

**立法會**  
**Legislative Council**

Ref : CB4/HS/1/16

LC Paper No. CB(4)1166/16-17  
(These minutes have been seen  
by the Administration)

**Subcommittee on Children's Rights**

**Minutes of the third meeting  
on Tuesday, 17 January 2017, at 10:45 am  
in Conference Room 1 of the Legislative Council Complex**

**Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)  
Hon SHIU Ka-chun (Deputy Chairman)  
Hon LEUNG Yiu-chung  
Dr Hon KWOK Ka-ki  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Dr Hon CHENG Chung-tai  
Dr Hon LAU Siu-lai

**Members absent** : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon KWOK Wai-keung  
Dr Hon Helena WONG Pik-wan  
Hon CHU Hoi-dick  
Hon HUI Chi-fung  
Hon Nathan LAW Kwun-chung

**Public Officers attending** : Agenda Item I  
Labour and Welfare Bureau  
  
Mr Stephen SUI, JP  
Under Secretary for Labour and Welfare  
  
Mr Kenneth CHENG  
Principal Assistant Secretary for Labour and Welfare  
(Welfare)1

Social Welfare Department

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

Ms Annisa MA  
Chief Social Work Officer (Domestic Violence)

Hospital Authority

Dr SIN Ngai-chuen  
Chief Manager (Patient Safety & Risk Management)

Mr Fred CHAN  
Senior Manager (Patient Safety & Risk Management)

Dr C H LI  
Associate Consultant  
Department of Paediatrics and Adolescent Medicine  
Tuen Mun Hospital

**Agenda Item II**

Labour and Welfare Bureau

Mr Stephen SUI, JP  
Under Secretary for Labour and Welfare

Mr Kenneth CHENG  
Principal Assistant Secretary for Labour and Welfare  
(Welfare)1

Social Welfare Department

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

Ms Annisa MA  
Chief Social Work Officer (Domestic Violence)

Hospital Authority

Dr SIN Ngai-chuen  
Chief Manager (Patient Safety & Risk Management)

Mr Fred CHAN  
Senior Manager (Patient Safety & Risk Management)

Dr C H LI  
Associate Consultant  
Department of Paediatrics and Adolescent Medicine  
Tuen Mun Hospital

Hong Kong Police Force

Mr Donnie CHOY  
Chief Superintendent (Crime Support)

Miss Ivy LI  
Senior Inspector 3  
Family Conflict and Sexual Violence Policy Unit

Education Bureau

Ms Kitty HO  
Principal Inspector (Guidance and Discipline)

**Attendance by invitation : Agenda Item II**

PathFinders

Ms TSANG Choi-man  
Case Manager (R.S.W.)

The Civic Party

Mr Sumly CHAN Yuen-sum  
District Councilor

The Hong Kong Council of Social Service

Ms Dora NGAN Ching-ching  
Officer (Children Youth Service)

Hong Kong Committee on Children's Rights

Ms WONG Wai-yuk  
Executive Secretary

Labour Party

Mr KWOK Wing-kin  
Vice-Chairman

Mr Shaphan MARWAH

Mrs Darcy DAVISON-ROBERTS

Against Child Abuse

Miss Wanda HAU  
Assistant Director

Mr Azan MARWAH

**Clerk in attendance** : Ms Angel WONG  
Chief Council Secretary (4)4

**Staff in attendance** : Miss Mandy NG  
Council Secretary (4)4

Ms Sandy HAU  
Legislative Assistant(4)4

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Action

- I. Follow up on issues relating to children without medical needs overstaying in hospitals and their conditions of being restrained**

Paper provided by the Administration

(LC Paper No. CB(4)419/16-17(01) -- Paper provided by the Administration)

Action

The Subcommittee deliberated (index of proceedings attached at **Annex**). The major views and concerns expressed by members were summarized as below:

*Unnecessary hospitalization of children*

- (a) it was unacceptable that children who were medically fit for discharge were hospitalized unnecessarily ("overstaying children") owing to a shortage of residential child care services ("RCCS"). Hence, there was a dire need for the Administration should shorten the waiting time for RCCS by formulating long-term planning to increase the overall supply of residential child care places (including emergency ones);
- (b) the Administration should make a pledge on the admission time for residential child care places to shorten the length of overstay;
- (c) the Administration should increase residential care places for children with special needs, particularly those with urgent service needs;
- (d) instead of taking snapshot surveys, the Hospital Authority ("HA") should constantly monitor the situation of unnecessary hospitalization of children and find out the reasons behind; and

*Use of physical restraints to care for overstaying children*

- (e) it was alarming to learn that physical restraints were used to restrict the movement of overstaying children owing to inadequate manpower in hospitals. To address the problem, the Administration should increase manpower provision in hospitals.

