

Notes of the Twenty-fourth Meeting of the Children's Rights Forum

Date : 9 October 2015 (Friday)

Time : 5:15p.m.

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

Attendance:

Constitutional and Mainland Affairs Bureau

- | | | |
|----|-----------------------------------|---|
| 1) | Mr Gordon LEUNG, JP
(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) | Ms Connie LAU | Assistant Secretary for Constitutional and Mainland Affairs |

Non-government organisations Representatives

- | | | |
|----|---|--|
| 1) | Against Child Abuse | Ms LEE Yu-po |
| 2) | The Centre for Governance and Citizenship, The Hong Kong Institute of Education | Ms Gail YUEN |
| 3) | DotKids Foundation | Mr NG Ki-chun
Ms HO Bianca Caroline |
| 4) | Harmony House | Ms Judith NG |
| 5) | Kids' Dream | Mr Kevin CHEUNG
Mr Daniel KAN
Mr Lawrence TUNG |

- | | | |
|-----|---|---|
| 6) | Hong Kong Committee for the United Nations Children's Fund (UNICEF) | Ms Sofia FUNG
<u>UNICEF Young Envoys Club and Voices of Youth</u>
Mr Jackson CHEUNG
Miss Yuki IP |
| 7) | Hong Kong Human Rights Monitor | Mr CHONG Yiu-kwong |
| 8) | Hong Kong Society for the Protection of Children | Mr KAN Ming-yue |
| 9) | Hong Kong Unison | Ms Phllyis CHEUNG
Ms Peggy LAU
Ms Kayal TAM |
| 10) | PathFinders | Ms Luna CHAN
Ms Jessica CHOW |
| 11) | The Boys' & Girls' Clubs Association of Hong Kong | Ms Ada FUNG
Mr Andy MAK

<u>Junior CEs</u>
Mr LEE Chi-to
Miss SHENG Yung-ai |

Discussion Item (I)

- | | | |
|----|-----------------|--|
| 1) | Ms Susanna PANG | Head (Corporate Communications), Office of the Privacy Commissioner for Personal Data |
| 2) | Ms Carol CHAN | Manager (Corporate Communications), Office of the Privacy Commissioner for Personal Data |
| 3) | Ms Charly YU | Assistant Manager (Corporate Communications), Office of the Privacy Commissioner for Personal Data |
| 4) | Dr Henry CHANG | Information Technology Advisor, Office of the Privacy Commissioner for Personal Data |
| 5) | Mr Michael CHAU | Assistant Personal Data Officer, Office of the Privacy Commissioner for Personal Data |

Discussion Item (II)

- 1) Mr Tom TAM Senior Environmental Protection Officer
(Sustainable Development), Environment Bureau
- 2) Mr Tony WU Senior Town Planner (Sustainable Development),
Environment Bureau

1. Introduction

- 1.1 The Chairman welcomed representatives of non-government organisations (“NGOs”) and children representatives to the meeting.

2. Discussion Items

(I) Children’s Privacy (Paper No. CRF 3&4/2015)

- 2.1 2.1.1 The Chairman invited the representatives of the Office of the Privacy Commissioner for Personal Data (“PCPD”) to give an account of the findings of a research study on children’s privacy (“Study”) commissioned by the PCPD and conducted by the Centre for the Advancement of Social Sciences Research (“CASR”) of Hong Kong Baptist University in October 2014.
- 2.1.2 Ms Susanna PANG pointed out that by conducting focus group interviews with secondary school students, parents and teachers as well as in-depth interviews with representatives of four NGOs concerned with children’s rights, CASR gained an understanding of the views of different sectors of the community on child privacy issues. The Study found that the increasing popularity of Internet, social media and mobile applications posed increasing risk to children’s privacy. Children’s stances towards issues such as respect for children’s privacy, awareness of risk to privacy and the right to disclose personal data inevitably differed from those of their parents and teachers, and therefore conflicts and frictions were more likely to occur. However, according to the findings of the Study, both parents and teachers were of the view that education and support in relation to children’s privacy were inadequate and children were left helpless in privacy protection. On the other hand, most of the NGOs interviewed agreed that there was a general lack of awareness of online privacy among children, and parents and teachers should step up efforts to assist younger children in protecting their privacy. However, there had not been adequate lesson hours and resources in schools to examine topics relating to children’s privacy. As such, the Study recommended the PCPD, the Education Bureau and schools

to strengthen educational and promotional efforts in this regard, such as developing curriculum, producing relevant teaching materials, co-operating with relevant NGOs to organise seminars or other activities, etc.

