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Panel on Constitutional Affairs

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 15 March 2021**

Reports of Hong Kong Special Administrative Region under Convention on the Rights of the Child

Purpose

This paper gives an account of the discussion of the Panel on Constitutional Affairs ("the CA Panel") on the second report submitted by the Hong Kong Special Administrative Region ("HKSAR") to the United Nations ("UN") under the Convention on the Rights of the Child ("CRC").

Background

Convention on the Rights of the Child

2. The United Kingdom Government extended CRC to Hong Kong in 1994. The People's Republic of China ("PRC") is a State Party to CRC. The Government of PRC notified UN in June 1997 that CRC with certain reservations would continue to apply to HKSAR with effect from 1 July 1997. The reporting cycle of CRC is every five years or such other time as the UN Committee on the Rights of the Child ("the UN Committee") may determine.

The first report of the Hong Kong Special Administrative Region

3. The first report of HKSAR under CRC was submitted to UN as part of the PRC's second report in June 2003. The UN Committee considered the HKSAR's first report under CRC on 19 and 20 September 2005, and issued its concluding observations on 30 September 2005. A point-by-point response provided by the Administration to the concluding observations was issued vide LC Paper No. CB(2)1011/05-06(01).

4. Members may also refer to the background brief (LC Paper No. CB(2)1311/08-09(06)) prepared by the Legislative Council ("LegCo")

Secretariat for the past discussions held by the Panel on Home Affairs¹ on the first report of HKSAR under CRC.

The second report of the Hong Kong Special Administrative Region

5. In April 2009, the Constitutional and Mainland Affairs Bureau issued the outline of topics to be included in the second report of HKSAR for public consultation. The CA Panel discussed the outline of topics at its meeting on 20 April 2009, and received views from deputations on 18 May 2009. The second report of HKSAR was submitted to UN in July 2010 as part of the combined third and fourth reports of PRC and was published by UN in May 2012. The CA Panel discussed the second report with deputations and the Administration on 18 March 2013. In May 2013, the UN Committee published a list of issues to be taken up in connection with the consideration of the second report. The Administration's written response to the list of issues was issued vide LC Paper No. CB(2)1814/12-13(01). The UN Committee considered the second report on 26 and 27 September 2013 and issued its concluding observations on 9 October 2013. The CA Panel discussed the concluding observations with deputations and the Administration on 18 November 2013.

Major issues raised by the Panel on Constitutional Affairs on the second report of the Hong Kong Special Administrative Region

Setting up of a Commission on Children

6. Members noted the UN Committee's recommendation that an independent mechanism should be introduced to monitor the implementation of policy in relation to the rights of the child. Some members were of the view that a Commission on Children should be set up to promote children's rights and monitor the implementation of CRC, and this Commission should be a high-level and central mechanism. These members also raised concern as to whether the Administration had formulated a comprehensive policy on children as recommended by the UN Committee in its concluding observations. They urged the Administration to ensure that children's rights and well-being were fully taken into consideration in formulating government policies and measures.

7. The Administration advised that it had striven to take the perspective of children's rights into account in the formulation of government policies. In this connection, the Children's Rights Forum had been set up to promote

¹ With effect from the 2008-2009 legislative session, human right issues were transferred from the Panel on Home Affairs to be placed under the purview of the CA Panel.

child-friendly measures and to serve as a platform for exchange of views on matters concerning children. The Administration further advised that it had adopted a family-based approach to provide appropriate services to children and families in need. Hence, the Family Council was established in 2007 to provide a platform for examining family-related issues. Since 1 April 2013, a mandatory assessment of family implications had been introduced to the process of policy formulation and amendment. In addition, the Administration would seek to strengthen the collaboration between the Family Council and the Children's Rights Forum with a view to enhancing the promotion of children's rights.

8. Some members, however, considered that the rights of the child could not be fully protected in the family context alone. They considered that the Family Council had not been entirely effective in protecting children's rights and that the rights of the child were basically different from the welfare of a family. They reiterated that the Commission on Children advocated was a high-level and central mechanism which could not be substituted by the Family Council. They considered that children should be afforded with the necessary protection and assistance at different stages of their development and in different environments such as in schools.

