

Notes of the Nineteenth Meeting of the Children's Rights Forum

Date: 20 April 2013 (Saturday)

Time: 10:30 a.m.

Venue: Committee Rooms I to III, Queen Elizabeth Stadium,
18 Oi Kwan Street, Wan Chai, Hong Kong

Attendance:

Constitutional and Mainland Affairs Bureau

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| 1) Mr Gordon LEUNG, JP
(Chairman) | Deputy Secretary for Constitutional and Mainland Affairs |
| 2) Mr D. C. CHEUNG | Principal Assistant Secretary for Constitutional and Mainland Affairs |
| 3) Ms Trinky CHAN | Assistant Secretary for Constitutional and Mainland Affairs |
| 4) Miss Emily CHAN | Assistant Secretary for Constitutional and Mainland Affairs |
| 5) Ms Yvonne LAW | Programme Officer (Children's Rights Unit),
Constitutional and Mainland Affairs Bureau |

Non-government organisations

Representatives

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| 1) Against Child Abuse | Ms LEE Yu-po |
| 2) The Boys' & Girls' Clubs
Association of Hong Kong | Ms CHAN Hoi-man
Ms HO Ka-yan |

Junior CEs

Miss CHAN Maan-yiu
Mr CHEUNG Tin-long
Mr FUNG Long-yin
Miss Haven LEE
Miss LEE Wing-kit
Ms SZE Wing
Miss WONG Wai-ki

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| 3) Hong Kong Committee on
Children's Rights | Dr CHOW Chung-bong
Ms Billy WONG |
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| 4) | Hong Kong Human Rights Monitor | Mr CHONG Yiu-kwong |
| 5) | Kids' Dream | Mr Jason LAU
Mr Henry LEUNG
Miss Dorothy LUI
Miss Kathy MAN |
| 7) | Society for Community Organisation | Ms SZE Lai-shan |
| 8) | Children's Rights Association | Miss CHENG Yim-ting
Miss LO Yuet-shan |
| 9) | United Nations Children's Fund | Ms Kitty CHAN |

Voices of Youth

Miss Angel LAM
Miss Abby LEUNG
Miss Isis LEUNG
Miss Nicole LEUNG
Miss Chole TSE
Mr Alan YIP

Attendance by Invitation:

Discussion item (I)

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| 1) | Ms Frances YAU | Chief School Development Officer (North District),
Education Bureau |
| 2) | Mr CHAN Hung-to | Senior Education Officer (School Places Allocation
Section), Education Bureau |

Discussion item (II)

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| 1) | Mr Stephen YIP | Principal Assistant Secretary (Curriculum
Development), Education Bureau |
| 2) | Dr Shirley LEUNG | Assistant Director (Family and Elderly Health
Services), Department of Health |

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| 3) | Ms Diana LAM | Senior Government Counsel, Department of Justice |
| 4) | Mr Kenneth CHU | Assistant Secretary for Security |
| 5) | Ms Jackie LAU | Senior Social Work Officer (Domestic Violence),
Social Welfare Department |
| 6) | Dr Dorothy CHAN | Associate Consultant (Paediatrics), Prince of Wales
Hospital |
| 7) | Ms Connie TSE | Department Operations Manager (Paediatrics &
Adolescent Medicine/Development Disabilities Unit),
Caritas Medical Centre |
| 8) | Dr S. L. LEE | Consultant (Paediatrics), Duchess of Kent Children's
Hospital |

1. Introduction

1.1 The Chairman extended his welcome to representatives of non-government organisations (NGOs) and children representatives. He said that proceedings of the meeting would be televised by the Radio Television Hong Kong for production of a television series on children's rights, and members were informed of the arrangement before the meeting.

1.2 Some children representatives presented a submission, requested for discussion of future arrangements of the Children's Rights Forum (Forum). The Chairman proposed and members agreed that the meeting would proceed in accordance with the agenda and the submission could be carried over to the next meeting for discussion.

