

## Notes of the Twenty-third Meeting of the Children's Rights Forum

Date : 1 April 2015 (Wednesday)

Time : 5:15 p.m.

Venue : Function Room 5, 11/F,  
Kennedy Town Community Complex,  
12 Rock Hill Street, Kennedy Town, Hong Kong

### Attendance:

#### Constitutional and Mainland Affairs Bureau

- |    |                                   |  |
|----|-----------------------------------|--|
| 1) | Mr Gordon LEUNG, JP<br>(Chairman) | Deputy Secretary for Constitutional and Mainland Affairs                   |
| 2) | Mr DC CHEUNG                      | Principal Assistant Secretary for Constitutional and Mainland Affairs      |
| 3) | Mr Michael YAU                    | Assistant Secretary for Constitutional and Mainland Affairs                |
| 4) | Miss Bonnie YIM                   | Assistant Secretary for Constitutional and Mainland Affairs                |
| 5) | Ms Connie LAU                     | Assistant Secretary for Constitutional and Mainland Affairs<br>(Designate) |

#### Non-government organisations

#### Representatives

- |    |  |  |
|----|--|--|
| 1) | Against Child Abuse                      | Ms LEE Yu-po   |
| 2) | Harmony House                            | 伍婉嫻女士  |
| 3) | Hong Kong Committee on Children's Rights | Dr CHOW Chung-bong<br>Ms Billy WONG<br>何志權先生         |
| 4) | Kids' Dream                              | 戴蔚慈<br>梁偉康<br>范文凱<br>張卓妍<br>董籽均<br>張雅雯<br>文詠琪<br>賴翠茵 |

傅明慧

- 5) Hong Kong Human Rights Monitor Mr CHONG Yiu-kwong
- 6) Hong Kong Unison 劉慧幸女士
- 7) The Boys' & Girls' Clubs Association of Hong Kong 馮婉婷女士  
陳菲女士

Junior CEs

李智滔

梁茵

楊曉晴

- 8) United Nations Children's Fund 馮素霞女士

Voices of Youth

鍾穎峰

王亦臨

梁永琪

黃樂恩

Attendance by Invitation:

Discussion Item (I)

- 1) Mr TSUI Kai-cheung Principal Education Officer (Kowloon), Education Bureau

Discussion Item (II)

- 1) Miss NG Wing-shan Assistant Secretary for Security
- 2) Mr Shaun Clayton DOVE Senior Superintendent (Identification Bureau), Hong Kong Police Force
- 3) Miss CHAN Shuk-yee Chief Inspector (Support Section) (Identification Bureau), Hong Kong Police Force
- 4) Ms CHEUNG Hoi-ling Executive Officer (Sexual Conviction Record Check) (Identification Bureau), Hong Kong Police Force

1. Introduction

- 1.1 The Chairman welcomed representatives of non-government organisations and children representatives to the meeting.

