuk-man expressed further views on the proposal to extend the claims and objections period from two to four weeks for VR by advancing the deadline for VR application for two weeks, so as to allow more time for the public to check their registration status and whether their registration particulars were up-to-date, which was discussed at the last meeting on 21 October 2013. Mr WONG considered that the proposal would affect the election atmosphere, and he also agreed to the Administration's view as stated in paragraph 14 of the Administration's paper (LC Paper No. CB(2)66/13-14(03)) discussed at the last meeting that "If the VR closing date is advanced in the VR cycle, some eligible persons may discover after the advanced deadline that they are unable to register in time to cast their votes in the upcoming election." Mr WONG said that the proposal might, therefore, deprive some people's right to cast their votes. He asked whether the proposal would give rise to legal consequence.

22. CEO said that the Administration had considered the concerns related to the options of proposed advancement of VR statutory deadlines as discussed at the last meeting. The Administration had, nevertheless, come to a view that there was a merit in adopting the proposal of advancing the VR application deadline in order to allow more time for the electors to check their registration status. The Administration had taken note of members' views expressed about the proposal at the last meeting when coming up with the current proposed arrangement in paragraph 19 of the Administration's paper under discussion.

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V. Hearing of the Second Report of HKSAR under the United Nations Convention on the Rights of the Child ("UNCRC")
[LC Paper Nos. CB(2)268/13-14(04) and (05)]

Presentation of views by deputations/individuals

Hong Kong Human Rights Monitor

23. Mr LAW Yuk-kai requested that a cartoon format of the concluding observations should be provided by the Administration for easy understanding by children and young people. He stressed the importance of ensuring the "best interests of the child" in all government policies and called on the Administration to respond to the recommendations of the UN Committee on the Rights of the Child ("the UN Committee") by formulating a clear and comprehensive policy on child welfare. He urged the Government to establish a human rights institution in Hong Kong, and supported the setting up of a commission on children to oversee the specific needs of children.

Society for Community Organization ("SOCO")/Children Rights Association
[LC Paper No. CB(2)318/13-14(01)]

24. Miss SZE Lai-shan presented the views of SOCO/Children Rights Association as detailed in the joint submission. She raised particular concern about the relatively high child poverty rate (i.e. 26%) in Hong Kong, with about 100 000 children living in Comprehensive Social Security Assistance ("CSSA") families and about 160 000 children living in low-income households. She said that children from poor families did not have the resources to learn on equal footing with students of better-off families, and these children also suffered from the lack of home space for study and activities. She also called for the setting up of a commission on children.

Against Child Abuse ("ACA")
[LC Paper No. CB(2)268/13-14(06)]

25. Dr Jessica HO presented the views of ACA as detailed in its submission. She pointed out that the Administration had yet to respond to the recommendations made by the UN Committee regarding the setting up of an independent mechanism to monitor the implementation of policies in

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relation to the rights of children. She stressed that the interests of children were not represented in the Family Council. She also called for the setting up of a commission on children.

Amnesty International Hong Kong

26. Ms Debbie TSUI called on the Administration to take measures to enhance human rights education and address bullying in schools (paragraphs 60 and 78 of the concluding observations). She said that students with different sexual orientations and gender identity were often the targets of bullying in schools and enquired what measures would be taken by the Government to protect these students in the absence of an anti-discrimination legislation in this area.

Hong Kong Unison

[LC Paper No. CB(2)268/13-14(07)]

27. Miss Annie LI presented the views of Hong Kong Unison as detailed in its submission. She expressed disappointment with the lack of concrete measures by the Government to address the educational needs of non-Chinese speaking ("NCS") students of ethnic minority under the existing "designated schools" system despite the strong views in this regard expressed by the UN Committee in its concluding observations. She called on the Administration to ensure the "best interests of the child" in its policies on ethnic minorities. She also urged the Administration to adopt a "Chinese as a second language" policy with detailed implementation plans.

