

## Minutes of the Thirty-second Meeting of the Children's Rights Forum

Date : 12 January 2018 (Friday)  
Time : 5:15 p.m.  
Venue : Training cum Lecture Room,  
5/F, West Wing, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

### Attendance:

#### Constitutional and Mainland Affairs Bureau

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| 1) Miss Rosanna LAW<br>(Chairperson)       | Deputy Secretary for Constitutional and Mainland Affairs              |
| 2) Mr D. C. CHEUNG<br>(Acting Chairperson) | Principal Assistant Secretary for Constitutional and Mainland Affairs |
| 3) Miss Cathy LI                           | Assistant Secretary for Constitutional and Mainland Affairs           |
| 4) Miss Ellen CHOW                         | Assistant Secretary for Constitutional and Mainland Affairs           |

#### Non-government organisations

#### Representatives

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| 1) Against Child Abuse   | Ms LEE Yu-po   |
| 2) Centre for Governance and<br>Citizenship The Education<br>University of Hong Kong | Dr Gail YUEN   |
| 3) Healthy Seed  | Mr Sunny LEE   |
| 4) Hong Kong Committee on<br>Children's Rights                                       | Ms Billy WONG<br>Ms Shirley WONG                             |
| 5) Kids' Dream   | SUM Kai-hong<br>NG Ching-wai<br>HO Chi-chung<br>HUI Chak-lam |
| 6) Hong Kong Committee for<br>UNICEF   | Ms Wing LEE  |
| 7) Plan International Hong Kong  | Ms Emily WONG  |

- 8) Society for Community Organisation Mr WONG Chi-yuen  
Children's Rights Association  
Shirley TAM Lok-yi  
MUI Ngo-yee  
Nicole TAM Lok-tung  
Alice YEUNG Nga-ching  
LEUNG Cheuk-ki  
LEE Wai-yi
- 9) The 1.1 Million Children's Campaign Team Ms Dorothy LUI

Attendance by Invitation:

Discussion Item (I)

- 1) Mr Kenneth CHENG Principal Assistant Secretary for Labour and Welfare (Welfare)1, Labour and Welfare Bureau
- 2) Mr Eugene WAN Assistant Secretary for Labour and Welfare (Welfare)1A, Labour and Welfare Bureau

Discussion Item (II)

- 1) Mr LO Pui-lam Chief Curriculum Development Officer (Chinese), Education Bureau
- 2) Mr Eugene WAN Assistant Secretary for Labour and Welfare (Welfare)1A, Labour and Welfare Bureau
- 3) Ms Anna LEUNG Assistant Secretary (Security) E1, Security Bureau
- 4) Ms CHEUNG Hoi-shan Senior Administrative Officer (Policy Support), Labour Department

1. Introduction

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

2. (1) Establishment of a Commission on Children

2.1 2.1.1 The Chairperson invited the representative of the Labour and Welfare Bureau (LWB) to brief the meeting on the establishment of a Commission on Children.

2.1.2 Mr Kenneth CHENG, Principal Assistant Secretary for Labour and Welfare, said that as announced in the Chief Executive's 2017 Policy

Address, the Government planned to set up a Commission on Children in mid-2018 to amalgamate the efforts made by relevant bureaux/departments and child concern groups, and focus on addressing children's issues as they grow. To this end, the Government established in September 2017 a Preparatory Committee chaired by the Chief Executive, with the Chief Secretary for Administration as the Vice-chairperson. Members included the Policy Secretaries of relevant bureaux, experts in children affairs and various representatives.

2.1.3 The vision of the Commission on Children is to ensure that Hong Kong was a place where children's rights, interests and well-being were respected and safeguarded, their voices were heard, and where all children enjoyed healthy growth and optimal development so as to achieve their fullest potentials.

