

立法會
Legislative Council

LC Paper No. CB(4)1507/16-17
(These minutes have been seen
by the Administration)

Ref : CB4/HS/1/16

Subcommittee on Children's Rights

**Minutes of the seventh meeting
on Thursday, 20 April 2017, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon LEUNG Yiu-chung
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon HUI Chi-fung
Hon Nathan LAW Kwun-chung
Dr Hon LAU Siu-lai

Members absent : Hon SHIU Ka-chun (Deputy Chairman)
Hon KWOK Wai-keung
Dr Hon CHENG Chung-tai

Member attending : Hon LEUNG Kwok-hung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

Public Officers attending : **Agenda Item I**

Constitutional and Mainland Affairs Bureau

Mr CHEUNG Doi-ching
Principal Assistant Secretary
(Constitutional & Mainland Affairs)5

Miss Ellen CHOW
Assistant Secretary
(Constitutional & Mainland Affairs)5B

Education Bureau

Mr Godwin LAI
Principal Assistant Secretary (Special Education)

Mr Joe NG
Principal Education Officer
(Curriculum Development)1

Labour and Welfare Bureau

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

Home Affairs Bureau

Miss Iris MA
Chief Executive Officer (Family Council)

Social Welfare Department

Ms Annisa MA
Chief Social Work Officer (Domestic Violence)

Attendance by invitation : **Agenda Item I**

Democratic Alliance for the Betterment and Progress of
Hong Kong

Miss LAI Ka-man
Deputy Spokesperson

Mr Azan MARWAH

The Hong Kong Family Law Association

Mr Shaphan MARWAH

The Civic Party

Mr Sumly CHAN Yuen-sum
Chairman of the New Territories West
Geographical Branch

PathFinders Limited

Ms PU Jian-ling
Programme Officer

Against Child Abuse

Miss LEE Yu-po
Service Manager

Mr KONG Pak-ho

Demosisto

Mr LAM Shun-hin
Member

UNICEF Young Envoys Club

Mr Harrison CHUNG Wing-fung
UNICEF Young Envoy

Society for Community Organization

Miss SZE Lai-san

The Law Society of Hong Kong

Miss Karen LAM Suk-yan
Solicitor

New People's Party

Ms Gigi WONG
Vice Chair to New People's Party Youth Commission

Southern District Council

Ms Judy CHAN
Member

Baby Friendly Hospital Initiative Hong Kong Association

Dr IP Lai-sheung
Vice Chairperson

Alliance for Children Development Rights

Miss HO Yu-ying
Community Organizer

Mrs TIEN LUK Sau-kuen

Hong Kong Paediatric Foundation

Miss Maria Fatima CHENG Wai-nga
Youth Ambassador

Miss TONG Po-yu

Special Educational Needs Rights Association

Mr HO Cheuk-hin
Community Organizer

天水圍學童關注組

Miss CHEUNG Man
Member

天水圍基層家長權益會

Mrs CHAN Wah-chun
Member

民間青年政策倡議平台

Miss LAI Wun-yiu
Community Organizer

No Kiddings

Miss LO Ka-lai
Community Organizer

Hong Kong Committee on Children's Rights

Ms Billy WONG
Executive Secretary

Hong Kong Society for the Protection of Children

Mr MAK Kang-ying
Service Director

趙必和先生

爭取學童休息時間

熊代蓉
成員

兒童權利優先小組

官詠晞小姐
成員

爭取小朋友學習平台

張琦女士
成員

Shinda Sekai Sensen

Mr LEUNG Hoi-fu
Wiwonjang

一人一樂器

鄒滿娣小姐
成員

爭取一人一電腦

張曉珊
成員

爭取少功課團體

郭文浩先生
成員

Hong Kong Council of Social Service

Ms Dora NGAN
Officer (Children & Youth)

香港政策透視

Mr KUNG Wai-sum
執委

兒童權利要實踐

陳喻彬
兒童代表

太子學童關注組

陳雪梅

多元活動發展組

梁梓琪
兒童代表

爭取成立兒童事務委員會關注組

林子晴
成員代表

The 1.1 Million Children's Campaign Team

Mr Hercules LAI

童夢同想

Kathy MAN

Save the Children (Hong Kong)