9. The Administration considered that children were best protected and nurtured within the family and its policy was to preserve and strengthen the family as a unit, which was consistent with the provisions of CRC. The Administration pointed out that as set out in the preamble of CRC, family was "the fundamental group of society" and that "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding".

Corporal punishment and domestic violence against children

10. Some members were concerned about the UN Committee's observation about corporal punishment within the family which was not prohibited by law and that policies and programmes to assist child victims of violence were not fully effective. They enquired whether measures were in place to tackle the problem.

11. The Administration advised that in line with the Government's multi-disciplinary approach, the Police worked closely with other government departments and non-governmental organizations to safeguard the best interests of children. Relevant internal guidelines and training were provided to the frontline officers. Where children were required to give evidence in legal proceedings, special arrangements would be made to ensure that they would

give evidence in a friendly environment. The Administration advised that the Domestic Violence (Amendment) Bill 2007 enacted in 2008 sought to enhance the protection for victims of domestic violence. The Social Welfare Department ("SWD") would monitor and review the effectiveness of the legislation in combating domestic violence and would continue to deploy resources to help needy families. Furthermore, the Family and Child Protective Services Units of SWD were tasked to address the needs of abused children and their families in a holistic manner and to work closely with other professionals on a multi-disciplinary basis to prevent recurrence of domestic violence.

Assistance for vulnerable and needy children

12. Some members expressed concern about the lack of appropriate education services for children of ethnic minorities and called on the Administration to look into their educational needs. Members pointed out that these children were non-Chinese-speaking ("NCS") and when they were enrolled in public sector mainstream schools which adopted Chinese as the medium of instruction, they were marginalized and had difficulty in understanding the subjects and in catching up with school work.

13. Some members also expressed concern about the educational needs of other vulnerable children, including children with disabilities, children from single-parent or new arrival families and children with specific learning difficulties. They were particularly concerned about recent surveys which had found that the admission rate of children from grass-roots families to universities was much lower than that of well-off children. They urged the Administration to allocate additional resources to promote the development of children from grass-roots families and enable upward mobility in the community.

14. The Administration advised that the Child Development Fund with a funding of \$300 million was currently supporting some 40 pioneer projects which aimed to benefit children with disabilities, ethnic minority children and children in poverty. A number of policy initiatives were also in place to address the difficulties encountered by NCS children in learning the Chinese Language in order to facilitate their integration into the society. Such measures included the issuing of the "Supplementary Guide to the Chinese Language Curriculum for NCS Students" in 2008 to cater for the diverse needs of NCS students and the provision of the relevant training for teachers from more than 100 schools.

15. Some members raised concern about the problem of bullying in school against students on the grounds of different sexual orientations and gender identity. These members urged the Administration to devise targeted measures and provide timely assistance to address the needs and discrimination faced by these students. The Administration advised that to better address the issue of discrimination faced by sexual minorities, the Administration had set up the Advisory Group on Eliminating Discrimination against Sexual Minorities ("the Advisory Group") in June 2013 and commissioned a study on discrimination experienced by sexual minorities in Hong Kong, which would cover the education domain amongst others. Details of the study would be discussed by the Advisory Group.

16. Some members expressed concern that children from poor families did not have the resources to learn on equal footing with students of better-off families, e.g. they could not afford to pay for Internet access. They urged the Administration to provide 15-year free education to children across the board. Members also pointed out that some parents, who were two-way permit holders, had to live on the payment granted under the Comprehensive Social Security Assistance Scheme to their children. Moreover, these families were not eligible to apply for public housing because the parents failed to satisfy the seven-year residence rule for allocation of flats. These members called on the Administration to take measures to address the hardship faced by these families. The Administration advised that the Government had reinstated the Commission on Poverty, which was striving to set a poverty line to help address the problem of intergeneration poverty.²

Relevant motion debate

17. The Subcommittee on Children's Rights ("the Subcommittee") was appointed by the House Committee ("HC") in October 2016 to study and review the existing child policies and to make timely recommendations. The Subcommittee completed its work and submitted its report (LC Paper No. CB(4)1118/17-18) to HC in May 2018 ("the Subcommittee Report"). The Chairman of the Subcommittee moved a motion for debate on the Subcommittee Report at the Council meeting of 4 July 2018. The motion was passed and the Administration was requested to provide a report on the