2.1.4 The terms of reference for the Commission on Children were preliminarily proposed as follows:

- (i) advise the Government on the development of strategies related to the development and advancement of children;
- (ii) enhance integration and rationalisation of children-related policies and initiatives under different bureaux/departments and with advisory bodies;
- (iii) review children-related services by the Government and NGOs and identify areas for improvement;
- (iv) promote children's rights as articulated in the United Nations Convention on the Rights of the Child (UNCRC), and encourage direct consultation with children on matters that affect them;
- (v) initiate surveys and research studies on children's issues;
- (vi) manage funding schemes for promotional and public educational projects, engage with stakeholders, and organise other promotional activities; and
- (vii) develop a framework to evaluate the extent to which the vision was achieved.

Mr CHENG added that children under the age of 14 would be the primary target group of the Commission on Children, in order to minimise possible duplication with the work of the Commission on Youth (and the future Youth Development Commission upon re-organisation).

2.1.5 The Preparatory Committee conducted a series of public engagement activities during the public engagement period, including forums for children, parents, children's rights groups, the social welfare sector, the education sector, the healthcare sector and the general public, to canvass views from the community extensively including those of children, in

particular public views on the following issues, so as to ensure that the functions and the work of the new Commission on Children would have the support of the community:

- (i) the expected role, functions and composition of the Commission;
- (ii) the structure of the Commission, e.g. the type and focus of working group to be set up under the Commission;
- (iii) the priority areas or issues to be addressed by the Commission in the first two years;
- (iv) any suggested independent research studies or reviews by the Commission to facilitate its work;
- (v) any funding schemes to be set up under the Commission; if yes, their objectives, funding criteria and target applicants; and
- (vi) the theme and approach for any promotional and public education initiatives by the Commission.

2.1.6 Mr CHENG welcomed attendees' comments on the establishment of a Commission on Children. He suggested that the following categories of issues could serve as reference in considering the Commission's initial work plan:

- (i) issues that were more specific to children at different age groups (say, infants and toddlers (0-2); kindergarten (3-5); primary school (6-11); and junior secondary school (12-14)) ;
- (ii) issues that might straddle different stages of growth of children and should be dealt with holistically; and
- (iii) issues that were specific to particular groups of children arising from their family backgrounds, biological characteristics or other individual circumstances.

2.1.7 To collect children's views on the establishment of the Commission more extensively, three children forums targeted at children from ethnic minorities, primary and secondary school students respectively would be held by LWB in collaboration with various NGOs to enable children to express their views and wishes on the establishment of the Commission through activities such as interactive games, questionnaire surveys and drawing.

2.1.8 The Chairperson thanked Mr CHENG for the briefing.

2.2 Comments and questions on the establishment of the Commission on Children put forward by attendees and children representatives, as well as responses from the representatives of LWB were as follows:

- 2.2.1 A children representative suggested that attendees should avoid a mixed-use of Chinese and English or highly technical and difficult terms in their speech. The children representative also suggested that bureaux/ departments should provide a simplified version of background information to help children understand the items of discussion.
- 2.2.2 An attendee shared the view that the consultation paper and public engagement activities in respect of the establishment of the Commission should be children-oriented. The attendee opined that the number of children forums to be held was inadequate, and noted that one of the forums would be held on Friday which was a school day. He/she asked if the format and other aspects of the three children forums could fulfil the objective of consultation for children.
- 2.2.3 An attendee welcomed the three children forums arranged by the Preparatory Committee to canvass views from children on the establishment of the Commission. Meanwhile, he/she asked whether more forums would be held to collect views of other children (for example: toddlers from 2-6, disabled children, children in poverty or with special needs) on the subject. Besides, an attendee suggested that the Education Bureau should assist in soliciting views from school children on the establishment of the Commission for consideration by the Preparatory Committee.
- 2.2.4 Mr CHENG said that the three forums organised by different NGOs would be conducted in an interactive mode to encourage children's participation and expression of views. To widely collect children's opinions, all local primary schools had been invited to nominate students to attend the forum, and support for transport had been provided to facilitate teachers and parents to attend together with students. Moreover, the views of children aged between 3-6 were collected through the kindergarten/child care education network of individual members of the Preparatory Committee. In response, Mr CHENG pointed out that channels to collect comments from children would also be provided after the Commission was formally established in order to listen to children's views.
- 2.2.5 An attendee expressed concern over the absence of children or youth representative in the Preparatory Committee. A children representative and an attendee suggested that upon establishment of the Commission, a mechanism should be developed to appoint children representatives and to evaluate and monitor the Commission's effectiveness. Efforts should also be made to enhance the representativeness of the Commission to ensure that children's views could be heard in the mechanism.
- 2.2.6 An attendee expressed concern over the objectives and functions of the Commission, and asked about the timetable for setting up and giving statutory backing to the Commission. In the long run, he/she suggested that the Commission on Children should be renamed as the Commission on Children's Rights, and be empowered to become an independent statutory body with sufficient financial and manpower resources dedicated