2. On the views and concerns raised by members at the meeting, the Administration made the following responses:

*Unnecessary hospitalization of children*

- (a) the Administration shared members' concerns that it was undesirable for children overstaying in hospitals. For long-term monitoring, each hospital was required to provide a monthly report regarding the situation of overstaying children. The Social Welfare Department ("SWD") and HA would map out improvement measures to shorten the length of overstay;

Action

*Use of physical restraints to care for overstaying children*

- (b) HA had checked with all paediatric units and confirmed that no overstaying child was physically restrained with safety vest owing to inadequate manpower in hospitals. Two overstaying children were physically restrained with a view to protecting them from harm to self or others;
- (c) there were guidelines governing the use of physical restraints in hospitals. Attending paediatricians would consider the use of restraints in the best interests of the children and document for record the reasons for using restraints. Nurses would maintain close and regular observation on the children with restraints;

*Provision of RCCS*

- (d) having regard to the sustaining high occupancy rates of RCCS and emergency child care services (86% and 92% respectively), the Administration had taken concrete measures to increase the provision of RCCS. In 2017-2018, 158 additional residential care places (including emergency placement) would be offered. Provision of foster care service would be enhanced. Relevant initiatives would be announced in 2017 Policy Address;
- (e) it was difficult for the Administration to give a pledge on the waiting time for RCCS, but continued efforts would be made to shorten the waiting time as much as possible; and
- (f) some children were overstayed in hospitals awaiting social assessment or Multi-disciplinary Case Conference ("MDCC") for fitness for home care. The Administration would explore the feasibility of streamlining the procedures in carrying out the necessary assessments to avoid overstay.

3. The Administration was requested to provide the following information:

- (a) case summary of the 61 and 43 children identified for unnecessary hospitalization in the surveys conducted by HA in June and December 2016 respectively, with details below:
  - (i) reasons for overstay;
  - (ii) whether placement offer(s) had been arranged to the overstaying child;

Action

- (iii) whether the overstaying child had been rejected by residential child care centre(s) for placement; if yes, the reasons for that;
- (iv) whether parents of the overstaying child had rejected any placement offer; if yes, the reasons for that;
- (v) the length of overstay and the discharge plan;
- (b) further details of the two cases in which a boy aged 13 and a girl aged eight were physically restrained with safety vests in hospitals; and
- (c) the full version of the guidelines for the use of restraints in hospitals.

*(Post-meeting note: The Administration's written information was issued to members vide LC Paper CB(4)750/16-17(01) on 24 March 2017.)*

**II. Review on Multi-disciplinary Case Conference and welfare plans for children**

Paper provided by the Administration

(LC Paper No. CB(4)419/16-17(02) -- Paper provided by the Administration)

Other paper

Written submission from deputations/individuals not attending the meeting

(LC Paper No. CB(4)419/16-17(05) -- Submission from Mother's Choice (*English version only*) (*Restricted to members only*))

Meeting with deputations/individuals and the Administration for agenda item II

4. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Action

5. A total of nine deputations/individuals attended the meeting and gave views on MDCC and welfare plans for children. Six written submissions were received. The major views and concerns expressed by deputations/individuals were summarized as below:

*Policy and planning*

- (a) an independent commission on children responsible for policies and initiatives relating to children's rights and welfare should be established expeditiously;
- (b) there should be cross Bureaux/Departments coordination to steer the overall development and implementation of children-related services and measures;
- (c) the child protection system in Hong Kong should be overhauled to bring it up to date. The Administration should consider making legislation on child protection and provide a clear legal definition on child abuse;
- (d) the Administration should collect more comprehensive data about MDCC and set up case records of various types of child abuse for reviewing and formulating policies to safeguard children's rights;
- (e) more resources should be allocated to family and child protective services;

*Procedural Guide for Handling Child Abuse Cases*

- (f) the Procedural Guide for Handling Child Abuse Cases ("the Procedural Guide") should be reviewed regularly, say every three years, and views of children, parents and professionals should be gauged;
- (g) more information on how to handle cases involving ethnic minorities and marginalized families should be included in the Procedural Guide;

*MDCC*

- (h) it was undesirable that MDCC was not conducted for all suspected child abuse cases. SWD should clearly define who could convene MDCC and case review conferences;



Action

- (i) a high-level official should be accountable to MDCC so as to ensure that the implementation of the welfare plans recommended by MDCC could be facilitated;
- (j) the chair of MDCC should be independent (i.e. not involved in the handling and management of the case) to avoid conflict of interest;
- (k) it was undesirable that legal advisors were usually not on MDCC membership and representatives of the Hong Kong Police Force ("HKPF") had no legal obligation to attend MDCC. In the absence of legal opinion and information from investigators, some cases might be misjudged;
- (l) it was advisable that non-governmental organizations ("NGOs") which referred the child abuse case to SWD should be invited to attend MDCC as member and be allowed to access to further information of the case after MDCC;

