

**For discussion on
12 March 2018**

Legislative Council Panel on Welfare Services

**Follow-up on the Law Reform Commission Report
on Child Custody and Access and Related Support Measures**

Purpose

This paper briefs Members on the way forward of the proposed legislation to follow up on the recommendations of the Law Reform Commission Report on Child Custody and Access (the proposed legislation) and related support measures.

The Proposed Legislation

2. As reported to Members at the meeting of this Panel on 8 May 2017, the percentage of views in support of the implementation of the proposed legislation at this stage was about the same as that opposing it (i.e. 34.5% on each side), while another 20% of the views considered the proposed legislation worthy of support in principle, but requested additional resources and support measures as a prerequisite. We also note that two motions were unanimously passed by this Panel on 22 February 2016 and 8 May 2017 respectively, requesting the Government not to introduce the proposed legislation into the Legislative Council (LegCo) at this stage, pending the provision of more support measures for divorcing/divorced/separated families. Similar requests were also raised by deputations at the special meeting of this Panel held on 4 October 2017.

3. Having regard to the views collected during the public consultation and this Panel's position, we propose not to introduce the proposed legislation into the LegCo at this stage. At the same time, we propose to, as a matter of priority, increase resources in 2018-19 to strengthen measures to support divorcing/divorced/separated families. We will on the one hand promote the concept of continuing parental responsibility towards children even after divorce, on the other will strengthen co-parenting counselling and parenting coordination service,

and make the Pilot Project on Children Contact Service a regular service of the Social Welfare Department (SWD) with service expansion.

4. Notwithstanding the public's common request for enhanced support services, while putting in place the above service measures in response to such request, we will work out the major provisions of the proposed legislation for the public's reference so as to enhance their understanding of the parental responsibility model in legal terms. We also hope to clarify the doubts on the practical impact of the legislative proposal on divorced families, including parents and their children. Therefore, as soon as the enhanced support measures as referred to in paragraphs 6 to 8 below have been implemented, we will consult the stakeholders again on the proposed legislation, and gauge their receptiveness to the legislative proposal, especially the views of those who have put service improvements as a prerequisite to legislation.

Related Support Measures

Existing support measures

5. Currently to promote the concept of continuing parental responsibility towards children even after divorce, the SWD is implementing the following support measures:

(a) Pilot Project on Children Contact Service

In response to the suggestion made by the legal profession and some non-governmental organisations (NGOs), the SWD has launched a two-year Pilot Project on Children Contact Service with funding support from the Lotteries Fund to assist divorcing/divorced/separated parents, in particular the non-residing parents, to maintain contact with their children in a safe and conflict-free environment. The Pilot Project, commissioned to the Hong Kong Family Welfare Society (HKFWS), commenced operation on 21 September 2016. The HKFWS takes up cases on referral or application by either or both parent(s), and formulates service plans agreeable to both parents concerned. The SWD is evaluating the effectiveness of the Pilot Project and contemplating incorporation of the service into the new specialised co-parenting support centres as referred to in paragraph 6 below.

(b) Psycho-educational programme

The SWD has tailor-made a psycho-educational programme for divorcing/divorced/separated parents to instill the concept of continuing parental responsibility, and to facilitate them to co-operate with their ex-partners in carrying out their parental responsibility continuously. The programme has been run on a trial basis in some Family and Child Protective Services Units (FCPSUs) and an Integrated Family Service Centre (IFSC) of the SWD. In view of the positive feedback of the participants, IFSCs/Integrated Services Centres (ISCs) under the SWD or operated by NGOs, as well as FCPSUs, will run the programme as appropriate.

(c) Training for social work professionals

To enrich frontline social workers' knowledge and understanding of co-parenting/parenting coordination as well as mediation service, the SWD organises relevant training for them in IFSCs/ISCs and FCPSUs. Besides, co-parenting/parenting coordination concepts are incorporated into the induction courses for staff newly posted to FCPSUs and IFSCs/ISCs.

(d) Public education and publicity

The SWD organised publicity activities in 2016 to widely promote the concept of parental responsibility through the broadcast of a set of television and radio Announcements in the Public Interest respectively, and the display of posters in public areas. The SWD has also produced a set of handbooks for parents and children respectively to provide guidelines on co-parenting and to help children understand the issue of divorce. The handbooks were distributed to Government departments, NGOs concerned, service units, lawyers, etc. In addition, the SWD has launched a thematic website under the SWD homepage to promote the concept of parental responsibility, and to disseminate information on the relevant groups/programmes available in different districts. Two short animation videos have been produced and uploaded to the thematic website to further promote parental responsibility and co-parenting.

Moreover, the SWD organises activities on family life, marriage and anti-domestic violence to promote harmonious family

relationships. The SWD has also collaborated with The Open University of Hong Kong, the coordinator of the Capacity Building Mileage Programme of the Women's Commission, to incorporate the concepts of co-parenting/parenting coordination into the contents of relevant courses.

Proposed enhanced support measures commencing in 2018-19

6. As announced in the Chief Executive's 2017 Policy Agenda, apart from the above measures, the SWD will enhance the co-parenting support for divorcing/divorced/separated parents and their children. As announced in the 2018-19 Budget just released, five centres will be set up for divorced families, and the SWD's manpower will be strengthened. Specifically, in 2018-19, the SWD, after consulting the welfare sector, will set up five specialised co-parenting support centres to be operated by NGOs for five clusters over the territory respectively, namely the Hong Kong cluster, Kowloon East cluster, Kowloon West cluster, New Territories East cluster and New Territories West cluster. Services to be provided for divorced parents and their children include co-parenting counselling and parenting coordination service, structured parenting groups or programmes, child-focused counselling, groups or programmes, as well as children contact service.

7. With a view to introducing the concept of co-parenting and parental responsibility at an early stage, IFSCs operated by the SWD will be allocated additional supervisory manpower resources for enhancing parents' capability to cope with separation/divorce and strengthening family functioning, through district-based co-ordination. They will also arrange related training/sharing for professionals in the districts.

8. Additional manpower resources will also be provided to the 11 FCPSUs to strengthen co-parenting support for separated/divorced parents and child focused service for their children. If relevant cases involve parents on the verge of separation/divorce, such additional manpower resources will also enable FCPSUs to provide a range of early intervention services, co-parenting services, as well as timely support for their children.

9. As regards the suggestion on the establishment of a maintenance board, the Home Affairs Bureau (HAB) will commission a consultancy study through the Family Council in the first half of 2018 to examine this among various divorce issues. The HAB expects that the consultancy study could be completed in 18 months.

Advice Sought

10. Members are invited to note the contents of this paper.

Labour and Welfare Bureau
Social Welfare Department
March 2018