2.1.3 The Study Report recommended that schools, being data users, should attach importance to protecting children's personal data and comply with the Personal Data (Privacy) Ordinance. If there was a decision to implement surveillance such as closed-circuit televisions in schools, schools should undertake an assessment process to ensure that it was the right and proportionate response. On the other hand, the PCPD considered that parents had a responsibility to protect their children's privacy and should provide their children with guidance about their privacy rights and also their responsibilities as "netizens".

2.1.4 Ms PANG then briefed the meeting that in response to a joint endeavour of the Global Privacy Enforcement Network, the PCPD conducted a Privacy Sweep in May 2015 to examine privacy issues relating to the use of websites and mobile applications by youngsters (for the Sweep highlights, please refer to CRF Paper No. 4/2015). Results of the Sweep with respect to local websites/applications would be announced in detail by the end of the year. Ms PANG also advised that the PCPD had run the Student Ambassador for Privacy Protection Programme in schools to organise promotional activities on school campuses for five consecutive years. Besides, the PCPD had developed a thematic website for youngsters to learn about respect for and protection of privacy and for teachers to prepare related materials.

(Post-meeting notes: the PCPD released the 2015 Study Report on Online Collection of Children's Personal Data on 1 December 2015. The Secretariat had forwarded the relevant information to members of the Forum for reference.)

2.2 Comments and questions on children's privacy and the Study Report put forward by attendees and children representatives, as well as responses from representatives of the PCPD were as follows:

2.2.1 With respect to the Report's recommendation on encouraging parents and teachers/schools to strengthen communication, a children representative enquired about the concrete measures in this regard. Ms PANG suggested that schools might play an intermediate role, for example, the parent teacher associations might serve as a platform for discussion and communication. That aside, the PCPD would summarise the findings of the Study and views of the public and issue guidelines by the end of the year with the hope of making clearer

recommendations on protection of children's privacy.

(Post-meeting note: The PCPD released two publications entitled *Collection and Use of Personal Data through the Internet – Points to Note for Data Users Targeting at Children* and *Children Online Privacy – practical tips for parents and teachers* on 1 December 2015. It had also revamped its thematic website “Children Privacy” (www.pcpd.org.hk/childrenprivacy/index.html), which is a one-stop portal to provide teachers and parents with practical tips and teaching resources on personal data protection for children. The Secretariat had forwarded the relevant information to members of the Forum for reference.)

- 2.2.2 An attendee suggested that in addition to guidelines for websites, parents and teachers, guidelines for children should also be issued and a hotline should be set up for children to make enquiries and complaints on children privacy issues. In response, Ms PANG clarified that the guidelines were not designed for websites, but for organisations that might have a chance to use or collect children's personal data. She also advised that the PCPD might not issue guidelines but would disseminate the relevant messages to children through different types of promotional activities, such as Student Ambassador for Privacy Protection Programme.
- 2.2.3 An attendee asked whether the legislation had defined at what age the children had autonomy in handling their own personal data, and enquired about the scope of personal data, e.g., whether the children's words and deeds made in certain groups constituted personal privacy. Ms PANG and the representative of the PCPD said that legislative requirements for the use of personal data were applicable to all data users, regardless of age, and the legislation had not prescribed the age of data subjects. However, exemption had been granted under the ordinance for the transfer of personal data of a data subject under the age of 18 by a related person (such as parent, social worker) to other related person(s) under reasonable circumstances. According to the Personal Data (Privacy) Ordinance, personal data was any data (1) relating to a living individual and from which the identity of the individual could be ascertained; and (2) in a form in which access to or processing of the data was practicable. However, data users should be aware that bits and pieces of personal information could be gathered and consolidated into a personal profile, which might result in leakage of personal data.
- 2.2.4 A children representative enquired about the latest situation of follow-up on setting up a mechanism for handling children