2. Discussion Items

(I) Primary one allocation and transport arrangement for cross-boundary students

2.1 Mr CHAN Hung-to, Senior Education Officer (School Places Allocation Section) of the Education Bureau (EDB), introduced to members the existing arrangements for Hong Kong children living in the Mainland to apply for primary one (P1) places under the Primary One Admission System (POA System).

Mr CHAN briefed members that cross-boundary students included those living in the Mainland (mainly Shenzhen) and whose parents were Hong Kong permanent residents, “Type I babies” (i.e. born to Mainland women in Hong Kong and whose fathers were Hong Kong permanent residents) and “Type II babies” (i.e. born to Mainland women in Hong Kong and whose fathers were non-permanent residents of Hong Kong). All these children were eligible for admission to public sector primary schools in Hong Kong.

Mr CHAN advised that the existing POA System comprised two stages: Discretionary Places Admission Stage and Central Allocation Stage. At the Central Allocation Stage, parents of cross-boundary students could choose for their children from one of the eight relevant school nets in districts close to and directly accessible from boundary control points (i.e. Tuen Mun, Yuen Long, North District and Tai Po) as their school net. In brief, cross-boundary students and local students alike, were allocated P1 places under the same school places allocation mechanism (i.e. based on school net, parental choice and random number).

- 2.2 Ms Frances YAU, Chief School Development Officer (North District) of the EDB, introduced to members transport arrangement for cross-boundary students attending schools in Hong Kong.

Ms YAU indicated that considering from education-related aspects such as learning effectiveness and home-school co-operation, travelling a long way and crossing the boundary to attend school everyday would affect students’ learning and growth. Therefore, the EDB had all along encouraged parents to choose for their children a school in the vicinity of their homes. Besides, the Bureau had constantly reminded parents that if they had decided for their children to cross the boundary to attend school, they should first consider their children’s safety, think carefully on and plan properly for the future transport arrangement for their children travelling between the Mainland and Hong Kong.

Nevertheless, the EDB respected the parents’ decision and had made every effort to co-ordinate with the Shenzhen authorities and relevant bureaux/departments in Hong Kong for making immigration and transport arrangements that facilitated the cross-boundary students, including making available designated clearance counters and e-Channels for cross-boundary students at suitable boundary control points, providing “on-board clearance” services etc.

Ms YAU expressed that increase in the number of cross-boundary students was expected to continue in the coming few years, and the Government was willing to listen to views and suggestions from various sectors on improving transport arrangement for cross-boundary students.

2.3 Comments and questions on this discussion item put forward by members were as follows:

2.3.1 A children representative pointed out that the number of cross-boundary students had been on a rising trend and had increased from several thousands in the 2007/08 school year to over 10 000 this year. In this regard, he enquired whether Hong Kong's education system (e.g. the number of school places) could meet the education needs of the increasing number of cross-boundary students.

2.3.2 A children representative pointed out that many cross-boundary students had to hurry home right after school, depriving them of the opportunities to take part in extra-curricular activities, thus making it difficult for them to have all-round development. In this regard, he enquired whether there were any corresponding measures to improve the situation.

2.3.3 A children representative enquired whether the Government would consider establishing schools adopting Hong Kong's education system in Shenzhen and allowing eligible students to receive subsidies under relevant funding schemes for education in Shenzhen to address the cross-boundary student problem.

2.3.4 Some members were concerned about whether local schools would refuse to admit cross-boundary students and whether Hong Kong students living in the Mainland would have equal learning opportunities and receive equal treatment. They also pointed out that apart from giving consideration to the transport arrangement for and learning progress of cross-boundary students, the Government should also look after their needs for physical and psychological development, including whether they were unable to use student health-care services, school dental health service etc. because they had to cross the border to attend school. Members enquired about the Government's policy and system to support cross-boundary students and schools in North District, and whether indicators had been laid down to assess the learning progress of cross-boundary students.

