

Children's Rights Sub Committee

Under the House Committee of the Legislative Council, Hong Kong, SAR, Republic of China

Children under Drug Abusing Parent/Carer : Yeung Chi Wai (M, 5 year old)

First Meeting 22 December 2016

Drug addiction : a recognised social evil

Drug addiction is seriously harming and threatening the physical, mental or social well being of an individual. The awareness of the shocking effects of drug addiction including tragic losses of lives, break up of families, serious threats and economic burden on society, led to the set up of specialised mechanisms such as the Action Committee Against Narcotics (ACAN) in 1965 and the Central Registry Drug Abuse (CRDA), manned by the Security Bureau, in 1972, both playing pivotal roles in monitoring the drug abuse situation in Hong Kong. The Beat Drugs Fund (BDF) set up in 1996 was allocated 350 million Hong Kong dollars as seed money in the same year and three billion Hong Kong dollars in 2010 for various projects in Hong Kong by the Legislative Council.

The Hidden Harm towards a Child, prior & after birth : unrecognized

However, in Hong Kong, children under drug abusing parents are somehow not considered facing pressing needs or serious harm to deserve the similar level of attention and resources. That is why we have found no public policy, no comprehensive data, no funding allocation, no effective programs provided, no specific out of home support and no special legal provisions to protect this group of children and to help their families. Thus despite our claim to protect the best interests of children, these victims were "allowed" to remain in danger or some to die a tragic death.

The five year old Yeung Chi Wai is the best example in hand. (Refer to the Infographic of Yeung Chi Wai.) Many NGOs revealed that Yeung Chi Wai and his siblings were not the only victims.

Child protection system requires drastic improvement

Prior to the death of Chi Wai, he was suspected to be at risk in his preschool by his teacher. Even though Mandatory Reporting is not required in Hong Kong, the teacher referred Chi Wai to a multidisciplinary group of professionals for assessment and follow up. This is as instructed by the Procedural Guide for Handling Child Abuse Case, which is in the meantime undergoing review and we recommend to the Social Welfare Department that more child advocates should be included in the review mechanism.

This particular multidisciplinary group, most likely based on the high degree of concern for the safety and well being of Chi Wai, concluded that the parent though with "no intent to harm" was neglecting Chi Wai. They recommended a Care or Protection Order and decided that Chi Wai should be removed from his home. However, the recommendations were not followed through. Chi Wai was returned home and no Order was applied for. It is highly unlikely that right after the case conference and in that very month leading to Chi Wai's death, immediate home visits or intensive follow up actions were taken to monitor the family situation.

How were decisions bearing a life or death impact on the child made? Were supervisors and the multidisciplinary case conference members involved in making or monitoring them?

Drug addiction alters perceptions and behaviour and impairs action and inaction which may manifest in abuse or neglect including violence or verbal abuse, sexual abuse, leaving children unattended, threatening children's survival and development. The notions such as intent to harm and promising cooperation not to further neglect or abuse are myths as the person under the influence of drugs are not in control of her/his behaviour and professionals must retain high vigilance in a child's adequate protection. Necessary removal of a child to a place with quality care not only ensures the child's safety but also allows time for voluntary or compulsory treatment for his/her carer.

Unfortunately there is a tendency to emphasize adults' rights more than children's rights.

It is believed that resources have not been adequately allocated to ensure availability of specialised services for families. Piloted treatment programs failed to be funded as main stream service even if they are proved to be effective and drug abusers are motivated to join. There is a shameful shortage in foster care, a more preferable family based option, and out of home placements even when need is found pressing. Victims and their siblings were often separated instead of being placed together due to the lack of placement in the same institution.

The Financial Secretary must be alerted to acquire a child perspective and take immediate action to include these items in his budget address.

The ACAN recently agreed that hidden drug abuse especially amongst the young urgently needed addressing. We recommend ACAN to invite multidisciplinary child advocates to serve on their boards to ensure a child perspective in the battle against narcotics.

The CRDA has kept no such data regarding the number of children under the care of abusing parents/carers and CRDA is also said to have significantly under-estimated both the scale and rising levels of addiction in the city. We appeal to the CRDA to collect and analyze precise and coherent data on the number of children affected to trace trends, characteristics and to ensure proactive planning and resource allocation.

Prevention is as important if not better than cure!

When Yeung Chi Wai was born, Hong Kong has already in 2005 introduced the Comprehensive Child Development Service (CCDS) under the Department of Health in 4 districts in Hong Kong (Sham Shui Po, Tin Shui Wai, Tseung Kwan O and Tuen Mun) to ensure early identification and referral services of the four areas of needs of children and families: (1) high risk pregnancy women, (2) post partum depression mothers, (3) children and families with psycho-social needs and (4) pre-school children with health, developmental and behavioural problems. Unfortunately no special attention have been given to children under drug abusing parents and no such service was available in the district where Chi Wai lived at that time.

Since 2013, the CCDS is provided in all districts in Hong Kong. However, during the planning stage of the CCDS, the increase in demand in service due to the uncovering of this "hidden harm", the demands of post identification support including drug abuse treatment service and residential child care service were not anticipated. That is why it is so difficult in asking for additional service support from the drug treatment service for this particular group of mothers.

This, therefore, is a situation that the government must swiftly confront by designating the necessary manpower and training to ensure support is available and expertise in handling is acquired!

Legal Protection inadequate

The Law as the baseline in the society serves educational values and deterrent function. Children's rights must receive paramount support as we proclaimed to do so. There must be legal provisions to ensure mandatory detoxification and treatment to parents/carers with children, prior and after birth.

Whilst the exposure of children to dangerous and illegal drugs can be considered as maltreatment and incriminating in some jurisdictions, in Hong Kong parents/carers or professionals who endangered children's safety or allowed children to remain at risk are not hold accountable.

Children have rights unmet. They deserve a chance to grow up safe and healthy.

There is no quick fix. The government's strong leadership to confront the core problems of drug abuse and to start off a total reform from policy, the law to practices is essential. Any fragmented or piece meal approach would be doing a disservice.

That is why we need a Child Commission, a statutory platform to ensure the long list of needs of children are systematically met. Over 70 countries and 200 jurisdictions have already set up their Child Commission. A Women and Children Commission has most recently been set up in Macau involving seven bureaux. The importance of such a Commission has not only received support

from local advocates but had been unanimously supported by the Legislative Council, HK SAR in 2007 and 2013. We should not miss another opportunity to put such a Commission for Children in place!

No children should be missed and all children should be ensured a chance not only to grow up, but to grow up in a safe and dignified Hong Kong. Let's make this our duty and our commitment to children!

Priscilla Lui Tsang Sun Kai,

Chairperson

Hong Kong Committee on Children's Rights

10 December 2016