陳昕
政策研究倡導及項目檢測評估經理

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

Action**I. Proposal for establishing a commission on children**

(LC Paper No. CB(4)850/16-17(01) -- Paper provided by
the Administration)

Other papers

Written submissions from deputations/individuals not attending the meeting

(LC Paper No. CB(4)850/16-17(04) -- Submission from Miss Felicia
FU Yau (*Chinese version only*)

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LC Paper No. CB(4)884/16-17(07) -- Submission from Amnesty International Hong Kong (*Chinese version only*)

LC Paper No. CB(4)884/16-17(08) -- Submission from Mother's Choice (*English version only*) (*Restricted to members only*)

LC Paper No. CB(4)872/16-17(04) -- Submission from Lion Rock Nation Council (*English version only*)

LC Paper No. CB(4)917/16-17(01) -- Submission from 全國青少年救國同盟 (*Chinese version only*)

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

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

2. The Subcommittee received views from 41 deputations/individuals. All of them expressed support to establish a commission on children to safeguard the rights and well-being of children. Their major views and concerns were summarized as below:

Justification for setting up a commission on children

- (a) Hong Kong should fulfill its long overdue obligations under the United Nations Convention on the Rights of the Child ("UNCRC") to set up a commission on children. In fact, many overseas jurisdictions, including the United Kingdom, the United States, Denmark, Norway, Russia, New Zealand and Australia, had already established a commission on children or appointed a commissioner for children. Hong Kong was lagging behind in upholding children's rights;
- (b) the Family Council focused its work on family affairs instead of children's affairs while the Children's Rights Forum was only a platform for the exchange of views among children, children bodies and the Government on pertinent matters. Neither of them could achieve similar purposes to a commission on children;

Composition and functions of the commission on children

- (c) by making reference to the "Paris Principles" drawn up by the United Nations Centre for Human Rights, the composition of the commission on children should provide adequate representation. It should comprise children and parents of different backgrounds, including those from grass-root families;
- (d) the commission on children should be an independent statutory body with proper financial and manpower resources. It should be empowered to:
 - (i) provide overall coordination of the formulation and implementation of children-related policies;
 - (ii) advise the Government on resources allocation for protection of children's rights;
 - (iii) assess the impact of policies and legislations to ensure the best interests of children;
 - (iv) administer a centralized database and initiate research to facilitate policy formulation on matters pertaining to children;
 - (v) investigate complaints on a breach of children's rights and monitor the implementation of UNCRC in Hong Kong;
 - (vi) provide an avenue to facilitate the collection and reflection of children's views to relevant Bureaux/Departments ("B/Ds");
 - (vii) promote children's participation in community affairs and enhance public awareness of children's rights;
 - (viii) formulate a comprehensive child-health policy to cater for the physical and mental well-being of children, including the breastfeeding policy recommended by the World Health Organization; and
 - (ix) act as a focal liaison point with local and overseas organizations in promoting children's rights;

Action*Other concerns on children's rights*

- (e) children in Hong Kong were under tremendous study pressure. Heavy homework, drilling exercises, tests and examinations had deprived them of their basic rights to rest and leisure. The Administration should take concrete measures to address the mental health issues of children and the spate of student suicides;
- (f) the Administration should attend to the rights of less privileged children, such as children of foreign domestic helpers, new immigrants, Mainland-Hong Kong single families and ethnic minorities as well as children with special needs;
- (g) children from grass-root families could not afford to take part in extra-curricular activities and acquire suitable e-learning equipment for their studies. This was undesirable for their whole-person development. The Administration should review the eligibility criteria of child allowance under the Low-income Working Family Allowance ("LIFA") Scheme so as to remove the working hour requirements;
- (h) the Administration should enhance the child care services in the territory, especially the special child care centres; and
- (i) the Administration should earmark and provide more suitable premises for the operation of kindergartens.

3. Members shared the concerns raised by deputations/individuals attending the meeting. They urged the Government of the next term to set up a commission on children, taking into consideration their views expressed at this meeting. On the views and concerns raised by members and deputations at the meeting, the Administration made the following responses:

Co-ordination of children's policies

- (a) the Administration was committed to safeguarding children's rights and well-being. For matters straddling across different policy areas, e.g. education, family, healthcare and welfare, etc, the relevant policy bureaux would handle matters under their respective purviews, such as formulating appropriate legislation and making available resources for protection of children's rights and for implementation of policies to promote the well-being of children. In case of matters involving a number of policy areas, relevant policy bureaux would co-ordinate among themselves.