- 2.3.5 A member enquired whether the Government had conducted any studies or observations on the family conditions of cross-boundary students and their needs (other than learning needs). The member considered that the Government should conduct a relevant study to facilitate the formulation of more appropriate measures to meet the students' need for physical and psychological development.
- 2.3.6 A member enquired whether the EDB would co-ordinate with the Security Bureau (SB) in handling matters such as applications by parents of cross-boundary students for settlement in Hong Kong.
- 2.3.7 A member enquired how cross-boundary students could seek assistance if they encountered problems in their daily life.
- 2.3.8 A member expressed concerns about how cross-boundary students with special learning needs were supported, how school authorities co-operated with parents of cross-boundary students, and how social workers provided services to cross-boundary students living in the Mainland. As a study revealed that cross-boundary students did not have sufficient knowledge of the Mainland's and Hong Kong's current affairs, the member was concerned that the personal identity of these students was relatively blurred.
- 2.4 Responses of Mr CHAN Hung-to, Senior Education Officer (School Places Allocation Section) of EDB, and Ms Frances YAU, Chief School Development Officer (North District) of EDB, were summarised as follows:
- 2.4.1 The Government had always been concerned about the increasing number of cross-boundary students. With the implementation of zero delivery quota policy for pregnant Mainland women whose spouses were not permanent residents of Hong Kong last year, it was expected that the number of cross-boundary students would start to come down a few years later. During the interim period, interim measures (such as reusing certain vacant school premises, increasing the class size etc.) would be implemented to flexibly provide the required school places to meet the short-term need.
- 2.4.2 Flexible arrangements would be adopted by a number of schools that had admitted cross-boundary students to facilitate these students to go to school and go back home. In particular, schools in the North District would seek collaboration for the implementation of flexible school hours. The EDB would also co-ordinate with other relevant

departments to avoid having too many students waiting for immigration clearance during the same period of time. In addition, the schools would flexibly arrange the time of extra-curricular activities by holding pre-class activities etc. to cater for the need of cross-boundary students as far as possible. On the other hand, some cross-boundary students would opt to participate in extra-curricular activities held in areas near their residence rather than those organised by their schools. The Government would render assistance to parents and students according to their wishes.

- 2.4.3 Eligible cross-boundary students could be allocated school places under the POA system, and there was no question of these students not being able to enrol in local schools owing to their background. The Government would explore various educational measures for facilitating local children living in the Mainland, for example running schools for Hong Kong children in Shenzhen, co-ordinating transport arrangement, allowing cross-boundary students to attend schools in districts with more school places etc. The Government would be open-minded and carefully consider various options.
- 2.4.4 As cross-boundary students mostly preferred schools in the North District, thus apart from the considerations of providing school places to these students and their right to make a choice of school, catering for the schooling need of children living in the North District should also be taken into account. When the number of students in schools in the district increased, additional resources would be allocated to these schools to maintain the standard of education.
- 2.4.5 To avoid labelling effect and increasing administrative workload for schools, the EDB had not collected any related background data in relation to cross-boundary students. As a matter of fact, irrespective of local students or cross-boundary students, the marital status of their parents had no bearing on their admission to schools, and thus the Bureau had not collected this kind of personal data in relation to students. However, the Bureau would take into consideration the views of members and study possible options.
- 2.4.6 The EDB learnt from schools in the North District that there was much difference in the family background of cross-boundary students, while some came from families that were less well-off, some were from better-off families; some students with parents who were Hong Kong permanent residents but decided to settle in Shenzhen due to

various reasons such as work. It was therefore not appropriate to generalise the family background, learning ability and other various needs of cross-boundary students. If these students were found to have behavioural or emotional problem, the schools or professional front-line teachers would render assistance, just as they would do to local students.