² The Commission on Poverty was reinstated by the Government in December 2012 to deliberate on various policies and measures in support of the Government's poverty alleviation work for achieving the objectives of preventing and alleviating poverty. One of its foremost tasks was to set a poverty line for Hong Kong. The first official poverty line for Hong Kong was announced in September 2013.

follow-up actions relating to the motion to be taken. A progress report was subsequently provided by the Administration in August 2018 on the follow-up actions taken by the relevant government bureaux/departments (see **Appendix I**).

Recent development

18. The Government is preparing for the submission of the third report of HKSAR under CRC and has prepared an outline of the topics for inclusion in the third report for public consultation between 23 February and 9 April 2021. The CA Panel will discuss the outline of topics for the third report at the next meeting on 15 March 2021.

Relevant papers

19. A list of relevant papers available on the LegCo website is in **Appendix II**.

Council Business Division 4
Legislative Council Secretariat
10 March 2021

**Motion on
“Report of the Subcommittee on Children’s Rights”
at the Legislative Council Meeting of 4 July 2018**

Progress Report

Purpose

At the Legislative Council meeting on 4 July 2018, Members passed the following motion moved by Dr Hon Fernando CHEUNG:

“That this Council notes the Report of the Subcommittee on Children’s Rights.”

This paper reports to Members the follow-up actions relating to the motion taken by the relevant government bureaux/departments (B/Ds).

Child Abuse and Protection

2. The Government attaches great importance to the well-being of children and firmly believes that every child has a right to protection against harm and abuse. In 2018-19, the Government has allocated additional resources to increase the manpower of the Family and Child Protective Services Units of the Social Welfare Department (SWD) for strengthening child protection and family support services, including outreach services, counselling and groups. To facilitate early identification of students with welfare needs and provision of assistance for them and their families, the SWD will launch a three-year pilot scheme with funding from the Lotteries Fund to provide social work services in phases for a total of about 150 000 children and their families at over 700 aided stand-alone child care centres (CCCs), kindergartens (KGs) and KG-cum-CCCs in Hong Kong. Besides, the SWD will enhance the Educational Programme on Stopping Domestic Violence in order to provide support for children who have witnessed or been exposed to domestic violence and victims of domestic violence, and to help batterers or people who might resort to violence stop using violence,

with a view to protecting children from harm. Moreover, the SWD will strive to complete the review on the Procedural Guide for Handling Child Abuse Cases as soon as possible, and will hold in-depth discussions with different sectors and stakeholders on how to handle high-risk cases (e.g. cases involving carers with drug abuse problems) more effectively so as to strengthen the protection of children.

3. On the other hand, the Education Bureau (EDB) has taken active measures to ensure the right of non-attendance students to education. In end-2017, the EDB has further enhanced the relevant procedures in handling non-contact non-attendance cases and adopted more stringent procedures to follow up these cases, including increasing number of contacts and home visits. If the EDB still could not make contact with the students or parents after paying frequent home visits and making enquiries to other departments (such as the SWD, the Immigration Department (ImmD) and the Housing Department), the EDB will refer the cases to the Police or the SWD for appropriate follow-up actions. Under the enhanced mechanism, the EDB will follow up every non-attendance case thoroughly, repeat the process of contacting the parents regularly and will not close any cases because it is unable to reach the school aged students or their parents.

4. Regarding child care services, the SWD commissioned The University of Hong Kong to conduct a Consultancy Study on the Long-term Development of Child Care Services in December 2016. The study is expected to be completed in 2018. Upon completion of the study, the Government will, taking into account the recommendations put forward by the study, map out the direction for the long-term development of child care services and make timely announcements accordingly. On the enhancement of child care services, the SWD will provide a total of about 300 additional aided stand-alone CCC places in phases in North District, Kwun Tong District, Kwai Tsing District and Sha Tin District starting from 2018-19 to support those parents who cannot take care of their children temporarily because of work or other reasons. To meet the needs of children for residential care services, the SWD will increase in phases the number of places for residential child care services, strengthen the manpower of various types of residential care homes and implement an environment improvement programme for

small group homes.