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The Administration would also suitably co-ordinate and support through high level set-up such as the Policy Committee;

- (b) to promote the well-being of children, notably those who were disadvantaged, the 2017 Policy Address had set out a range of measures to be implemented by different B/Ds, such as waiving the service fees of special child care centres, providing additional foster care places, and implementing free quality kindergarten education policy starting from the 2017-2018 school year. These measures had taken into consideration the views of, among others, the Legislative Council, the public and the United Nations Committee on the Rights of the Child on children's affairs;
- (c) currently, the Family Council assessed the impact of policies on family to ensure that due consideration was given to children's well-being and views during the policy formulation process. As at December 2016, the Family Council had held 31 meetings among which 15 covered topics in relation to children;
- (d) the Children's Rights Forum had been served as an effective platform for the exchange of views among the Government, children and children bodies on pertinent matters. The views of its participants on various topics were relayed to B/Ds concerned. For instance, the views about rehabilitation services to help discharged young offenders reintegrate into society, student suicide and free quality kindergarten education, etc, had been reflected to the Security Bureau and the Education Bureau respectively. The Administration had reflected upon the children's voices on the proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access as well as on the review of the Procedural Guide for Handling Child Abuse Cases;
- (e) in response to the Concluding Observations of the United Nations Committee on the Rights of the Child and the views collected from the Children's Rights Forum, the Constitutional and Mainland Affairs Bureau had compiled and updated children-related statistics and information on its website annually;

Education

- (f) the Administration had all along attached importance to maintaining an equal and inclusive learning environment for students. Schools could flexibly deploy various school-based

Action

resources to enhance the effectiveness of learning and teaching for students with different educational needs;

- (g) the Office of the Government Chief Information Officer had launched the Internet Learning Support Programme from 2011-2012 to the end of the 2017-2018 school year to help students of low-income families to undertake web-based learning at home;

Welfare

- (h) the Administration was mindful of alleviating inter-generational poverty. With the implementation of the LIFA Scheme and the Child Development Fund, children in need would be provided with financial support. The Government would conduct a comprehensive policy review of the LIFA Scheme in mid-2017; and
- (i) to address the developmental needs of disadvantaged children and youth aged 24 or below in the districts, the Social Welfare Department ("SWD") had implemented the District Support Scheme for Children and Youth Development since 2005-2006. Under the Scheme, caseworkers of SWD or non-government organizations would identify and assess children and youth in need for the provision of suitable cash assistance. Each beneficiary of the Scheme could receive a one-off grant up to \$1,500.

4. The Chairman requested the Administration to provide written response to the views and concerns raised by deputations and members at the meeting.

(Post-meeting note: The Administration's written information was issued to members vide LC Paper CB(4)1151/16-17 on 5 June 2017.)

II. Any other business

5. The Chairman advised that the Subcommittee would meet with the Administration and receive views from the public on "Rights of children in Correctional Home and Correctional Institution" at the next meeting to be held on 23 May 2017. To let members better understand the operation of Correctional Home and Correctional Institutions, the Chairman directed and members agreed that visits would be made to Tuen Mun Children and Juvenile Home and Sha Tsui Correctional Institution on 28 April and 5 May 2017 respectively.

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6. There being no other business, the meeting ended at 1:33 pm.

Council Business Division 4
Legislative Council Secretariat
9 August 2017

Subcommittee on Children's Rights

Proceedings of the seventh meeting on Thursday, 20 April 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 - Proposal for establishing a commission on children</i>			
000730 - 001133	Chairman	Opening remarks	
001134 - 001446	Chairman Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views	
001447 - 001839	Chairman Mr Azan MARWAH	Presentation of views	
001840 - 002208	Chairman The Hong Kong Family Law Association	Presentation of views [LC Paper No. CB(4)850/16-17(03)]	
002209 - 002456	Chairman The Civic Party	Presentation of views [LC Paper No. CB(4)884/16-17(01)]	
002457 - 002751	Chairman PathFinders Limited	Presentation of views [LC Paper No. CB(4)884/16-17(02)]	
002752 - 003105	Chairman Against Child Abuse	Presentation of views [LC Paper No. CB(4)850/16-17(02)]	
003106 - 003526	Chairman Mr KONG Pak-ho	Presentation of views [LC Paper No. CB(4)962/16-17(01)]	
003527 - 003838	Chairman Demosisto	Presentation of views	
003839 - 004156	Chairman UNICEF Young Envoys Club	Presentation of views LC Paper No. CB(4)872/16-17(01)]	
004157 - 004503	Chairman Society for Community Organization	Presentation of views [LC Paper No. CB(4)884/16-17(03)]	
004504 - 004844	Chairman The Law Society of Hong Kong	Presentation of views [LC Paper No. CB(4)872/16-17(02)]	
004845 - 005112	Chairman New People's Party	Presentation of views	