- 2.5 The Chairman concluded that new problems such as students crossing the border to attend school, people settling in the Mainland after retirement, etc. had arisen in recent years amid the increasing interactions between Hong Kong and the Mainland. The authorities concerned would, in the light of the latest situation and need, conduct studies within their policy areas and make co-ordinated efforts to actively address the problems. As usual, government bureaux/departments welcomed different sectors of the community to put forward views on various subjects, so as to properly deal with new subjects that had arisen with the passage of time. The Chairman thanked once again the representatives from EDB for attending the Forum and members for giving valuable views.

(Note: the Chairman left the meeting after the discussion of this agenda item and the meeting was then chaired by Mr D. C. CHEUNG, Principal Assistant Secretary for Constitutional and Mainland Affairs.)

- (II) Second Report of the Hong Kong Special Administrative Region under the Convention on the Rights of the Child
- 2.6 Mr D. C. CHEUNG, Principal Assistant Secretary for Constitutional and Mainland Affairs, introduced the government representatives attending the meeting, and asked the representative from the Constitutional and Mainland Affairs Bureau (CMAB) to briefly introduce the Second Report of the Hong Kong Special Administrative Region (HKSAR) under the Convention on the Rights of the Child (CRC).

Ms Trinky CHAN, Assistant Secretary for Constitutional and Mainland Affairs, briefly introduced the content of the Report, including HKSAR's implementation of the CRC in the following areas: civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures.

Ms Trinky CHAN advised that the United Nations Committee on the Rights of the Child would conduct a hearing on China's combined third and fourth

report under the CRC during the period between September and October 2013 in Geneva. The second report on the HKSAR, being part of China's report, would be considered by the Committee at the same hearing on China's report. A HKSAR Government delegation led by CMAB, would attend the hearing. Members and children representatives were welcome to express their views on the Report.

Mr D. C. CHEUNG indicated that as the Report covered a wide range of subjects, members might not be able to comprehensively discuss all subject matters covered in the Report at one single meeting. In case where the government departments in attendance were unable to answer or respond to all enquires and views put forward at the meeting, they might consider giving a written response after the meeting, or discussing matters of particular concern to members at future meetings.

2.7 Comments and questions on breastfeeding promotion policy put forward by members and responses of government representatives were summarised as follows:

2.7.1 A children representative pointed out that in overseas countries, the median length of maternity leave ranged from about 15 week to one year, while in Singapore, the leave period was extended from 12 weeks to 16 weeks five years ago. He opined that extending the maternity leave would encourage local mothers to breast-feed their babies.

2.7.2 Mr D. C. CHEUNG said that according to his understanding, maternity leave enjoyed by Hong Kong mothers was paid leave while not every overseas country granted full-paid maternity leave to their female employees, and therefore it was not appropriate to draw a direct comparison between the two. He suggested that children representatives might compare the number of days of maternity leave, the nature of maternity leave pay and administrative arrangements of different regions and then put forward specific proposals to the Government. The Secretariat would relay the proposals to relevant departments for consideration.

2.7.3 A children representative expressed concern about the marketing practices of breastmilk substitutes, and pointed out that the existing Code of Marketing of Breastmilk Substitutes put in place by the Government was voluntary in nature and the trade was only advised to adhere to the Code. He advised the Government to introduce

legislation to regulate the marketing and advertising of breastmilk substitutes to create a social environment which encouraged and was conducive to breast-feeding.

2.7.4 Dr Shirley LEUNG, Assistant Director (Family and Elderly Health Services) of the Department of Health, advised that according to statistics, of the babies born in 2010, the ever breastfeeding rate on discharge from hospital was 80%, however only 20% of the babies were breastfed continuously for one month. This showed that many mothers were willing to breastfeed their babies but were unable to sustain breastfeeding owing to various reasons. According to the department's observation and understanding, the main reasons for mothers not being able to continue breastfeeding their babies were as follows:

1. Hong Kong mothers had got used to using breastmilk substitutes and some had to cease breastfeeding owing to lack of support from family members and elderly family members;
2. for some mothers who had returned to work, there were no supporting facilities suitable for breastfeeding nor there a breastfeeding-friendly environment, making it difficult for these mothers to sustain breastfeeding; and
3. the existing marketing and advertising practices of breastmilk substitutes were aggressive.