The Forthright Caucus Children's Rights Concern Group

[LC Paper No. CB(2)288/13-14(01)]

28. Miss LAM Ling highlighted the Government's obligation under Articles 2 and 23 of UNCRC (principles of non-discrimination and support for children with disabilities) and called on the Administration to provide more resources to support the vulnerable children. She expressed concern about the existing arrangement whereby persons with disabilities living with family members had to apply for CSSA on a household basis, and the lack of medical subsidy for disabled students who were non-CSSA recipients. She also pointed out that the Family Council rarely discussed issues relating to children's rights at its meetings. She urged the Administration to respond to the strong call from the community for the establishment of a commission on children expeditiously.

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Labour Party

[LC Paper No. CB(2)318/13-14(02)]

29. Mr MOK Hiu-fung expressed disappointment with the Administration's failure to establish a commission on children despite the strong call from the UN Committee, LegCo and the community. He did not agree with the Administration's views that the Family Council had already provided a platform for deliberation of child-related issues. He criticized that the function of the Children's Rights Forum was purely advisory and had no statutory power to formulate policies and monitor the work of bureaux/departments. The Administration was urged to establish a commission on children.

The Democratic Party

30. Mr Ricky OR highlighted the UN Committee's concern about the lack of a comprehensive policy and strategy on child welfare in Hong Kong. He criticized that there were insufficient measures to address the needs of children from grass-roots families especially those marginalized by multiple factors including disabilities, race and poverty. He urged that a commission on children should be established to ensure that the perspective of children's interests was fully taken into account.

Baby Friendly Hospital Initiative Hong Kong Association

[LC Paper No. CB(2)288/13-14(02)]

31. Dr Patricia IP presented the views of the Association as detailed in its submission. She called on the Administration to promote breastfeeding through effective enforcement of the International Code of Marketing of Breast-milk Substitutes and the establishment of Baby-Friendly Hospitals. She also suggested other measures including the promotion of community and workplace support for mothers. She called for the setting up of a commission on children to ensure the "best interests of the child" in the implementation of child-related policies.

Nu Tong Xue She

[LC Paper No. CB(2)340/13-14(01)]

32. Mr CHUNG Chi-ho presented the views of Nu Tong Xue She as detailed in its submission. He expressed concern that students of different

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sexual orientations were often the targets of bullying in schools and urged the Administration to take appropriate measures. He requested the Government to encourage students to learn how to maintain harmonious relationships with others with a view to developing an inclusive culture in school.

Hong Kong Association for Specific Learning Disabilities
[LC Paper No. CB(2)340/13-14(02)]

33. Ms CHOI Shuet-chun presented the views of the Association as detailed in its submission. She stressed that students with special educational needs ("SEN") had the equal right to education including the opportunities to receive higher education. She requested that more resources should be provided to ensure the smooth and effective implementation of integrated education in mainstream schools. She expressed concern that under the school-based policy, there was a lack of monitoring of the implementation of measures in schools to support students with SEN in learning, and the entry rate of these students to tertiary institutions remained low. She called on the Administration to set up an independent commission on children.

PathFinders Limited
[LC Paper No. CB(2)268/13-14(08)]

34. Miss Luna CHAN presented the views of the PathFinders Limited as detailed in its submission. She expressed concern about the needs of migrant children in Hong Kong (i.e. children born to migrant women who were foreign domestic workers ("FDWs")). She called on the Government to provide public perinatal health care services, introduce a fee waiver for issuing of birth certificate, collect data to ascertain the needs of vulnerable women and children, and respect the basic rights of FDWs.

Society for Cultural Integration
[LC Paper No. CB(2)268/13-14(07)]

35. Miss Holing YIP presented the views of the Society for Cultural Integration as detailed in its submission. She highlighted the UN Committee's recommendation on the abolition of the system of so-called "designated schools" for students of ethnic minorities, and called on the Government to adopt a "Chinese as a second language" policy.