*Welfare plans*

- (m) MDCC should focus on discussing the welfare plans for the children. Effective measures, such as conducting regular review conferences, should be put in place to monitor the implementation progress of welfare plans and adjust the plans whenever necessary. An appeal mechanism should be established for MDCC;
- (n) welfare/permanency plans should be developed with a view to providing a stable and safe environment for the children and must be put on a statutory footing. The welfare/permanency plan and implementation timeline must be set out clearly and followed. SWD might draw reference from the practice of the United Kingdom which imposed a 26-week processing and determination timetable;

*Support for frontline staff*

- (o) additional resources and manpower should be allocated to handle child abuse cases. Training for frontline staff should be enhanced to strengthen their capabilities in handling and investigating suspected child abuse cases as well as formulating and implementing welfare/permanency plans;

Action

- (p) with reference from overseas practices, the Administration should develop sets of assessment tools, such as welfare checklist and thresholds for intervention, to facilitate frontline staff to formulate and review welfare/permanency plans for children;

*Provision of RCCS*

- (q) there was an urgent need to enhance the provision of RCCS and emergency residential services to shorten the waiting time for placement;
- (r) the Administration should collect statistical information on the occupancy rate of and waiting time for emergency residential services to facilitate long-term planning; and
- (s) the Administration should increase small group homes and foster care places, and recruit more foster parents. The level of various foster care allowances should be reviewed.

6. Members shared the concerns raised by the deputations attending the meeting, particularly the serious shortage of RCCS and the deficiencies of the current mechanism of MDCC (including its membership, the formulation and monitoring of welfare plans for the children). They also urged the Administration to step up its efforts in safeguarding children's rights and welfare.

7. On the views and concerns raised by members and deputations at the meeting, the Administration made the following response:

*Procedural Guide*

- (a) SWD would continue to gauge views from stakeholders for the review on the Procedural Guide. Deputations of this meeting would be invited to attend focus group meetings for the review;

*MDCC*

- (b) MDCC was usually convened by a key social worker. Members would include professionals who were involved in the investigation of the case, those who had the knowledge of the abused child and his/her family members and those who might follow up the case in future. Any relevant parties who would like to contribute in MDCC should contact the key social worker. Subject to the views of MDCC chairman and the consent of MDCC members, they might be invited to attend the MDCC;

Action

- (c) all paediatricians of HA took an active role in protecting children. Among 1 693 cases of suspected child abuse handled by the paediatric units in the past five years, 97% of these cases had conducted MDCC. Paediatricians would participate in MDCC to share their professional knowledge on these cases;
- (d) the Education Bureau collaborated with SWD to provide training about early identification of child abuse cases for teaching staff and guidance personnel. NGOs and schools were invited to share their experiences in devising preventive strategies. If necessary, teaching staff would attend MDCC to share information on the abused child;
- (e) HKPF attached great importance to child protection. HKPF would refer cases in need of welfare service to SWD for follow up as early as possible. In accordance with the guidelines of HKPF, the officer in charge of the case or his/her representative would attend MDCC to share investigation information;

*Welfare plans*

- (f) welfare plans from the child welfare point of view would be formulated at MDCC. A key social worker would be assigned to coordinate the implementation of the welfare plan. Where necessary, the casework unit following up the case would convene conferences to review the case progress, including the implementation schedules of welfare plans, provision of other follow-up services and review the plans based on the circumstances of individual cases;
- (g) subject to the needs of the case and the agreement at MDCC, the key social worker would inform all members of MDCC in writing at an agreed time, say three months after MDCC, the implementation progress of the welfare plan;
- (h) to facilitate the formulation of suitable welfare plans, relevant part of the Procedural Guide was revised to set out the issues that need to be discussed at the MDCC and provide a sample agenda for MDCC's reference;

*Support for frontline staff*

- (i) the Administration would continue its efforts to increase manpower and resources to support frontline staff;

Action

- (j) SWD had all along provided training for frontline professionals to strengthen their capabilities in identifying and handling child abuse cases. Series of online training materials were also produced and made accessible to HA and NGOs frontline staff handling child abuse cases; and

*Provision of RCCS*

- (k) the Administration had been closely monitoring the occupancy rate of RCCS including emergency residential care and would strengthen RCCS. New initiatives would be announced in the 2017 Policy Address.

The Administration took note of the concerns of members/deputations for consideration.

- 8. The Administration was requested to provide the percentage of MDCC of which case review conferences were conducted in every three months.

*(Post-meeting note: The Administration's written information was issued to members vide LC Paper CB(4)750/16-17(01) on 24 March 2017.)*

**III. Any other business**

- 9. There being no other business, the meeting ended at 1:20 pm.