2.7.5 Dr Shirley LEUNG advised that the development of the Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children was the Department of Health's first step to promote breastfeeding. The Administration would conduct a further study after knowing the public's response to and discussions on the Code.

2.8 Comments and questions on subjects relating to education put forward by members and responses of the government representative were summarised as follows:

2.8.1 A member indicated that a survey on sexual harassment conducted by the Hong Kong Institute of Education recently revealed that nearly 50% of the interviewed students had experienced sexual harassment, and 20% of the harassment act occurred in the classroom. He asked

what measures did the Administration have to address the situation and whether it had compiled statistics on the number of schools that had implemented equal opportunities policy.

2.8.2 Mr Stephen YIP, Principal Assistant Secretary (Curriculum Development) of the EDB, requested the member to provide him with details of the survey after the meeting for reference and following up.

[Post-meeting note: To follow up, the Secretariat had called and e-mailed the member concerned after the meeting, asking him to pass the details of the survey to the Secretariat for forwarding to the EDB for appropriate follow-up action and response.]

2.8.3 A member pointed out that closed circuit television (CCTV) cameras had been installed in school premises by many schools, and this practice might infringe on the privacy of students. He asked whether the Government would work with the Office of the Privacy Commissioner for Personal Data in this regard to draw up guidelines to assist school authorities to strike a balance between the needs for security and privacy.

2.8.4 Mr Stephen YIP shared with members his experience of living in Britain and pointed out that the British Government also installed CCTV cameras in public places. He considered that in installing CCTV cameras, a balance should be struck between security and protection of privacy, and parents nowadays tended to attach greater importance to school safety and security. He pointed out that there had not been many discussions on this topic in Hong Kong, and with more discussions and greater consensus in the society, the attitude toward installation of CCTV cameras might change.

2.8.5 Regarding the issue of education for ethnic minority students, a children representative held that the existing practice of classifying schools as mainstream schools and designated schools might have deprived ethnic minority students who had enrolled into designated schools of a Chinese environment, making it difficult for them to learn better Chinese. The Government's after-school support in Chinese learning for ethnic minority students was also inadequate.

2.8.6 Mr Stephen YIP advised that parents of ethnic minority students might choose to enrol their children into any schools. Schools which admitted a large number of ethnic minority students were classified by

the EDB as designated schools, and more resources would be allocated to these schools to meet the needs of ethnic minority students. In fact, it was observed that when choosing schools for their children, parents of ethnic minority students tended to focus their choice on some individual schools, it was therefore difficult to avoid that certain schools have a high concentration of ethnic minority students. The EDB recognised the problem of language environment and would strengthen support measures for non-Chinese speaking students, including providing after-school support in Chinese learning, organising Summer Bridging Programme, etc.

2.8.7 A children representative in relating his personal experience said that owing to various restrictions, his schoolmate, who was physically handicapped, was unable to take up science subjects. He considered that the Government should put in more resources to enable physically handicapped students to have equal opportunities in taking up their desired subjects.

2.8.8 Mr Stephen YIP said that from the perspective of education philosophy, students' wishes for taking up their desired subjects should be respected. He suggested the children representative to pass the relevant details to the Secretariat after the meeting to facilitate the EDB to conduct an investigation and follow up.

[Post-meeting note: To follow up, the Secretariat had called and e-mailed the children representative concerned after the meeting, asking him to pass the details of the case to the Secretariat for forwarding to the EDB for investigation and appropriate follow-up action. In response, the NGO to which the children representative concerned belonged advised the Secretariat that the school concerned had actively pursued the matter after receiving the views put forward by the child concerned and therefore it had no intention to pass the details of the case to the EDB for investigation and following up at the moment.]