## 2. Discussion Items

### (I) Life Planning Education (Paper No. CRF 1/2015)

- 2.1 2.1.1 The Chairman invited the representative of the Education Bureau (EDB) to give an account of life planning education implemented by the Government.
- 2.1.2 Mr TSUI Kai-cheung pointed out that in response to the 2014 Policy Address, the EDB had put in place initiatives to strengthen support to secondary schools in providing life planning and career guidance service, facilitate a paradigm shift in secondary schools, and enhance collaboration with various stakeholders and related organisations to facilitate students to better prepare themselves for further studies or employment. The major initiatives included: (1) providing each public sector school operating classes at senior secondary level with a cash grant of about \$0.5 million each year starting from the 2014/15 school year; and (2) collaborating with the business sector to provide more career-related learning opportunities for students. Mr TSUI further pointed out that life planning was an ongoing and life-long process for personal fulfilment, with different foci at different stages of one's life. It aimed to foster students' self-understanding, personal planning, goal setting, reflective thinking and articulation to progressive pathways.
- 2.1.3 Mr TSUI Kai-cheung elaborated on the two main initiatives. He pointed out that the purpose of providing each public sector school operating classes at senior secondary level with a cash grant of about \$0.5 million each year was to provide room for teachers to enhance the co-ordination and implementation of life planning education in schools. The grant could be used to employ additional teachers to share the workload of existing teaching staff while the remainder of the grant could be used to enrich school-based life planning related services, such as financing needy students' participation in career exploration; engaging experts, business sector and alumni in related sharing with students; and acquiring services to cater for the different career guidance needs of students with a particular background.
- 2.1.4 As for business-school partnership, Mr TSUI Kai-cheung said that the Business-School Partnership Programme (BSPP) launched by the EDB in 2005 aimed to help students understand the career world and better prepare themselves for entering in the society, whereas business entities and community organisations could provide various kinds of resources and co-operate with schools in organising activities which included talks, small group learning activities, workshops, workplace visits, corporate visits, mentorship programmes, work experience programmes and exhibitions, helping students understand various trades; developing positive work attitude, enterprising spirits, life values; and providing training on language

used in the workplace. Mr TSUI pointed out that 80 business organisations joined the BSPP in the 2013/14 school year, more than 500 activities were organised and around 227 000 students benefitted. Mr TSUI also introduced the new web page on BSPP where participating organisations could invite application for BSPP activities through the online platform while schools could make online enrolment directly. Lastly, Mr TSUI said it was announced in the 2015 Policy Address that BSPP would be strengthened in the next three years to promote further partnership between schools and business organisations to facilitate the setting up of a platform to showcase exemplars of business-school partnership, thereby attracting participation of more schools and businesses.

2.2 Comments and questions on life planning education put forward by attendees and children representatives, as well as consolidated responses from the government representative were as follows:

2.2.1 Some children representatives welcomed life planning education and expressed the wish that apart from personality test, a wider range of activities/programmes, such as work experience programmes, etc., could be made available.

2.2.2 Mr TSUI Kai-cheung thanked children representatives for their views with which he fully concurred. It was the objective of life planning education to provide students with more diversified activities and career-related learning opportunities to facilitate their self-understanding and personal planning, helping them achieve personal fulfilment at different stages of their life. He encouraged students to put forward suggestions on how to improve activities/programmes for life planning education to the schools they attended.

2.2.3 An attendee asked in cases where the cash grant under the life planning education initiative was used to employ additional teachers to share the workload of existing teaching staff, how would the work of existing teaching staff be arranged.

2.2.4 Mr TSUI Kai-cheung explained that one of the objectives of the grant was to allow schools to employ additional teachers with the grant to share the workload of existing teaching staff to provide more room for existing teaching staff (say by reducing the number of teaching periods per week) to enhance the co-ordination and implementation of life planning education in schools. As for the specific arrangements, individual schools might make flexible deployment in the light of actual circumstances.

2.2.5 An attendee suggested that life planning education in schools should be advanced from senior secondary level to junior secondary, or even to primary level as in other countries, so as to facilitate students to develop self-understanding as early as possible, better preparing themselves for further studies and employment in future. The attendee also welcomed the provision of short-term counselling courses by the Chinese University of Hong Kong (HKCU) to teachers as they were required to give one-to-one

counselling to students in the delivery of life planning education. This sort of training would help improve the quality of student counselling service.

