

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1414/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB4/HS/1/16

**Subcommittee on Children's Rights**

**Minutes of the seventeenth meeting  
on Wednesday, 4 April at 2:30 pm  
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 KWOK Wai-keung, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon HUI Chi-fung  
Dr Hon CHENG Chung-tai

**Members absent** : Hon IP Kin-yuen  
Hon Alvin YEUNG

**Public Officers attending** : Agenda item I  
  
Mr WOO Chun-sing  
Deputy Secretary for Education (4)  
  
Ms SO Yuen-yi  
Principal Education Officer (School Administration)  
Education Bureau

Mr WU Kwok-kui  
Acting Senior Housing Manager/Applications (1)  
Housing Department

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

Mr Crusade YAU  
Chief Superintendent of Crime Support  
Hong Kong Police Force

Ms Kitty WONG  
Chief Inspector of Police, Family Conflict and Sexual  
Violence Policy Unit  
Hong Kong Police Force

Agenda item II

Mr Caspar TSUI, JP  
Under Secretary for Labour and Welfare

Mr Kelvin MA  
Assistant Secretary for Labour and Welfare (Welfare)1C  
Labour and Welfare Bureau

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

Mr James CHENG  
Senior Statistician (Social)2  
Census and Statistics Department

Dr Thomas CHUNG  
Consultant Community Medicine  
(Student Health Service)  
Department of Health

Mr Crusade YAU  
Chief Superintendent of Crime Support  
Hong Kong Police Force

Ms Kitty WONG  
Chief Inspector of Police, Family Conflict and  
Sexual Violence Policy Unit  
Hong Kong Police Force

Agenda item III

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

**Attendance by invitation** : Agenda item I

Democratic Alliance for the Betterment and Progress of  
Hong Kong

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Mr TSOI Shing-hin  
Deputy Spokesperson

The Civic Party

Mr Simon HUNG Ling-fai  
District Developer of the New Territories West

香港兒童基金會

徐飛先生  
主席

Hong Kong Paediatric Foundation

Dr WONG Hiu-lei  
Secretary General

Ms KHAN Sarish Zaitha

Mr CHOW Fu-kin

Mrs Gloria TIEN LUK Sau-kuen

工黨

郭永健先生  
主席

Sai Kung District Council

Mr LEE Ka-leung  
Council Member

Mr LAI Pak-yin

Hong Kong Social Workers' General Union

Miss HUI Lai-ming  
Director

Edutable Foundation

周子恩先生  
Research Fellow (Life Education)

Agenda item II

Democratic Alliance for the Betterment and Progress of  
Hong Kong

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Mr TSOI Shing-hin  
Deputy Spokesperson

The Civic Party

Simon Mr HUNG Ling-fai  
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郭永健先生  
主席

Hong Kong Committee on Children's Rights

Ms Billy WONG  
Executive Secretary

Justice Centre Hong Kong

Miss Annie LI Man  
Research and Policy Officer

Agenda item III

Democratic Alliance for the Betterment and Progress of  
Hong Kong

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Mr TSOI Shing-hin  
Deputy Spokesperson

The Civic Party

Simon Mr HUNG Ling-fai  
District Developer of the New Territories West

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Mrs Gloria TIEN LUK Sau-kuen

工黨

郭永健先生  
主席

PathFinders

Ms Victoria STREET  
Chief Operating Officer

Mr WHY

Hong Kong Family Law Association

Mr Shaphan MARWAH  
Executive Committee Member

**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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**I. Follow-up measures on students' non-attendance cases**

(LC Paper No. CB(4)830/17-18(01) -- Paper provided by the Administration)

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

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2. The Subcommittee received views from 12 deputations/individuals attending the meeting. The major views and concerns of deputations/individuals were summarized as follows:

- (a) deputations generally welcomed the new mechanism requiring kindergartens ("KGs") to report to the Education Bureau ("EDB") on students' absence for seven consecutive school days (instead of 30 days) without reasons or under doubtful circumstances. However, deputations were worried that parents might take advantage of the loopholes in the mechanism to allow their children to be absent for less than seven days frequently;
- (b) how to handle non-attendance cases was critical for early detection of abuse or hidden families/youths. Mishap could have been prevented if the Administration proactively took steps to intervene non-attendance cases. Hence, deputations welcomed the Administration to adopt more stringent procedures to handle "non-contact" non-attendance cases in primary and secondary schools;
- (c) the Administration should inform frontline social workers, Student Guidance Teachers/Student Guidance Personnel of the abovementioned two mechanisms, and gauge their views to continuously review the mechanisms;
- (d) the reason(s) behind each non-attendance case was complicated and involved various factors including parenting problems, mal-adjustment in learning or social interaction, study pressure, bullying, physical and mental issues, etc. Appropriate follow-up measures should be in place to provide timely assistance;
- (e) the provision of education psychologists and Student Guidance Teachers/Student Guidance Personnel should be increased to better support students' mental and emotional issues. The workload of teachers should be reduced so as to enable them to have more capacity in helping their students. A taskforce should be set up under the Social Welfare Department ("SWD") to handle non-attendance cases. Training for frontline staff should be enhanced so as to strengthen their sensitivity and skills in identifying and handling non-attendance cases; and
- (f) since the onset of a student's continuous non-attendance, EDB would only issue an attendance order to the parent according to the Education Ordinance (Cap. 279) at the end of six months. The lead

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time should be shortened to three months so as to facilitate timely intervention.

3. Members noted with concern about the 162 "non-contact" non-attendance cases in the past five years, and sought further information on these cases. They were also concerned about the cooperation mechanism between EDB and the Immigration Department ("ImmD") in handling non-attendance cases, and measures undertaken by the Administration to follow up with these students and their families.
4. On the views and concerns raised by members and deputations at the meeting, the Administration made the following responses:
  - (a) EDB reviewed the procedures of handling "non-contact" non-attendance cases in late 2017 to further step up the relevant follow-up procedures. In view of the urgency to locate "non-contact" non-attendance students and the fact that most of the follow-up work would be undertaken by EDB, EDB had already taken forward the enhanced mechanism and briefed individual schools with non-attendance cases on the mechanism. Briefings on the enhanced mechanism would be arranged for frontline social workers, Student Guidance Teachers/Student Guidance Personnel and teaching staff soon;
  - (b) under the enhanced mechanism to handle non-attendance cases, the Non-attendance Case Team ("NACT") of EDB would re-open the 162 "non-contact" non-attendance cases in the past five years and would not close any "non-contact" non-attendance cases in future regarding school-age children. As NACT of EDB had accorded priority to follow up these 162 cases at present, EDB had not compiled relevant statistics on the details of the students involved;
  - (c) if non-attendance cases were due to problems encountered by the families or students themselves, EDB would take into account the situation and refer these cases to the Integrated Family Service Centres or the Family and Child Protective Services Unit ("FCPSU") under SWD for follow-up. As announced in 2018-2019 Budget, the Administration would strengthen the manpower of FCPSU to facilitate its service delivery;
  - (d) when NACT of EDB or schools could not make contact with non-attendance students by all possible means, NACT would approach other departments, such as the Housing Department and SWD for relevant contact information and ImmD for departure check as appropriate; and



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- (e) if EDB still could not make contact with non-attendance students or their parents after making enquiries to other departments, EDB would refer the cases to the Hong Kong Police Force ("the Police") for appropriate follow-up. The Police would investigate the cases concerned to ascertain if criminal elements were involved and treat the non-attendance students as missing persons.