2.8.9 A children representative was concerned about child poverty and considered that the Report had not dealt with the situation of children from less well-off families in Hong Kong in sufficient detail. He suggested that poverty alleviation policies for children should be formulated and more relief measures should be put in place, e.g. increasing the grant rates under the School Textbook Assistance Scheme etc.

2.8.10 Mr Stephen YIP expressed that the Government attached importance to the development needs of the disadvantaged (including children from less well-off families) and had therefore established the Commission on Poverty to draw up poverty alleviation policies. On the education front, the EDB had introduced many measures, such as various finance assistance and loan schemes, to ensure that no student is denied access to education owing to lack of financial means. There were also other organisations in the community which offered grants and scholarships to assist students from less well-off families. Apart from classroom learning, learning experiences outside school were also important to the growth and development of children. Recognising this need, the Administration had provided various types of subsidies to children from low-income families. Mr YIP advised that should members and representatives have any specific proposals on the subject, they could forward their proposals to relevant government bureaux for reference and detailed studies through the Secretariat.

2.8.11 A member expressed that although the topic of children's rights was included in the school curriculum of General Studies at primary level and Liberal Studies at secondary level, he learnt through contacts with students that they were seldom lectured on the subject, thus, education on children's rights was inadequate.

2.8.12 Mr Stephen YIP advised that apart from General Studies in primary level and Liberal Studies in secondary level, the curriculum of the subject Life and Society newly introduced at junior secondary level (secondary 1-3) would also cover children's rights. It was hoped that children started to learn their own rights at junior secondary level, and should they be interested, they could be advised on the concepts in relation to children's rights.

(Note: Principal Assistant Secretary (Curriculum Development) of the EDB Mr Stephen YIP left the meeting after the discussion of this agenda item.)

2.9 Comments and questions on matters relating to the establishment of a Commission on Children and consulting the children put forward by members and responses of government representatives were summarised as follows:

2.9.1 Some members had put forward the proposal of setting up a Commission on Children through various channels, including the meetings of the Forum and the Legislative Council, as well as

discussions at other community organisations, and suggested that the Commission should be set up in accordance with the Paris Principles and under the laws of Hong Kong.

- 2.9.2 Ms Diana LAM, Senior Government Counsel of the Department of Justice, advised that the existing legal framework in Hong Kong rendered a rather comprehensive protection to the children's rights and interests. For example, Article 25 of the Basic Law which was an overriding constitutional document provided that "All Hong Kong residents shall be equal before the law"; "Hong Kong residents" included adults and children. The Hong Kong Bill of Rights Ordinance incorporated provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong into the laws of Hong Kong for implementation. Article 22 of the Hong Kong Bills of Rights provided that "All persons are equal before the law and are entitled without discrimination to the equal protection of the law." Protection for children's rights was also provided in local legislation, including the four anti-discrimination ordinances (namely the Sex Discrimination Ordinance, Disability Discrimination Ordinance, Family Status Discrimination Ordinance and Race Discrimination Ordinance) administered by a statutory body, the Equal Opportunities Commission (EOC). If the rights of people (including children) protected under the four anti-discrimination ordinances were infringed by the Government or other people, assistance could be sought from the EOC or litigation could be initiated. If the personal data privacy of people (including children) was infringed, complaints could be made to the Privacy Commissioner for Personal Data. In addition, in case of any maladministration in the public sector, complaints could be made to the Ombudsman directly or through redress channels of the relevant government departments.
- 2.9.3 Mr D. C. CHEUNG supplemented that, matters concerning children involved different government bureaux. In drawing up policy in relation to children, each policy bureau would communicate with different sectors of the community through their channels of consultation and would take the best interests of the child in mind.
- 2.9.4 Some children representatives enquired about the Government's definition of "the best interests of the child", whether the Government's definition accorded with the children's views and in what ways were views of the children been taken into account by the Government in making legislation or drawing up policies.