Rights of Children amid Examination and Schoolwork Stress

5. The EDB has all along emphasised the importance of physical and psychological well-being in the whole-person development of students. The EDB has also emphasised in various related documents that it is the quality, rather than quantity, of homework that matters. Schools should strike a balance between the two when setting the types and amount of homework for students, conduct timely reviews and communicate with parents on homework arrangements with a view to enhancing the school-based homework policy based on students' abilities, interests and needs. Furthermore, the EDB has appealed to schools through different channels that schools should design quality, diversified, interesting and meaningful homework, and also issued articles in "Insider's Perspective" to reiterate the EDB's stance on homework matters and highlight the importance of quality homework and home-school communication. The EDB will continue to organise professional development programmes relating to assessment and homework for principals, curriculum leaders and teachers so as to enhance their professional capacity. In addition, the EDB will continue to gain an understanding of schools' implementation of assessment and homework policy through different means, such as external school reviews, focus inspections, school visits and daily contacts. The EDB will urge schools to refine their related school-based policies and timetables as well as to maintain close contact and communication with parents to ensure students would have sufficient time for rest and leisure activities and hence have healthy growth and development. If necessary, the EDB will offer specific suggestions and professional support to schools to help them improve the effectiveness of student learning. If complaints relating to assessment, homework arrangements or excessive drilling practices of individual schools are received from parents, the EDB will take appropriate follow-up actions accordingly.

6. The physical and psychological well-being of students hinge on home-school co-operation. To further enhance the communication with parents, the EDB launched a parent education website called "Smart

Parent Net” in early 2018. The website enables parents with children from kindergarten to primary and secondary school levels to easily access useful information on supporting the physical and mental development of students, and assisting children to learn. It also encourages parents to adopt positive approaches in educating their children, establish a good parent-child relationship and enhance children's resilience, so that children will grow up healthily and happily. In addition, the EDB invited the Education Commission to set up a Task Force in late 2017 to review the existing approach in promoting parent education and home-school co-operation and, based on the outcome of the review, formulate the direction and strategy for fostering home-school co-operation and promoting parent education so that parents could help their children learn effectively and grow up healthily and happily. This includes, among others, exploring ways to avoid excessive competition.

Children with Special Educational Needs and Non-Chinese Speaking Children

7. To help public sector ordinary schools cater for students with special educational needs (SEN), on top of regular subvention, the EDB has been providing schools with additional resources, professional support and teacher training. Additional resources include various grants (such as the Learning Support Grant, the Enhanced Speech Therapy Grant, etc.) and additional teachers or teaching assistants under different programmes. Professional support is also provided for schools on an ongoing basis through assessment and consultation services of educational psychologists, speech therapists and audiologists. Schools are required to deploy resources holistically and flexibly to render appropriate support services to students with SEN, including employing additional teachers or teaching assistants in order to provide small group learning and other forms of support services, etc., or hiring professional services. Based on the observations of the EDB professional officers from the regular school visits and exchanges with school personnel, the bureau is of the view that the existing mode of school-based support is proven to be effective. Based on the professional judgement of schools and integration of services from relevant sectors, students are provided with the support they need directly in the school, and the professional

capacity of school teachers in supporting students with SEN could also be strengthened. Hence, the EDB will continue with the existing practice in providing grants for schools to employ additional manpower or hire services to cater for the SEN of students.

8. In Hong Kong, all eligible children, irrespective of their ethnicity, physical or intellectual abilities, are entitled to equal opportunities to basic education. All public-sector ordinary schools and special schools will cater for the needs of each student, including non-Chinese speaking (NCS) students with SEN. While these students can benefit from the support and resources for students with SEN provided by the government, the support measures put in place for NCS students are also applicable to them. The EDB has been reviewing the implementation of the “Chinese Language Curriculum Second Language Learning Framework” and further enhances the supporting resources as appropriate in a timely manner. The EDB has provided the Applied Learning Chinese (for NCS students) (ApL(C)) for NCS students at the senior secondary levels. University Grants Committee (UGC)-funded institutions and most post-secondary institutions accept ApL(C) as an alternative qualification in Chinese Language for the admission of NCS students. Furthermore, for eligible NCS students, the UGC-funded institutions may have flexibility for the Chinese Language requirement and consider student applications for admission on a case-by-case basis.