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The Association of Parents of the Severely Mentally Handicapped
[LC Paper No. CB(2)296/13-14(01)]

36. Mr LEE Chi-yung presented the views of the Association as detailed in its submission. He highlighted the Government's obligation in ensuring the rights of children with disabilities and urged that additional resources should be provided to increase the manpower of special schools with a view to strengthening teaching staff, physiotherapy and nursing care for students with intellectual disabilities. He called on the Administration to establish a commission on children.

Hong Kong Refugee Advice Centre ("HKRAC")
[LC Paper No. CB(2)288/13-14(03)]

37. Ms Aleta Miller presented the views of HKRAC as detailed in its submission. She expressed concern about the barriers that refugee children faced in Hong Kong and highlighted the UN Committee's concerns about their poor living conditions and discrimination faced by them. In particular, the level of humanitarian assistance provided was too low to ensure that their needs were met, and the discrimination faced by them affected their future development. The Administration was requested to enhance support for refugee children and their families as soon as possible.

Mr Jason LAU

38. Mr Jason LAU called on the Administration to consider establishing a commission on children to promote and monitor the implementation of UNCRC, with the power to oversee the specific needs of children in government policies, including investigating into cases violating the human rights of children. The Administration was urged to heed the strong call from the community for setting up a commission on children.

Kids' Dream
[LC Paper No. CB(2)296/13-14(02)]

39. Miss Dorothy LUI presented the views of Kids' Dream as detailed in its submission. She stressed that an independent commission on children could not be substituted by the Children's Rights Forum which was not representative enough and lacked independence. She also expressed concern that the Administration had not pursued with making any such improvements after attending the UN hearing. The Administration was

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urged to heed the strong call from the community for setting up a commission on children.

Suen Mei Speech and Hearing Centre
[LC Paper No. CB(2)318/13-14(03)]

40. Ms Bessie PANG presented the views of Suen Mei Speech and Hearing Centre as detailed in its submission. She stressed the importance of providing speech training to hearing impaired children from birth to six years' old so as to lay a good foundation for developing their oral communication skills. On provision of Government resources, she suggested that consideration could be given to directly subsidizing these children to receive speech training, and purchase the necessary hearing aids/meet the necessary repair cost. The Administration was requested to set up a commission on children.

Heep Hong Parents' Association
[LC Paper No. CB(2)288/13-14(04)]

41. Ms Cat LEE presented the views of the Association as detailed in its submission. She stressed the importance of early intervention by providing pre-school rehabilitation services for children with disabilities. The Administration was requested to allocate more resources in the following areas, including: (a) provision of pre-school services for children with disabilities so as to reduce the long average waiting time for pre-school assessment and training; and (b) provision of support services for children with disabilities.

Mr WU Ho-ting
[LC Paper No. CB(2)318/13-14(04)]

42. Mr WU Ho-ting presented his submission. He had a congenital hearing impairment and spoke about his personal experience in receiving speech training in his early childhood. He stressed that sign language should not be taken as the only means of communication for hearing impaired children and they should also be encouraged to develop their oral communication skills so as to enhance their capacity for future development. He supported the setting up of a commission on children.

Suen Mei Alumni Association
[LC Paper No. CB(2)318/13-14(05)]

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43. Ms LEE Siu-fan presented the view of the Association as detailed in its submission. She gave an account of the experience of her daughter with congenital hearing impairment to illustrate how intensive speech training in early childhood provided a good foundation for learning language. She stressed that developing the oral communication skills of children with hearing impairment in early childhood would greatly enhance their capacity for future development.

重生者明珠計劃

[LC Paper No. CB(2)318/13-14(06)]

44. Ms Eling SHI presented the views as detailed in the submission. She expressed concern about the increasing problem of child abuse cases and domestic violence and urged that adequate support measures should be provided to assist children who were victims of child abuse/domestic violence cases through appropriate psychological assessment and treatment. She also called on the Administration to enhance support to carers of children victims and set up a commission on children.