- 2.9.5 Ms Diana LAM advised that “the best interests of the child” was an important principle underlying the CRC. In formulating laws or policies, the relevant government bureaux or departments had to take into account the nature of the laws or policies concerned and widely consult the stakeholders before a decision on how to ensure the best interests of children could finally be made. It was therefore difficult to generalise how laws and policies were formulated in the best interests of the child.
- 2.9.6 Mr D. C. CHEUNG indicated that the Forum had played an important role in consulting the children. Views put forward by members at the Forum would be carefully considered by the Government and could be pursued as far as practicable. Mr CHEUNG cited the “Consultation on Implementation of ‘Joint Parental Responsibility Model’ by Legislative Means” discussed at last year’s Forum as an example, saying that representatives of the Labour and Welfare Bureau were invited to attend the Forum to listen to members’ views. At the meeting, they learned from the children representatives that children thought that their views should be taken into consideration by parents who were getting divorced.
- 2.9.7 Ms Jackie LAU, Senior Social Work Officer (Domestic Violence) of the Social Welfare Department (SWD), supplemented that the Department understood that children wished to have continuing relationship with both divorced parents and had therefore organised a series of publicity and educational activities, including the production of promotion poster bearing the message “Marriage may end but parenthood goes on”.
- 2.9.8 To illustrate the point that the Government had taken heed of children’s views, Ms Trinky CHAN cited the example of a Forum meeting in 2009 at which a representative of the SB was invited to attend to explain the School Drug Testing Scheme. At the meeting, some children representatives expressed that in implementing the Scheme, children’s worries should be taken into account and their rights respected. With this in mind, the SB had specifically set out in the relevant research paper that the Scheme should take the provisions of the CRC into consideration and attention should be paid to protecting the rights and interests of children.

2.10 Comments and questions on corporal punishment, child abuse and children of divorced families, etc. put forward by members and responses of the government representative were summarised as follows:

2.10.1 A children representative indicated his awareness of corporal punishment in schools, and students who had been worried about how the teachers would handle these cases were reluctant to make complaints.

2.10.2 Ms LAU said that the issue in question involved both the EDB and SWD. Although no representative from the EDB was present, and therefore no immediate response could be given, she believed that teachers were absolutely forbidden by schools to use violence against their students. Currently there were also laws in Hong Kong that protected children from harm. Pursuant to section 27 of the Offences against the Person Ordinance, any person over the age of 16 years who had the custody, charge or care of any child should not assault, ill-treat or neglect such child, or else that person should be guilty of an offence. She suggested that the student involved should seek assistance from the adult he/she trusted or school social worker.

2.10.3 A member indicated that there was legal prohibition of corporal punishment in schools, however Hong Kong had not introduced a total ban on corporal punishment by legislative means and therefore there was a lack of an explicit prohibition by law for parents and other members of the family to understand that child abuse was not allowed. He pointed out that according to statistics, the number of child abuse cases in 2012 had increased 70% over the past decade and enquired what measures had the Government taken to protect children from being abused.

2.10.4 Ms Jackie LAU advised that there were now laws in Hong Kong that protected children from being abuse and protected them against violence. These included the Offences against the Person Ordinance, the Crimes Ordinance and the Domestic and Cohabitation Relationships Violence Ordinance which contained provisions that protected children from being abused. The Government agreed that children should not be subject to any violence, however the appropriateness of enacting a specific law to introduce a total ban on corporal punishment merited consideration. Ms LAU recalled the days when she was working with the Family and Child Protective

Services Unit where she had handled child abuse cases and advised that many children involved in these case wished that their parents would understand their feelings and adopt other discipline methods rather than corporal punishment; they did not want their parents to be arrested or prosecuted. In many cases, parents had not ill-treated their children with intention.