Support for Children from Grassroots Families

9. The Government has been providing suitable financial assistance and support services for grassroots families with children through various welfare measures. For example, the standard rates of the Comprehensive Social Security Assistance (CSSA) Scheme for children are higher than those for adults of similar physical conditions to cater for the needs of children. Apart from standard rates, school children on CSSA are entitled to a wide range of special grants to meet their educational expenses. Separately, the Working Family Allowance Scheme (the Scheme)¹ provides Child Allowance to eligible families

¹ Formerly known as the Low Income Working Family Allowance Scheme, which was renamed on 1 April 2018.

with children and youths, so as to ease intergenerational poverty. On 1 April 2018, the Government launched a series of enhancement measures to the Scheme, which include relaxing the income limits and working hour requirements, increasing the rates of all allowances (including Child Allowance), etc. so as to further enhance the effectiveness of the Scheme in alleviating and preventing poverty.

10. Meanwhile, the EDB will continue to offer subsidies to schools and non-government organisations (NGOs) under the School-based After-school Learning and Support Programmes to provide a wide spectrum of activities for needy students. Financial support is also rendered to students with financial needs through the student financial assistance schemes administered by the Student Finance Office. Moreover, the Leisure and Cultural Services Department (LCSD) organises a variety of cultural, recreational and sports programmes for children at concessionary rates and offers half-price tickets for full-time students to encourage their active participation. Besides, fee remission scheme is available for Music Office trainees with financial difficulties. Public libraries also have internet and digital service workstations for kids which provide free multimedia resources for learning. Since 1 August 2016, the permanent exhibitions of the LCSD museums offer free admission to full-time students.

11. In 2018-19, the Government has also injected an additional \$300 million and \$400 million into the Child Development Fund and the Partnership Fund for the Disadvantaged² respectively to promote the long-term development of children from a disadvantaged background.

Ailing Children

12. Enhancement of healthcare services is mentioned in the report of the Subcommittee on Children's Rights. The Department of Health provides different types of health services for children, including child health service, free or subsidised seasonal influenza vaccination, student health service, school dental service, child assessment service and

² The \$400 million injected is evenly allocated to the regular portion of the Partnership Fund for the Disadvantaged and the dedicated portion for after-school learning and support programmes.

newborn screening programme. This is to ensure that children can receive adequate medical services and health information during their growth.

13. The Paediatrics Service of the Hospital Authority (HA) also caters for the medical needs of neonates, children and adolescents, and provides them with comprehensive out-patient service, paediatric in-patient service, acute paediatric service and paediatric rehabilitation service. In addition, clinical services are rendered by the specialties of General Paediatrics, Paediatric Surgery and Child & Adolescent Psychiatry under the HA. Apart from doctors and nurses, a multi-disciplinary team (comprising physiotherapists, speech therapists, occupational therapists, social workers and clinical psychologists) under the HA is also in place to provide children with appropriate support services.

14. The Hong Kong Children's Hospital (HKCH) is scheduled to commence services in phases starting from the fourth quarter of 2018. The HKCH and regional hospitals will work together to form a co-ordinated and coherent paediatric service network in the HA, with a view to enhancing the quality of the overall public paediatric services. A centralised paediatric palliative care team will also be set up in the HKCH to co-ordinate the territory-wide paediatric palliative care services. Services will be provided in hospitals and local community as well. To ensure continuum and stability of services, the HA will also establish in the HKCH a medical social worker team specialised in paediatric care to better cater for the unique needs of paediatric patients and their carers.