to monitoring the overall implementation of children's rights. On the other hand, an attendee proposed the establishment of a central database on children to facilitate formulation of children policy. Concerned about the recent reports of child abuse, he/she suggested that a statutory Commissioner of Children should be appointed and a notification mechanism be put in place to foster closer cooperation amongst bureaux and departments in investigating suspected cases of abuse of children upon complaint or at its own discretion so as to ensure the fulfillment of the protection of children's rights.

2.2.7 In addition, an attendee and a children representative stated that the Commission on Children should adopt a children's rights-oriented approach whereas the Commission on Youth (and the future Youth Development Commission upon re-organisation) would focus on the life planning of youth, thus there would not be any duplication. He/she suggested that the major targets of the Commission on Children should also cover children under the age group of 15-18 with a view to enabling overall coordination in the formulation and implementation of policies on children.

2.2.8 In response, Mr CHENG pointed out that the Commission on Children was initially planned as a high level advisory body with the main objective of rationalising and coordinating various policies and services and focusing on addressing children's issues as they grow. After operation for a certain period of time, the Commission may consider whether statutory status was necessary having regard to its operational experience and the actual circumstances. Mr CHENG said that the Government was collecting and collating public opinions with a view to setting up the Commission in mid-2018. Further comments from the community were most welcome.

2.2.9 Mr CHENG thanked the attendees and children representatives for their questions and suggestions.

3. (2) Outline of the topics in the fourth report of the Hong Kong Special Administrative Region in the light of the International Covenant on Civil and Political Rights (Paper No. CRF 1/2018)

3.1 3.1.1 The Chairperson said that the Government was preparing for the fourth report of the Hong Kong Special Administrative Region (HKSAR) to be submitted in the light of the International Covenant on Civil and Political Rights (ICCPR). In accordance with the established practice, CMAB had prepared an outline of the report. It set out the broad subject headings and individual topics that we planned to cover in the report. We invited members of the public to submit their views on the implementation of the Covenant in respect of those topics and to suggest any additional topics that should be included in the outline of the report during public consultation from 1 December 2017 to 12 January 2018.

3.1.2 Miss Cathy LI, Assistant Secretary for Constitutional and Mainland Affairs, briefed the meeting on the outline of the report and the topics particularly related to children's rights, including:

Article 2: Ensuring to all individuals the rights recognised in the Convent;

Article 6: Rights to life;

Article 10: Rights of persons deprived of their liberty;

Article 17: Protection of privacy, family, home, correspondence, honour and reputation;

Article 23: The family – a vital component of society; and

Article 24: Rights of children.

3.1.3 The Chairperson thanked Miss LI for the briefing.

3.2 Comments and questions on the fourth report of the HKSAR to be submitted in the light of the International Covenant on Civil and Political Rights put forward by attendees and children representatives, as well as responses from the representatives of CMAB and the Security Bureau (SB) were as follows:

3.2.1 The following were comments from the attendees on the topics listed in the outline:

On Article 2 of the ICCPR, an attendee pointed out that organisations such as the Equal Opportunities Commission and the Office of the Privacy Commissioner for Personal Data could not replace an independent human rights institution, and urged the Government to convey to the United Nations (UN) that Hong Kong had yet to establish such an institution.