2.10.5 Ms LAU continued that the Administration did not agree administering corporal punishment as a way of disciplining children, however, apart from legislating for a total ban on corporal punishment, there were also other possible ways that would make parents adopt alternative means of disciplining their children. In this regard, the SWD had rendered an array of services, including setting up counselling teams and conducting community education and publicity activities, such as publication of relevant publicity materials and pamphlets in six ethnic minority languages, production of educational video clips for broadcasting in media such as Roadshow, making of television Announcements in the Public Interest on the subject, etc. For some serious cases or cases that could not be properly resolved despite means such as counselling had been taken, the Government would invoke the relevant ordinances to intervene or even take out prosecution for the protection of children.

2.10.6 A children representative indicated that on matters relating to parents' divorce, children from divorced families did not have many channels to express their feelings. He therefore suggested more related supporting services such as setting up a children hotline etc. be introduced to proactively approach these children and understand how they adapted to their new lives.

2.10.7 Ms Jackie LAU advised that if parents failed to reach consensus on the custody of children, social workers of the Family and Child Protective Services Unit would prepare investigation reports and follow up on the daily living of the children in question at the request of the courts. Views of these children would be relayed to the courts through the reports. Besides, hotline services had been currently provided by different NGOs to facilitate children to talk about personal matters and ask for help.

2.11 Comments and questions on other matters put forward by members and responses of the government representatives were summarised as follows:

- 2.11.1 Some children representatives raised questions on matters such as Mainland-HKSAR families and split families as well as the policy pertaining to the reunion of such families which were not mentioned in the Report.
- 2.11.2 A member indicated that the United Nations Committee on the Rights of the Child had issued 17 General Comments in respect of the CRC, of which three of the Comments adopted in 2013 were related to the health of children, the impact of the business sector on children's rights and the right of the child to rest, leisure, play, recreational activities, cultural life and the arts. The General Comment on the subject of children's health had touched on the Governments' responsibilities, while the sub-paragraph on investing in children's health suggested an independent mechanism be set up to monitor the public expenditure on investing in children's health. He hoped that reports prepared under the CRC would not only give a description of the Government's work, but could also analyse the children's needs, the Government's responsibilities, etc.
- 2.11.3 Mr D. C. CHEUNG said that as the meeting had lasted for more than three hours, he suggested the outstanding items be discussed at future meetings of the Forum.

3. Any Other Business

(I) Progress report on the 2013 Children's Rights Education Funding Scheme

- 3.1 Mr D. C. CHEUNG indicated that a paper reporting on the progress of the 2013 Children's Rights Education Funding Scheme had been distributed to members at the meeting. If members had any questions or views, they could contact the Secretariat after the meeting.

(II) Items for discussion at the next meeting

- 3.2 Mr D. C. CHEUNG discussed briefly with members the submission on proposed meeting arrangements of the Forum from children representatives circulated at the beginning of the meeting. He welcomed the proposals of stepping up promotion of the Forum to schools, inviting children from a diverse background to take part in the Forum, etc. put forth in the submission, and with respect to the individual proposals explained the factors that had been taken into consideration by the Government and the improved situation.

He continued that the Secretariat had put into practice the meeting arrangements proposed by members progressively, including scheduling the current meeting on Saturday. He suggested the proposed arrangements be discussed at the next meeting.

- 3.3 Mr CHEUNG indicated that he learned from some members at the beginning of this year that members would like to discuss the subject of children's hospital, besides the issue of children's health had been brought up by a member earlier on. This being the case, he suggested that the next meeting should focus discussion on the subject of children's hospital. Members were welcome to put forward suggestions on other items for discussion at the next meeting to the Secretariat.
- 3.4 Mr CHEUNG advised that the next meeting would be held around July and August. The Secretariat would announce the exact date of meeting after consulting the members.

Constitutional and Mainland Affairs Bureau
July 2013