Time marker	Speaker(s)	Subject(s)	Action required
005113 - 005519	Chairman Southern District Council	Presentation of views	
005520 - 005835	Chairman Baby Friendly Hospital Initiative Hong Kong Association	Presentation of views [LC Paper No. CB(4)872/16-17(03)]	
005836 - 010143	Chairman Alliance for Children Development Rights	Presentation of views	
010144 - 010521	Chairman Hong Kong Paediatric Foundation	Presentation of views [LC Paper No. CB(4)850/16-17(05)]	
010522 - 010800	Chairman Miss TONG Po-yu	Presentation of views	
010801 - 011118	Chairman Special Educational Needs Rights Association	Presentation of views	
011119 - 011415	Chairman 天水圍學童關注組	Presentation of views	
011416 - 011649	Chairman 天水圍基層家長權益會	Presentation of views	
011650 - 012018	Chairman 民間青年政策倡議平台	Presentation of views	
012019 - 012335	Chairman No Kiddings	Presentation of views	
012336 - 012613	Chairman Hong Kong Committee on Children's Rights	Presentation of views [LC Paper No. CB(4)884/16-17(04)]	
012614 - 012932	Chairman Hong Kong Society for the Protection of Children	Presentation of views [LC Paper No. CB(4)884/16-17(05)]	
012933 - 013218	Chairman 趙必和先生	Presentation of views	
013219 - 013442	Chairman 爭取學童休息時間	Presentation of views	
013443 - 013636	Chairman 兒童權利優先小組	Presentation of views	
013637 - 013910	Chairman 爭取小朋友學習平台	Presentation of views	

Time marker	Speaker(s)	Subject(s)	Action required
013911 - 014224	Chairman Shinda Sekai Sensen	Presentation of views	
014225 - 014451	Chairman 一人一樂器	Presentation of views	
014452 - 014830	Chairman 爭取一人一電腦	Presentation of views	
014831 - 015139	Chairman 爭取少功課團體	Presentation of views	
015140 - 015519	Chairman Hong Kong Council of Social Service	Presentation of views [LC Paper No. CB(4)1162/16-17(01)]	
015520 - 015848	Chairman 香港政策透視	Presentation of views	
015849 - 020102	Chairman 兒童權利要實踐	Presentation of views	
020103 - 020405	Chairman 太子學童關注組	Presentation of views	
020406 - 020811	Chairman 多元活動發展組	Presentation of views	
020812 - 021211	Chairman 爭取成立兒童事務委員 會關注組	Presentation of views	
021212 - 021544	Chairman The 1.1 Million Children's Campaign Team	Presentation of views	
021545 - 021919	Chairman 童夢同想	Presentation of views	
021920 - 022308	Chairman Save the Children (Hong Kong)	Presentation of views [LC Paper No. CB(4)884/16-17(06)]	
022309 - 023529	Chairman Constitutional & Mainland Affairs Bureau Education Bureau Labour & Welfare Bureau Home Affairs Bureau	The Chairman's remarks and the Administration's response to the views expressed by the deputations	
023530 - 024229	Chairman LEUNG Kwok-hung	Mr LEUNG's views on the importance of protecting children's rights	

Time marker	Speaker(s)	Subject(s)	Action required
024230 - 024344	Chairman Alliance for Children Development Rights	Presentation of views	
024345 - 024540	Chairman Hong Kong Committee on Children's Rights	Presentation of views	
024541 - 024712	Chairman Mr KONG Pak-ho	Presentation of views	
024713 - 024831	Chairman 民間青年政策倡議平台	Presentation of views	
<i>Agenda Item II – Any other business</i>			
024832 - 024958	Chairman	Closing remarks	