- 2.2.6 Mr TSUI Kai-cheung thanked the attendees for their opinions and agreed that life planning education should be started from a young age. He pointed out that for some particular activities/programmes (such as work experience programmes), it might be more appropriate for senior secondary students to participate in, but the EDB had not restricted life planning education to senior secondary level and there were currently different types of activities (such as visits) organised for junior secondary students. The EDB also noted that there were places where a variety of facilities were available for children to acquire work experience. This was the area where Hong Kong could make useful reference in making long-term planning. In respect of the counselling courses offered by CUHK, Mr TSUI advised that the courses were subsidised by the EDB, the duration of which used to be long and fewer places could be offered. Intensive courses with duration shortened from 100 hours to 20 hours were now provided to better cater for the needs of teachers. The EDB had also increased the number of training places to allow more teachers to receive training in counselling skills.
- 2.2.7 An attendee asked how would the EDB ensure that the grant was used properly and life planning education in schools was implemented in a systematic manner.
- 2.2.8 Mr TSUI Kai-cheung advised that in respect of the life planning education cash grant, schools were required to submit to the EDB proposals endorsed by School Councils and upload the details to the schools' websites. The EDB would give advice on the proposals and would visit some of the schools. Besides, the EDB would also organised seminars to disseminate information to teachers and non-teaching staff and share with them the experiences of other schools.

## (II) Sexual Conviction Record Check Scheme (Paper No. CRF 2/2015)

- 2.3 2.3.1 The Chairman invited representatives from the Security Bureau (SB) and Hong Kong Police Force (HKPF) to give an introduction of the Sexual Conviction Record Check (SCRC) Scheme.
- 2.3.2 Miss NG Wing-shan of SB first briefed the meeting on the background of implementing the SCRC Scheme (the Scheme). In the report on "Sexual Offences Records Checks for Child-related Work: Interim Proposal" published in February 2010, the Law Reform Commission (LRC) expressed concern that there was no system in place which would prevent those convicted of sexual offences from using their employment or voluntary services to sexually abuse the children with whom they worked, and thus recommended the establishment of an administrative mechanism for sexual conviction records check as an interim measure to enable the criminal conviction records for sexual offences of persons who undertook child-related work to be checked by the employers. The aim of the Scheme was to reduce the risk of sexual abuse to children and mentally incapacitated

persons (MIPs) while addressing human rights and rehabilitation concerns in respect of ex-offenders. There was a need to strike a balance between protecting the children and respecting the human rights of ex-offenders.

2.3.3 Miss NG Wing-shan pointed out that the Scheme, which was implemented by the HKPF in December 2011, aimed to provide employers with a reliable channel whereby they might ascertain whether applicants of child or MIP-related work or employment had any previous convictions of sexual offence to facilitate employers to assess whether the applicants were suitable for the work or employment. This would help better protect children or MIPs from being sexually abused. "Child or MIP-related work" referred to work where the usual duties involved frequent contact with children or MIPs. In general, the relevant work might conform to one of the following criteria: 1) providing services mainly for children or MIPs; 2) working in premises that provide services for children or MIPs; or 3) involving frequent or regular contact, in particular unmonitored contact, with children or MIPs.

2.3.4 Miss NG Wing-shan briefly introduced the scope of the Scheme. Application for SCRC could be made by: 1) prospective employees seeking child or MIP-related work from an organisation or enterprise; 2) staff assigned by outsourced service providers to those organisations or enterprises to engage in child or MIP-related work; and 3) contract staff who were currently employed by private tutorial centres or private interest/activity institutions to engage in child or MIP-related work and who were seeking to renew their contracts. Miss NG then gave a brief account of the application procedures with the aid of a short video and advised the meeting of the utilisation of the Scheme.

2.4 Comments and questions on the Scheme put forward by attendees and children representatives, as well as consolidated responses from government representatives were as follows:

2.4.1 Some attendees enquired about the effectiveness and number of complaints (such as leakage of information) in respect of the Scheme. An attendee also asked whether changes would be introduced to the Scheme and enquired about the timetable for making such changes.

2.4.2 Miss NG Wing-shan pointed out that since the implementation of the Scheme, only six applicants were found to have sexual conviction records and they agreed to have the positive results uploaded to the System for public checking. This figure had demonstrated that the Scheme had lessened the chance of ex-sex offenders having access to children or MIPs in the course of their work. With regard to improvement of the Scheme, the Government had consulted a number of organisations and institutions on the operation of the Scheme and proposals for improvement. There were views that the scope of the Scheme should be expanded. The Government had taken heed of the views and would like to expand the Scheme in phases. The HKPF had also received various opinions on the Scheme from time to time but no complaint against leakage of information had been received.