Council Business Division 4  
Legislative Council Secretariat  
7 June 2017

## Subcommittee on Children's Rights

### Proceedings of the third meeting on Tuesday, 17 January 2017, at 10:45 am in Conference Room 1 of the Legislative Council Complex

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda Item I - Follow up on issues relating to children without medical needs overstaying in hospitals and their conditions of being restrained</i>			
000817 - 001851	Chairman Hospital Authority ("HA")	Opening remarks  HA briefed members on the situation of children who were unnecessarily hospitalized ("overstaying children"), as set out in the Administration's paper [LC Paper No. CB(4)419/16-17(01)]	
001852 - 002818	Chairman Dr KWOK Ka-ki Labour and Welfare Bureau ("LWB")	Dr KWOK's concerns on the insufficient provision of residential child care services ("RCCS") and unnecessary hospitalization of children	
002819 - 003315	Dr LAU Siu-lai LWB	Dr LAU's enquiry about the Administration's plans on RCCS	
003316 - 004108	Deputy Chairman HA	Deputy Chairman's request for further information about overstaying children being physically restrained in hospitals	
004109 - 005023	Dr Elizabeth QUAT HA SWD	Dr QUAT's enquiries about the situation of overstaying children  The Administration was requested to provide case summary on the overstaying child identified in its paper	Paragraph 3 of the minutes refers.
005024 - 010152	Chairman Mr LEUNG Yiu-chung SWD LWB HA	Mr LEUNG's concerns about overstaying children being rejected by residential child care centres for placement and the use of restraints in hospitals  The Administration was requested to provide (a) further details of the two overstaying children who were physically restrained with safety vests in hospitals, and (b) full version of the guidelines for using restraints in hospitals	Paragraph 3 of the minutes refers.
<i>Agenda Item II - Review on Multi-disciplinary Case Conference and welfare plans for children</i>			
010153 - 010709	Chairman	Opening remarks	
010710 - 011019	Chairman PathFinders	Presentation of views [LC Paper No. CB(4)438/16-17(01)]	
011020 - 011314	Chairman The Civic Party	Presentation of views	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
011315 - 011644	Chairman The Hong Kong Council of Social Service	Presentation of views [LC Paper No. CB(4)486/16-17(01)]	
011645 - 012019	Chairman Hong Kong Committee on Children's Rights	Presentation of views [LC Paper No. CB(4)419/16-17(03)]	
012020 - 012218	Chairman Labour Party	Presentation of views	
012219 - 012557	Chairman Mr Shaphan MARWAH	Presentation of views [LC Paper No. CB(4)419/16-17(04)]	
012558 - 012932	Chairman Mrs Darcy DAVISON-ROBERTS	Presentation of views	
012933 - 013318	Chairman Against Child Abuse	Presentation of views [LC Paper No. CB(4)438/16-17(02)]	
013319 - 013732	Chairman Mr Azan MARWAH	Presentation of views	
013733 - 015439	Chairman LWB SWD HA Education Bureau Hong Kong Police Force ("HKPF")	Chairman's remarks and the Administration's initial response to deputations' views	
015440 - 015946	Mr LEUNG Yiu-chung PathFinders Mr Azan MARWAH	Mr LEUNG's concerns on the membership of Multi- disciplinary Case Conference ("MDCC") and the follow up on welfare plans	
015947 - 020759	Chairman SWD	Chairman's views on the monitoring of the implementation of welfare plans and the chairmanship of MDCC  The Administration was required to provide the percentage of MDCC of which case review conferences were conducted in every three months	Paragraph 8 of the minutes refers.
020800 - 021208	Deputy Chairman SWD	Deputy Chairman's concerns on the role of non- government organizations in following up welfare plans	
021209 - 021632	Chairman SWD	Chairman's enquiry on the membership of MDCC	
021633 - 021743	Chairman The Civic Party	Presentation of views	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
021744 - 021850	Chairman PathFinders	Presentation of views	
021851- 022003	Chairman The Hong Kong Council of Social Service	Presentation of views	
022004 - 022139	Chairman Hong Kong Committee on Children's Rights	Presentation of views	
022140 - 022333	Chairman Mr Shaphan MARWAH	Presentation of views	
022334 - 022437	Chairman Mrs Darcy DAVISON-ROBERTS	Presentation of views	
022438 - 022606	Chairman Mr Azan MARWAH	Presentation of views	
022607 - 022709	Chairman Against Child Abuse	Presentation of views	
022710 - 023323	Chairman LWB SWD HKPF	The Administration's response on views further expressed by deputations	
<i>Agenda Item III – Any other business</i>			
023324 - 023533	Chairman	Closing remarks	