complaints, whether there were sufficient resources as well as the co-operation between the PCPD and NGOs concerned with children's rights. In response, Ms PANG advised that the proposal of setting up a children complaint mechanism was put forward by the interviewees as set out in the Study Report. The existing complaint mechanism of the PCPD was not age specific, as long as the complaints were found substantiated, follow-up actions would be taken. She further advised that education was a long-term task and in these two years, the PCPD had focused its education efforts on areas including Internet and application of information technology. For instance, as mentioned earlier, the PCPD would release the report on the Sweep with respect to local websites by the end of this year and issue guidelines for teachers, with a view to enhancing vigilance of relevant organisations in collecting and using personal data.

- 2.2.5 A children representative suggested that teaching children to protect their own personal data was the most direct and effective way, particularly nowadays when applications could be downloaded from websites by simply pressing the "Enter" button, children were liable to allowing website operators to gain access to and share with third parties their personal data without reading carefully the terms and conditions. The children representatives agreed that the Student Ambassador for Privacy Protection Programme was effective in promoting privacy protection to students in schools and suggested stepping up publicity and education efforts targeting children and youngsters directly through posters, filmlets, workshops, advertising in applications, etc. On the other hand, they considered that as parents, especially Chinese parents, were more authoritative or did not have adequate knowledge of application of information technology, it would be more difficult for them to discuss with their children issues relating to personal data and privacy protection.

(Post-meeting notes: The PCPD launched a new TV Announcements in the Public Interest entitled "Stay Smart. Mind Your Digital Footprint" in late November 2015, calling on members of the public to go online vigilantly, and protect, respect others' personal data. The Secretariat had forwarded the relevant information to members of the Forum for reference.)

- 2.2.6 An attendee suggested including an element of student participation in the Student Ambassador for Privacy Protection Programme to make the Programme more child-friendly and encourage student ambassadors to explore ways to protect personal data on their own initiative. Besides, he commended the PCPD for taking the initiative to conduct the Privacy Sweep, and suggested the PCPD to follow up with website operators or mobile applications service

providers on measures to enhance protection of personal data. Ms PANG advised that the PCPD had granted small cash awards to 20 partner schools last year to encourage the schools to organise activities in response to the Privacy Awareness Week. It was found that the students had put forward creative ideas on promotional activities and the response had been satisfactory. Similar method would be adopted for future Student Ambassador for Privacy Protection Programme. In addition, in end-2014, PCPD had issued letters to mobile application marketplaces, appealing to them to act as gate-keepers to protect personal data and urging them to conduct checks on mobile applications to see if they had complied with the requirements on personal data protection.

(II) Sustainable Development (Paper No. CRF 5/2015)

- 2.3 2.3.1 The Chairman invited representatives of the Environment Bureau (“ENB”) to give an account of sustainable development in Hong Kong.
- 2.3.2 Mr Tom TAM pointed out that according to the document “Our Common Future” released by the World Commission on Environment and Development in 1987, sustainable development was “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Later at the 1992 Earth Summit, Agenda 21, which urged nations to harmonise the various sectorial economic, social and environmental policies and plans, and ensured socially responsible economic development while protecting the resource base and the environment, was adopted. In Hong Kong, the Chief Executive announced in his 1999 Policy Address the work of sustainable development in Hong Kong and a Sustainable Development Unit was set up in 2001. The Council for Sustainable Development had so far implemented six engagement processes to consult the public on various topics, such as energy saving and carbon emission reduction in buildings, municipal solid waste charging, etc.
- 2.3.3 On education and publicity, Mr Tony WU introduced the School Outreach Programme which helped senior secondary school students understand the importance of sustainable development through activities including school talks, workshops and interactive drama performances. In addition, the School Award Programme was implemented to encourage efforts and give recognition to schools in the promotion of sustainable development awareness and practices amongst students and the community, while the “School Ambassador” Programme was launched to sustain students’ interest and participation in the promotion of sustainable development and

help spread sustainable development messages to their peers and the community. Besides, a funding of \$100 million was approved by the Legislative Council in 2003 for the setting up of the Sustainable Development Fund to provide financial support for initiatives that would (i) promote public understanding of the concept and principles of sustainable development; (ii) encourage the public to put the concept of sustainable development into practice; or (iii) raise public awareness of sustainable development.