- 2.4.3 An attendee remarked that many parents nowadays would hire private tutors or music teachers for their children, and the employment of private tutors was not covered under the existing scope of the Scheme. The attendee asked whether the Government would consider including the employment of private tutors in the scope of the Scheme.
- 2.4.4 Miss NG Wing-shan thanked the attendee for the questions. She pointed out that the aim of the Scheme was to reduce the risk of sexual abuse to children or MIPs while addressing human rights and rehabilitation concerns in respect of ex-offenders, there was a need to strike a balance between the two. If the employment of private tutors was to be covered under the Scheme, it would make it more difficult for the Government to have a good grasp of the intention of the enquirers, the Scheme might be subject to abuse and it might affect the employment of ex-offenders to jobs that did not require frequent contact with children of MIPs, and thus careful deliberation should be given. Miss NG added that the Scheme could not take the place of prudent employment practice and proper parental supervision.
- 2.4.5 An attendee who had made an application for SCRC expressed strong support for the implementation of the Scheme and commended its high efficiency, pointing out that processing of application which had to be made in person by making advance appointment did not take long and the result of the check was promptly uploaded. Some attendees suggested the Government waiving or reducing the application fee, or providing subsidy to users of the Scheme, and making reference to the practices of overseas countries (such as Canada), expanded the scope of the Scheme to cover volunteers.
- 2.4.6 Miss NG Wing-shan expressed gratitude to the attendees for their support of the Scheme and pointed out that the high efficiency of the Scheme was the result of the efforts of the HKPF. Since the implementation of the Scheme, the waiting time had been greatly reduced and efficiency of the checks largely improved. As for the fee charged, applicants were charged under the “user pays” principle as for other government services. The Government had extended the validity period of the checking result from 12 months to 18 months last year to facilitate the applicants, while the application fee of \$115 remained unchanged. The suggestion of expanding the scope of the Scheme to cover volunteers had been brought up in the LRC’s report. Given the large number of volunteers and having considered the processing capacity of the Scheme, priorities had been set by the Government. Considering that volunteers generally did not have unmonitored contact with children or MIPs, thus posed lower risk, they had been accorded a lower priority. Miss NG pointed out that in respect of sex offenders, overseas countries had taken different approaches, such as releasing the Sex Offender Register for public inspection, barring sex offenders from engaging in particular occupations, or requiring them to report their whereabouts regularly, etc., while Hong Kong had taken heed of the recommendation of the LRC and established an administrative mechanism as an interim measure to help employers assess the suitability of applicants for child-related work. In fact, the LRC was undertaking a

comprehensive study on sex offences set out in the Crime Ordinance. The Government would take note of the study findings and would review the scope of the Scheme in the light of the findings.

- 2.4.7 Some attendees enquired about whether self-employed persons were covered by the Scheme, the coverage of the Scheme (e.g. teachers, paediatricians, social workers, etc.), the updating of check results by the System within the 18-month period, and whether parents could request schools and organisations to provide sexual offences records of tutors.
- 2.4.8 Miss NG Wing-shan advised that schools and organisations might request self-employed persons providing related service to undergo SCRC and provide the check results. The Government estimated that more than 250 000 employees were engaged in child or MIP-related work, and about 120 000 new applications had been processed so far. Miss NG explained that the check results would be updated on a daily basis; if an applicant was newly arrested or charged with any sexual offences, his check result would be updated and would no longer reveal a “clean” record. As sexual offences records were personal data and could only be accessed with the consent of the applicants, schools were not in the position to disclose the check results. Parents might take the initiative to ask the schools or organisations whether they had made use of the Scheme.
- 2.5 The Chairman thanked attendees and children representatives for attending the meeting, giving their views on various child-related issues. The Chairman welcomed suggestions on measures to improve the discussions at the Forum after the meeting.