5. The Subcommittee requested the Administration to provide the following information:

- (a) details on the cooperation mechanism between EDB and ImmD to conduct departure check for "non-contact" non-attendance students, in particular whether or not ImmD would be bound by the Personal Data (Privacy) Ordinance (Cap. 486) in releasing such information;
- (b) background information of the 162 "non-contact" non-attendance students in the past five years, including but not limited to whether they were cross-boundary students, whether their parents were Hong Kong residents and whether their normal place of residence was outside Hong Kong; and
- (c) written responses to the letters from Dr Hon Fernando CHEUNG Chiu-hung and Hon SHIU Ka-chun [LC Paper Nos. CB(4)887/17-18(01)-(02)]

*(Post-meeting note: The Administration's written information was issued to members vide LC Paper No. CB(4)1077/17-18(01) on 14 May 2018.)*

**II. Proposal for establishing a central database for children**

(LC Paper No. CB(4)830/17-18(02) -- Paper provided by the Administration)

Written submissions from deputations/individuals not attending the meeting

(LC Paper No. CB(4)855/17-18(02) -- Submission from Dr Maggie LAU (*English version only*)

LC Paper No. CB(4)888/17-18(04) -- Submission from Hong Kong Christian Service (*Chinese version only*)

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LC Paper No. CB(4)936/17-18(01) -- Submission from Hong Kong Society for the Protection of Children (*Chinese version only*)

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

7. The Subcommittee received views from 10 deputations/individuals attending the meeting and three written submissions from deputations which had not attended the meeting. The major views and concerns of deputations/individuals were summarized as follows:

- (a) as various Bureaux/Departments ("B/Ds") collected data relating to children with regard to their respective policy and service areas, children-related data were scattered in various B/Ds. If information concerning different aspect of individual children could be shared and centrally processed, relevant B/Ds and major services providers, including schools, hospitals, the Police, etc., would be able to understand the backgrounds of individual cases comprehensively and take more informed and effective follow-up measures. As such, there was a pressing need to establish a central database for children to facilitate delivery of children-related services and enhance child protection;
- (b) the central database for children should collect data about children on all fronts, for instance, children with rare diseases/disabilities/special education needs, student suicide, residential child care services, children of ethnic minorities/refugees/new immigrants, children under poverty, children suffering from domestic violence/abuse, etc. The overall picture as collated by the central database for children could enable the Administration to understand the macro situation, so that its policy initiatives would be more integrated and effective;
- (c) the Administration should appoint experts and representatives of all relevant B/Ds to form a taskforce to run the central database for children. The taskforce should collect, update and analyze children-related data with due regard to privacy issues. To facilitate informed research, discussion, planning and decision making in the community, the taskforce should strive to publish its findings and open up its data for public access; and
- (d) the Census and Statistics Department ("C&SD") should consider preparing thematic statistics reports on children under 18 in disseminating results of population censuses/by-censuses.

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8. Having regard to the views expressed by the deputations, members unanimously agreed that the Administration should expeditiously establish a central database for children. They were also concerned about the coordination among B/Ds for data sharing and the progress of opening up Government data.

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

- (a) the Preparatory Committee for the establishment of a Commission on Children had conducted a series of public engagement activities, during which many views covering a wide range of issues had been collected, including the need to explore the feasibility of setting up and shared use of information of a central database for children. The Administration would relay members' and deputations' views to the Preparatory Committee. The Preparatory Committee would consider all these views carefully and formulate a concrete workplan for the Commission on Children;
- (b) the Administration would improve the compatibility of data among B/Ds and be cautious about information security and privacy issues; and
- (c) in consultation with C&SD and other relevant B/Ds, the Administration would consider preparing thematic statistics reports on children in disseminating results of future population censuses/by-censuses.

### **III. Reform of child protection legislation**

#### Written submissions from deputations not attending the meeting

(LC Paper No. CB(4)888/17-18(04) -- Submission from Hong Kong Christian Service (*Chinese version only*)

LC Paper No. CB(4)936/17-18(01) -- Submission from Hong Kong Society for the Protection of Children (*Chinese version only*)

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

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11. The Subcommittee received views from 11 deputations/individuals attending the meeting and two written submissions from deputations which had not attended the meeting. The major views and concerns of deputations/individuals were summarized as follows:

- (a) the existing children-related ordinances namely, Protection of Children and Juveniles Ordinance (Cap. 213), Child Abduction and Custody Ordinance (Cap. 512), Employment of Children Regulations (Cap. 57B), Offences against the Person Ordinance (Cap. 212), Prevention of Child Pornography Ordinance (Cap. 579), etc., were inconsistent in definition of children and inadequate in protection of children. Child protection legislation should be overhauled to ensure the best interest of all children with provisions to suspend or terminate parental rights;
- (b) as the impact of witnessing domestic violence could be traumatic for a child and resulted in emotional or psychological abuse, it should be prescribed by law that children's witnessing domestic violence was a form of child abuse and be criminalized;
- (c) corporal punishment should be completely banned by law. The Administration should take steps to enhance parent education that corporal punishment was not parenting and promote public awareness on children's rights;
- (d) a mandatory mechanism for reporting child abuse should be introduced. Disclosure of sexual offence conviction record should also be made mandatory for all child carers;
- (e) legal rights of children should be duly protected, in particular, those victims of abuse. The court should consider children's best interests when laying down its judgment. Effective measures with legal footing should also be in place to monitor the implementation progress of welfare plans for children;
- (f) the Child Fatality Review Panel should have legal backing to review child fatality cases; and
- (g) the Commission on Children to be set up by the Administration should be an independent statutory body with a clear legal mandate to safeguard children's rights.

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12. Members shared deputations' views and urged the Administration to overhaul the child protection legislation. The Chairman appealed the Administration to consider the recommendations put forward by the Subcommittee and highlighted that he would submit a private bill on child protection in the near future.

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

- (a) the Administration took note of members' and deputations' views on the introduction of a mandatory reporting mechanism to foster early detection of abuse. The Administration would carefully examine its legal implications and consider it with an open attitude;
- (b) SWD had reviewed the mechanism of multi-disciplinary case conference under the Procedural Guide for Handling Child Abuse Cases (Procedural Guide) in 2015. To further enhance the procedures for handling child abuse cases, the whole Procedural Guide was being reviewed. Enhancement measures would be implemented anytime as deemed necessary instead of waiting for the completion of the whole review in 2019. Meanwhile, the Administration would continue to gauge views from stakeholders on the review of the Procedure Guide; and
- (c) corporal punishment was prohibited by law in schools, residential child care centres, correctional institutions, etc. The Administration would step up its publicity to remind parents not to use corporal punishment against children.