2.4 Comments and questions on sustainable development in Hong Kong put forward by attendees and children representatives, as well as responses from the government representatives were as follows:

2.4.1 A children representative commented that the participation rate of schools in publicity and education activities was low, the activities were devoid of content, and the workshop approach was difficult to accept. In response, the representative of ENB advised that invitation had been sent to all schools to participate in the activities and there had been an increase in the number of participating schools. In deciding whether or not to participate in the activities, individual schools had their own considerations. He encouraged students to reflect to their schools that they were interested in the activities. He also agreed that publicity and educational activities should be appealing. The interactive drama performance was a recent element introduced in the School Outreach Programme after taking into account the interest of students, while contents of talks/workshops would be enriched by inviting representatives from NGOs, such as the World Wide Fund for Nature and Friends of the Earth, to give thematic presentations. Further views from students were welcome. He pointed out that as sustainable development covered a wide range of issues, it had been the practice of the Council for Sustainable Development to focus on a topic that was closely related to our daily life as far as possible every time when a public engagement exercise was conducted to engage the community to discuss the topic.

2.4.2 An attendee considered that the fertility rate in Hong Kong was at a low level, and there had been concerns about the development of a sustainable population. He pointed out that in Hong Kong, most families were two-working-parent families and given the shortage of child care services, parents were reluctant to have children. He suggested that the Forum could consider discussing the topics of early childhood education and child care services.

2.4.3 An attendee pointed out that topics on sustainable development discussed in the past mainly focused on environmental protection and

resource utilisation, and suggested that other topics such as combating poverty, human resources, equality, education for children, etc. should be discussed. In response, the representative of ENB advised that the projects approved by the Sustainable Development Fund did not only focus on environmental protection aspect, but also covered the three essential elements for sustainable development, namely environment, economic and social.

2.4.4 A children representative considered that with the community's present mode of living, the sustainable use of the Earth's resources was difficult to maintain. He pointed out that although the United Nations had issued a large number of documents on environmental protection and sustainable development, no concrete action had been taken. In schools, lesson hours for discussion of related topics were inadequate while no corresponding efforts had been made by schools to take forward or keep on implementing the initiatives proposed by students. In response, the representative of ENB advised that changing one's lifestyle could have a positive effect of saving the Earth's resources.

2.4.5 Another attendee supplemented that in many cases, children were aware of environmental protection, but in real life there was not much chance for them to put their knowledge into practice and engage themselves in protecting the environment. For example, were there any socially responsible products available on the market? Were there any policies/measures that support local products and green living (such as travelling on public transport or with bicycles)? Were there any economic incentives to encourage the public to change their lifestyle? Were green buildings really effective in saving energy? Could energy generated by waste incineration benefit the community? In addition, the impact of town planning policies (such as railway development, reclamation) on sustainable development in Hong Kong had aroused public controversies. The attendees considered that apart from the aspect of environmental protection, sustainable development also covered a wide range of domains, it was necessary for various government bureaux to co-ordinate efforts in maintaining sustainable development.

(Post-meeting notes: Supplementary information on pursuing development in a sustainable manner provided by ENB after the meeting had been forwarded to members of the Forum for reference through the Secretariat.)

2.4.6 A children representative enquired about the assessment criteria of the Sustainable Development Fund. In response, the representative

of ENB advised that the application guidelines, the assessment criteria and information of past projects funded under the Sustainable Development Fund had been uploaded onto the website of ENB for public viewing. He emphasised that past projects contained the three essential elements of sustainable development, namely environment, economic and social, and did not only focus on environmental protection issues.

- 2.5 The Chairman thanked the attendees and children representatives for attending the meeting, giving their views on various child-related issues.

Constitutional and Mainland Affairs Bureau
December 2015