Scholarism

[LC Paper No. CB(2)318/13-14(07)]

45. Mr TAN Yi-chun presented the views of Scholarism as detailed in its submission. He criticized that there were inadequate measures to protect the rights of children. He also expressed dissatisfaction with the measures adopted by the Police in handling protests by the organization and urged that the rights of young people should be protected, including their rights to freedom of assembly and association. He also called on the Administration to set up a commission on children.

Civic Party

[LC Paper No. CB(2)340/13-14(03)]

46. Mr Alvin YEUNG presented the views of Civic Party as detailed in its submission. Given that the Administration had set up the Youth Commission and Elderly Commission, he queried why the Administration did not establish an independent commission on children. The Administration was also requested to address the needs of ethnic minority children and NCS students, including their needs for inclusion into the mainstream education system and social inclusion, and to improve the living conditions of torture claimants and their children.

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*Hong Kong Committee for UNICEF
[LC Paper No. CB(2)318/13-14(08)]*

47. Ms Irene CHAN presented the views of the Hong Kong Committee for UNICEF as detailed in its submission. She expressed concern that children's right to play and leisure (under Article 31 of UNCRC) was often compromised under the existing education system and advocated one-hour outdoor recreation for children on a daily basis. Pointing out that a motion urging the Administration to set up a commission on children was passed by LegCo in 2007, she urged the Administration to establish a commission on children so as to monitor the implementation of UNCRC and formulate a comprehensive policy on child welfare.

*Hong Kong Committee on Children's Rights
[LC Paper No. CB(2)296/13-14(03)]*

48. Mrs Priscilla LUI presented the views of the Hong Kong Committee on Children's Rights as detailed in its submission. She highlighted a list of child-related issues which failed to be addressed by existing mechanism and the imminent need for establishing a commission on children to safeguard the well-being of 1.1 million children in Hong Kong. She called on the Administration to take on board the following measures, including adopting a comprehensive policy on children, establishing centralized data collection systems, and developing a strategy on child welfare with clear objectives.

49. Members also noted the written submissions provided by organizations/individuals not attending the meeting [LC Paper Nos. CB(2)288/13-14(05)-(06) and CB(2)318/13-14(09)-(10)].

(Due to other urgent commitments, the Chairman left the meeting at this juncture. The Deputy Chairman took the chair.)

Discussion

Setting up of a commission on children

50. Echoing the views of the deputations, Dr Fernando CHEUNG also considered that the Administration should respond to the strong call for the establishment of a commission on children to address the needs of vulnerable children, including children in poverty, ethnic minority children,

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children with disabilities, children who faced discrimination on grounds of sexual orientation and gender identity, and refugee children, etc. He added that he would move a motion for debate on the setting up of a commission on children in Hong Kong at the Council meeting of 20 November 2013. Mr CHAN Chi-chuen and Mr LEUNG Kwok-hung criticized the Government for failing to take heed of the strong call for the setting up of a commission on children. Mr LEUNG took the view that a commission on children would serve to provide a platform to monitor the implementation of UNCRC in HKSAR. He queried how the Administration could, in the absence of a commission on children, gauge the extent of the problems faced by needy children and ensure allocation of adequate resources to meet their needs.

51. USCMA advised that the Administration maintained its view that there was no imminent need to establish a commission on children, as various bureaux and departments had been implementing extensive measures to assist in the all-round development of children and meet the needs of children of different backgrounds. As regards the overall coordination of policies to tackle child-related issues straddling various policy bureaux and departments, USCMA advised that the Policy Committee, which was a high-level mechanism, served to ensure that adequate resources were allocated to provide the required services. For example, various bureaux were collaborating to meet the specific needs of ethnic minority children.

52. Ms Cyd HO considered that the perspective of children's rights had not been fully reflected and incorporated in Government policies. She gave the examples that the child's right to play was often neglected in parental education programmes, and community child care services were often provided by child carers who were amateurs. She called on the Administration to establish a commission on children to ensure children's rights and well-being were fully taken into consideration in formulating Government policies and the Budget.