Deaf and Hard-of-hearing Children

15. Regarding deaf and hard-of-hearing children, relevant B/Ds have been working closely with the HA's professional team to provide a range of services including identification and assessment, education, medical and rehabilitation services for children with hearing impairment. For example, the SWD provides pre-school rehabilitation services for children from birth to six years old who are assessed as having hearing impairment. These services include the Pilot Scheme on On-site Pre-school Rehabilitation Services, early education and training centres,

special CCCs, Integrated Programme in KG-cum-CCC, and Training Subsidy Programme for Children on the Waiting List of Subvented Pre-school Rehabilitation Services. The Pilot Scheme on On-site Pre-school Rehabilitation Services will be regularised with service places increased from 3 000 to 5 000 in the 2018/19 school year. Service places will be further increased to 7 000 in the 2019/20 school year. Besides, the Government will allocate an additional annual recurrent expenditure of about \$40 million in 2018-19 to progressively increase the number of parents/relatives resource centres by 13 to 19, so as to step up support for families of persons with disabilities or children with special needs.

16. Besides, the EDB has been providing schools with additional resources, professional support and teacher training to support schools in catering for students with SEN (including hearing impairment (HI)). The additional resources include the Learning Support Grant, the Enhanced Speech Therapy Grant and the Top-up Fund for purchasing special equipment for students with disabilities. Schools may deploy school-based resources flexibly in order to provide appropriate support for students with HI, and to use the Top-up fund for purchasing Frequency Modulation Systems to enhance the learning and teaching effectiveness of students with HI and teachers. The EDB has been providing free hearing aids and related services for students with HI in need to encourage them to make the most of their residual hearing to develop speech. In the 2018/19 school year, the EDB will strengthen the support for the Enhanced Support Service for Students with HI provided by the school for children with HI (HI school) so as to provide enhanced support to students with HI in need in the aspects of learning, communication and adaptation.

17. The EDB has all along been encouraging teachers to adopt the most appropriate mode to teach and to communicate with students with HI having regard to their abilities and needs, and has been working with the Working Group on Promoting Sign Language of the Rehabilitation Advisory Committee to promote sign language. With the support from the EDB, the HI school has proactively implemented various projects of sign-assisted instruction in recent years to continuously integrate and develop new sign vocabularies needed in teaching for the teachers to cope

with the curriculum requirements. If ordinary schools opt to use sign language in providing support for students with HI in need, schools could also utilize the additional resources such as Learning Support Grant and other school resources to employ teaching assistants who know sign language to assist students with HI in learning.

Children in Correctional Home and Correctional Institutions

18. As regards children in correctional institutions, the Correctional Services Department is committed to ensuring a safe and humane custodial environment and providing appropriate rehabilitative programmes for persons in custody in order to facilitate their rehabilitation and re-integration into society after discharge. As for the SWD's correctional home, a safe and healthy living environment is provided for mal-adjusted children/juveniles and young offenders who have encountered difficulties during their growth. This residential training complex, always striving to achieve its service objectives by way of social work intervention, offers personalised training programmes to its residents. The aims are to assist their positive rehabilitation, improve family relationships and facilitate ongoing contact and interaction with the community, thereby enabling them to re-integrate into the community upon discharge as soon as possible.

Non-refoulement Claimants Who are Minors

19. Regarding non-refoulement claimants who are minors in Hong Kong, under the unified screening mechanism, non-refoulement claimants have all reasonable opportunities to provide facts for establishing their claims. Case officers of the ImmD have received relevant training to properly handle and accommodate special needs of claimants including minors. The Government also provides these claimants with publicly-funded legal assistance and interpretation service.

20. Under the humanitarian assistance programme, the SWD commissions an NGO to provide humanitarian assistance for non-refoulement claimants in need on a case-by-case basis to prevent

them from becoming destitute. If non-refoulement claimants are school-age children and wish to study in Hong Kong, they may submit an application to the EDB. The EDB will handle each case according to individual circumstances, and will consult the ImmD upon receiving an application for school admission to ascertain whether the claimant will be removed from Hong Kong in the near future. The EDB will provide placement assistance as appropriate having regard to district of residence and learning level of the claimant if the ImmD has no comments on the application for school admission

