

9 January 2017

Clerk to Subcommittee on Children's Rights
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, HK

Dear Sir/Madam,

Re: Review on Multi-disciplinary Case Conference and welfare plans for children

I am a lawyer in private practice. I regularly advise child-welfare professionals and non-government organizations on child protection, and I often see cases of abuse and neglect in the course of my work.

In my opinion, the current approach to MDCCs and child welfare plans suffers from a number of fundamental defects, including:

1. There is no legal duty to investigate the circumstances of a child at risk of abuse and neglect;
2. There is no legal requirement to hold an MDCC or to make a child welfare plan (and I have seen many children fall through the cracks);
3. The 'Procedural Guide' does not have force of law, and is in any event unclear as to who is responsible for (i) investigating claims of abuse/neglect (or risk thereof), (ii) conducting a risk assessment, and (iii) formulating a child welfare plan;
4. There is insufficient training and manpower to conduct child abuse/neglect investigations, risk assessments, and child welfare plans;
5. In practice I have seen several credible referrals go uninvestigated, I rarely see any risk assessment at all, and when there is a welfare plan it is only for children already in residential care;
6. Further, I often see welfare plans approached in an ineffectual manner: i.e. not based on any systematic risk assessment, lacking a timetable for action, and simply repeating a parent's preferred plan regardless of whether it is realistic.

The result of the above is delays and failures in protecting children and putting in place proper welfare plans. In too many cases children are falling through the cracks – and are either not protected, or become stuck in the residential care system.

The basic steps in child protection (of investigation, risk assessment and planning) should be made legal requirements of a well trained and adequately resourced arm of the government.

These steps should be taken for all children at risk, and not just children who have been taken into residential care – and they should be subject to independent oversight.

Dated 9 January 2017

Shaphan Marwah, Esq.