On Article 6 of the ICCPR, an attendee was concerned that children's rights to life were being neglected. He/she urged the Government to take care of the rights of children being left in residential institutions and improve the services of foster homes and small group homes in an effort to provide adequate care for children.

On Article 7 of the ICCPR, an attendee expressed concern over the situation of children of persons seeking non-refoulement protection and children without proof of identity in Hong Kong.

On Article 8 of the ICCPR, an attendee expressed concern over the problem of children abducting and trafficking. Also concerned about the rights of pregnant foreign domestic helpers (FDH), the attendee hoped that the Government would keep watch on the issues of abduction and trafficking of children as well as FDH.

On Article 10 of the ICCPR, an attendee suggested that the Government should strengthen the legal support services for detainees, especially the legal support for Hong Kong people in the Mainland.

On Article 19, 21 and 22 of the ICCPR, a children representative said children could enjoy freedom of assembly and speech. However, it was noted that some people willfully provoke clashes and even cause injury at the assembly, while some children were stalked by the media because of their speeches on political issues. He/she considered that the Police should step up enforcement to safeguard children's rights to be protected and their freedom of assembly and speech.

On Article 23 of the ICCPR, an attendee pointed out that as standard working hours is yet to be implemented, working parents were too busy to look after their children. He/she was of the opinion that family welfare services in Hong Kong were inadequate to ensure that the rights of children in single parent and split families were properly protected.

On Article 24 of the ICCPR, an attendee was concerned about the problem of child abuse. The attendee said that bullying was very serious in local schools, and pointed out that children enjoyed the right to be protected from verbal violence and abuse, without which far-reaching consequences might be caused to their growth and development in future. Noting that the existing services for children were inadequate, he/she also urged the Government to respond to issues such as the mental health of children, and the well-being of children with mentally ill parents, children whose families suffered from drug abuse and children with special needs. An attendee urged the Government to enact legislation in respect of the UNCRC. Another attendee suggested that it should be mentioned in the report that the Commission on Children to be established in mid-2018 was only an advisory body without any statutory status and thus not up to the international standard of human rights institution under the Paris Principles.

On Article 26 of the Covenant, an attendee was concerned that the Race Discrimination Ordinance (RDO) did not offer protection from discrimination for new arrivals in Hong Kong. He/she also suggested that legislative amendments be made to the RDO to cover the Government's exercise of powers and functions.

- 3.2.2 An attendee said that at the present stage, it was rather difficult to give comments based on the outline of topics only. Another attendee shared the same view and suggested that after being submitted to the UN, the report should be published for public inspection as early as possible to enhance public participation. He/she also doubted whether submission of the report could actually help improve the policies concerned.
- 3.2.3 The Chairperson said that the HKSAR Government was consolidating the comments received before proceeding to the drafting of the report. The fourth report of the HKSAR in the light of the ICCPR was expected to be submitted to the Central People's Government by end March 2018 for onward submission to the UN. Attendees and relevant organisations could raise comments on the contents of HKSAR report submitted to the UN. The Chairperson stated once again that attendees were welcome to make written comments on the outline of the report.

- 3.2.4 Ms Anna LEUNG of SB added that in handling cases (like criminal offences committed in public meetings), the Police would make arrest only if there were sufficient evidence. The political views of the arrestee was not a consideration in making an arrest. Any arrestees who suspected that they were threatened or stalked should provide relevant information to the Police for follow-up. Their cases would be handled in accordance with proper procedures in an impartial manner.

(Note: The Chairperson left the meeting after Ms LEUNG had given her response. The meeting was then chaired by the Acting Chairperson, Mr D. C. CHEUNG, Principal Assistant Secretary for Constitutional and Mainland Affairs.)

- 3.2.5 The Acting Chairperson concluded that CMAB would convey the views of attendees and children representatives to the relevant bureaux/ departments and follow up on them. CMAB would also consider the views and examine ways to reflect them in the fourth report of the HKSAR in the light of the Covenant.
- 3.2.6 The Acting Chairperson thanked the attendees and children representatives for their questions and suggestions.