Others

21. The Government formally established the Commission on Children (the Commission) in June 2018. The vision of the Commission is to ensure that Hong Kong is a place where the rights, interests and well-being of all children are respected and safeguarded and their voices are heard, and where all children enjoy healthy and happy growth and optimal development so as to achieve their fullest potential. The Commission held its first meeting on 28 June 2018. At the meeting, members had an initial discussion on the possible issues that the Commission might consider in the future, and offered recommendations in relation to the Government's work in promoting children's growth and development in Hong Kong. The Commission agreed to include the following issues in its initial work plan: children with SEN, ethnic minority children, children's health, children at risk (including domestic violence and child neglect), a mechanism for dealing with non-attendance students, and other systematic issues such as exploring the possibility of developing a central databank on children. The Commission also provided its views on the direction of the recommendations made by the Consultancy Study on the Long-term Development of Child Care Services as well as the regularisation and possible enhancement of the Pilot Scheme on On-site Pre-school Rehabilitation Services.

22. The Commission is an ongoing, action-oriented, responsive and high-level body that will drive the work for the benefit of children and perform the co-ordinating role to enhance cross-bureau and

cross-department collaboration. The Commission also strives to listen to children's views and address their issues to promote their growth and development in Hong Kong. The working groups formed under the Commission will start operating in the light of the policy directions endorsed by the Commission.

23. The Subcommittee on Children's Rights has recommended that the Commission be established as an independent statutory body. The setting up of a statutory commission involves law drafting and legislative procedures, which may take years to complete. Hence, it cannot be done in the short term. At present, various departments handle investigations, complaints and enforcement work relating to child cases according to the established mechanisms or the law. As expressed by the Chief Executive, in order to promptly respond to the aspirations of the community, we should race against time and set up as an ongoing, high-level and non-statutory commission that can effectively perform its functions as soon as possible. The aim is to drive the work for the benefit of children by formulating policies as well as co-ordinating and following up the implementation of measures to address public concerns over various child-related issues raised at different times, with a view to achieving deliverables as soon as possible for the early benefit of children. We have also taken into consideration the fact that other similar advisory bodies (such as the Family Council and the Women's Commission) are also non-statutory in nature. Nevertheless, we will revisit the issue of setting up a statutory commission after the Commission has been in operation for some time, having regard to its operational experience and actual circumstances.

24. Article 4 of the Convention on the Rights of the Child stipulates that State Parties should adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the Convention. The Government has formally set up the Commission in June 2018 to formulate and co-ordinate policies on children. Moreover, when all policy bureaux formulate their policies, they will continue to collect the views of children, enhance the communication with NGOs and children, and take into account their views. For example, the Government set up the Children's Rights Forum in 2005 to provide a platform for the Government, NGOs and children to exchange views on

children's issues. Starting from 2014, the Government has enhanced the co-operation between the Family Council and the Forum. The Forum will relay not only to policy bureaux but also to the Family Council the views of children on various government initiatives expressed at the Forum, so as to facilitate the Family Council's work in assessing the impact of these policies on family. Looking ahead, the Government will continue to listen to the views of children, and will enhance the operation of the Forum in order to further strengthen its functions.

Labour and Welfare Bureau
Constitutional and Mainland Affairs Bureau
Education Bureau
Food and Health Bureau
Security Bureau
Social Welfare Department
Student Finance Office
Leisure and Cultural Services Department
Department of Health
Correctional Services Department
August 2018

**Relevant documents on Reports
of the Hong Kong Special Administrative Region
under Convention on the Rights of the Child**

Committee/ Council meeting	Date of meeting	Paper
Panel on Constitutional Affairs	20 April 2009 (Item VI)	Agenda Minutes
	18 May 2009 (Item V)	Agenda Minutes
	18 March 2013 (Item III)	Agenda Minutes
Legislative Council	26 June 2013	Official Record of Proceedings Pages 41 - 52 (Oral question raised by Dr Hon Fernando CHEUNG)
	16 October 2013	Official Record of Proceedings Pages 29 - 38 (Oral question raised by Hon Emily LAU)
Panel on Constitutional Affairs	18 November 2013 (Item V)	Agenda Minutes
House Committee	25 May 2018	Report of the Subcommittee on Children's Rights
Legislative Council	4 July 2018	Official Record of Proceedings Pages 115 - 157 (Motion debate on "Report of the Subcommittee on Children's Rights") Progress report