

The Proposed Establishment of a Children's Commission in Hong Kong

Bullet-points Submissions

(For the LegCo meeting on 20 April 2017)

1. The Law Society of Hong Kong supports the proposed establishment of a Children's Commission in Hong Kong for a number of reasons.
2. This is long overdue and is vital to protect our children in Hong Kong. This must be an independent entity whose sole interest is that of our children, and is not vested with any third party interests, which may otherwise influence its role or cause its priority to be displaced.
3. A Children's Commission would:
 - become a watchdog for the most vulnerable strata of our society, namely the children
 - can zealously advocate and influence policies for the benefit of the children
 - conduct and centralise research and analysis, to include carrying out children's rights impact assessments and examining any proposed law/policy in a structured manner to determine its potential impact on children
 - investigate breaches of children's rights and to prepare reports to redress faulty policies
 - educate and promote the welfare of the children
 - coordinate, communicate and co-operate with various government bureaux
 - communicate directly with children and organizations working with or on behalf of children.
 - monitor any actions concerning children, and ensure that they are taken in the best interests of the children
4. Currently, the Administration's policy formulation on children's affairs straddle across different policy bureaux, which do not focus exclusively on children's rights. There is little evidence of any policy co-ordination amongst bureaux. In other words, the Administration's approach on children's affairs is fragmented.
5. We note that the Administration has set up two platforms, namely the Children's Rights Forum and the Family Council; however, neither of them are child-led or capable of overseeing or investigating the Administration's policy formulation on children's affairs.

The United Nations Committee on the Rights of the Child's has already indicated that the Children's Rights Forum and the Family Council are inadequate in bringing the voice of the children to the policy level.

6. For other vulnerable groups, they have a separate and independent voice. For example, the Elderly Commission, Women's Commission, Commission on Youth and Equal Opportunities Commission. The Administration should follow this path and establish an independent commission on children to enable the voice of the children to be heard.
7. As a party to the United Nations Convention on the Rights of the Child, Hong Kong needs to fulfill its obligation to protect and ensure the rights of children at both the local and international level. According to the research conducted by the Hong Kong Committee on Children's Rights, globally, there are over 70 countries and 200 regions have established Children's Commission or Children's Ombudsman. These include Denmark, Norway, Scotland, England, Russia, New Zealand and Australia. We have even introduced two overseas children commissioners to meet our current Chief Executive in 2012 in an attempt to promote the prompt establishment of such a commission.
8. We are disappointed that the Administration has maintained their view that there is no imminent need to establish a Children's Commission in Hong Kong. We urge the Administration to look into the matter and take active steps in protecting our children by setting up a Children's Commission without further delay. We welcome the Chief Executive – elect's manifesto pledge to establish such a commission.
9. The Law Society is preparing a written submission, which will be provided to this Subcommittee and the Administration for consideration.