**IV. Any other business**

14. There being no other business, the meeting ended at 5:37 pm.

**Subcommittee on Children's Rights**  
**Proceedings of the seventeenth meeting**  
**on Wednesday, 4 April 2018 at 2:30 pm**  
**in Conference Room 1 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
<i>Agenda Item I – Follow-up measures for students' non-attendance cases</i>			
000517-001350	Chairman The Administration	Opening remarks and briefing by the Administration	
001351-001658	Chairman Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views	
001659-002016	Chairman The Civic Party	Presentation of views [LC Paper No. CB(4) 902/17-18(01)]	
002017-002229	Chairman 香港兒童基金會	Presentation of views	
002230-002519	Chairman Hong Kong Paediatric Foundation	Presentation of views [LC Paper No. CB(4) 902/17-18(02)]	
002520-002922	Chairman Ms KHAN Sarish Zaitha	Presentation of views	
002923-003144	Chairman Mr CHOW Fu-kin	Presentation of views	
003145-003351	Chairman Mrs Gloria TIEN LUK Sau-kuen	Presentation of views	
003352-003701	Chairman Labour Party	Presentation of views	
003702-004028	Chairman Mr LAI Pak-yin	Presentation of views	
004029-004418	Chairman Hong Kong Social Workers' General Union	Presentation of views	
004419-004743	Chairman Edutable	Presentation of views [LC Paper No. CB(4)830/17-18(03)]	
004744-005721	Chairman The Administration	The Chairman's remarks and the Administration's response to the views expressed by the deputations	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
005722-010330	Chairman Deputy Chairman The Administration	The Deputy Chairman's concerns about the cooperation mechanism between the Education Bureau and Immigration Department to conduct departure check for non-attendance students	Paragraph 5 of the minutes refers
010331-010650	Chairman Mr HUI Chi-fung The Administration	Mr HUI's concerns about the follow-up measures to help non-attendance students resume schooling and details of "non-contact" non-attendance cases	
010651-011054	Chairman Mr LEUNG Yiu-chung The Administration	Mr LEUNG's enquiries about the reasons behind students' non-attendance and coordination among Bureaux/Departments to handle these cases	
011055-011649	Chairman Mr CHU Hoi-dick The Administration	Mr CHU's requests for the Administration's written response to the Chairman's letter and details of the 162 "non-contact" non-attendance students	Paragraph 5 of the minutes refers
011650-012303	Chairman Dr CHENG Chung-tai The Administration	Dr CHENG's calling on the Administration to provide background information of the 162 "non-contact" non-attendance students	Paragraph 5 of the minutes refers
012304-012421	Chairman Deputy Chairman The Administration	The Deputy Chairman's request for the Administration's written responses to his letter	Paragraph 5 of the minutes refers
012422-012743	Chairman Mr CHU Hoi-dick The Administration	Mr CHU's calling on the Administration to conduct department check for the 162 non-attendance students as soon as possible	Paragraph 5 of the minutes refers
012744-012852	Chairman Mr LEE Ka-leung	Presentation of views	
012853-012911	Chairman	Closing remarks	
<i>Agenda Item II – Proposal for establishing a central database for children</i>			
012912-013338	Chairman	Opening remarks	
013339-013643	Chairman Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views	
013644-013954	Chairman The Civic Party	Presentation of views [LC Paper No. CB(4)902/17-18(03)]	
013955-014234	Chairman 香港兒童基金會	Presentation of views	
014235-014540	Chairman Hong Kong Paediatric Foundation	Presentation of views [LC Paper No. CB(4)902/17-18(04)]	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
014541-014742	Chairman Ms KHAN Sarish Zaitha	Presentation of views	
014743-014847	Chairman Mr CHOW Fu-kin	Presentation of views	
014848-015021	Chairman Mrs Gloria TIEN LUK Sau- kuen	Presentation of views	
015022-015317	Chairman Labour Party	Presentation of views	
015318-015808	Chairman Hong Kong Committee on Children's Rights	Presentation of views [LC Paper No. CB(4)855/17-18(01)]	
015809-020152	Chairman Justice Centre Hong Kong	Presentation of views [LC Paper No. CB(4) 902/17-18(05)]	
020153-020638	Chairman The Administration	The Chairman's remarks and the Administration's response to the views expressed by the deputations	
020639-021117	Chairman Deputy Chairman The Administration	The Deputy Chairman's views on the data collection methods of the central database for children	
021118-021834	Chairman Dr KWOK Ka-ki The Administration	Dr KWOK's concerns about the coordination among Bureaux/Departments for data sharing and the progress of opening up Government data	
021835-022122	Chairman	Closing remarks	
<i>Agenda Item III – Reform of child protection legislation</i>			
022123-022454	Chairman	Opening remarks	
022455-022805	Chairman Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views	
022806-023051	Chairman The Civic Party	Presentation of views [LC Paper No. CB(4)902/16-17(06)]	
023052-023329	Chairman 香港兒童基金會	Presentation of views	
023330-023645	Chairman Hong Kong Paediatric Foundation	Presentation of views [LC Paper No. CB(4)902/17-18(07)]	
023646-023954	Chairman Ms KHAN Sarish Zaitha	Presentation of views	



<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
023955-024156	Chairman Mr CHOW Fu-kin	Presentation of views	
024157-024413	Chairman Mrs Gloria TIEN LUK Sau- kuen	Presentation of views	
024414-024715	Chairman Labour Party	Presentation of views	
024716-025100	Chairman Pathfinders	Presentation of views	
025101-025422	Chairman Mr WHY	Presentation of views	
025423-025953	Chairman Hong Kong Family Law Association	Presentation of views [LC Paper No. CB(4)888/17-18(05)]	
025954-030733	Chairman Administration	The Administration's response to the views expressed by the deputations  The Chairman's remarks about his submission of a private bill on child protection	
030734-031018	Chairman Deputy Chairman	The Deputy Chairman's views on the reform of child protection legislation and his vote of thanks to the Chairman for leading the Subcommittee	
<i>Agenda Item IV – Any other business</i>			
031019-031209	Chairman	Closing remarks	