53. USCMA responded that the Administration also considered that the perspective of children's rights should be taken into the account in Government policies. To this end, the Government had set up the Children's Rights Forum to promote child-friendly measures and to serve as a platform for exchange of views on matters concerning children. He further said that the Administration had adopted a family-based approach to provide appropriate services to children and families in need. Hence, the

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Family Council was established in 2007 to provide a platform for examining family-related issues. USCMA informed members that since 1 April 2013, a mandatory assessment of family implications had been introduced to the process of policy formulation and amendment. In addition, the Administration would seek to strengthen the collaboration between the Family Council and the Children's Rights Forum with a view to enhancing the promotion of children's rights.

54. Dr Fernando CHEUNG asked whether the Administration had formulated a comprehensive policy on children as recommended by the UN Committee in its concluding observations. USCMA responded that it was the Administration's position that the rights of the child should be protected in the family context, and the Administration had therefore set up the Family Council in December 2007.

55. Mr LEUNG Kwok-hung considered that the rights of the child could not be fully protected in the family context alone. He said that children should be afforded with the necessary protection and assistance at different stages of their development and in different environment such as in school. USCMA advised that apart from the mechanism coordinating issues which straddled across various policy areas as explained above, the Administration believed that children were best protected and nurtured within the family and its policy was to preserve and strengthen the family as a unit, which was consistent with the provisions of UNCRC. He added that as set out in the preamble of UNCRC, family was "the fundamental group of society" and that "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding".

Bullying in school against students on the grounds of different sexual orientations and gender identity

56. Referring to the views expressed by representatives of the Amnesty International Hong Kong and Nu Tong Xue She on the problem of bullying in school against students on the grounds of different sexual orientations and gender identity, Mr CHAN Chi-chuen urged the Administration to devise targeted measures and provide timely assistance to address the needs and discrimination faced by these students. Mr CHAN urged the Administration to step up efforts in this regard as many of these students were left in a helpless situation.

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57. USCMA advised that to better address the issue of discrimination faced by sexual minorities, the Administration had set up the Advisory Group on Eliminating Discrimination against Sexual Minorities in June 2013 and commissioned a study on discrimination experienced by sexual minorities in Hong Kong, which would cover the education domain among others. The study plan would be ready for discussion by the Advisory Group at its next meeting in December.

Provision of support services for children with disabilities

58. Mr Dennis KWOK expressed concern about the problems faced by children with intellectual disabilities and physical disabilities. He commended the efforts of Suen Mei Speech and Hearing Centre in promoting training for children with hearing impairment. He sought views from the deputation on the service enhancements that could be made by the Government.

59. Ms Bessie PANG of Suen Mei Speech and Hearing Centre responded that the resources provided by the Government was inadequate to fully meet the needs of children with hearing impairment from birth to six years' old through pre-school rehabilitation services. She requested the Government to increase the resources allocated to provide the relevant services. She further pointed out that many parents did not know much about the funding arrangement of the existing Learning Support Grant for mainstream schools (i.e. a grant of \$10,000 or \$20,000 per student with SEN per annum depending on the degree of support required) with a view to subsidizing these students directly to receive speech training and/or purchase of necessary hearing aids. Ms PANG said that there were inadequate support measures to assist these students in tertiary education and requested the Administration to consider devising appropriate support measures for these students (e.g. exemption of oral test). At the request of Mr Dennis KWOK, Assistant Director of Social Welfare (Family and Child Welfare) undertook to provide supplementary information on the existing arrangements in the provision of the Learning Support Grant for mainstream schools.

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(Post-meeting note: The supplementary information provided by the Administration was issued vide LC Paper No. CB(2)810/13-14(01) dated 6 February 2014.)

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VI. Any other business

60. There being no other business, the meeting ended at 5:10 pm.

Council Business Division 2
Legislative Council Secretariat
11 February 2014