

Minutes of the Thirty-third Meeting of the Children's Rights Forum

Date : 28 September 2018 (Friday)
Time : 5:15 p.m.
Venue : Committee Rooms I to III,
Queen Elizabeth Stadium,
18 Oi Kwan Road, Wan Chai, Hong Kong

Attendance:

Constitutional and Mainland Affairs Bureau

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| 1) | Miss Rosanna LAW
(Chairperson) | Deputy Secretary for Constitutional and Mainland Affairs |
| 2) | Ms Judy CHUNG | Principal Assistant Secretary for Constitutional and Mainland Affairs |
| 3) | 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) | Association for Concern for Legal Rights of Victims of Domestic Violence | Ms Yenni KWOK |
| 3) | Hong Kong Committee for UNICEF | Mr Eric TANG
Mr Harrison CHUNG |

UNICEF Young Envoys & Members of UNICEF Club

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| | | Phyllis LEE Yin-lam
CHUNG Hiu-nam
CHAN Ching-hung
CHANG Shui-shan
MA Wai-yin
LEUNG Ho-wun
Natalie CHAN Shing-yan
FU Ka-yan |
| 4) | Hong Kong Committee on Children's Rights | Ms Billy WONG |
| 5) | Kids' Dream | YEUNG Chin-mong |

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| 6) | Society for Community Organisation | Ms LAU Yin-shan
Mr WONG Chi-yuen |
| | | <u>Children's Rights Association</u>
LEE Wai-yee
MUI Oi-yee |
| 7) | Tang, Lai & Leung, Solicitors, HKSAR | Mr LEUNG Shek-lim |
| 8) | The Boys' and Girls' Clubs Association of Hong Kong | Ms FU Suk-yin
Ms Clara YUEN
Mr Francis MA |
| | | <u>HK Junior CEs</u>
Lincoln HO Lin-kan |
| 9) | The Hong Kong Catholic Marriage Advisory Council | Mr WONG Po-wai |

Attendance by Invitation:

Discussion Item

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| 1) | Mrs CHANG LAM Sook-ye | Chief Social Work Officer (Domestic Violence),
Social Welfare Department |
| 2) | Ms CHA Suk-han | Social Work Officer (Domestic Violence)1,
Social Welfare Department |
| 3) | Mr Anthony SIN Kai-chi | Head of Service, Hong Kong Family Welfare Society |
| 4) | Ms Christina SUEN Suk-yin | Manager of Parent-child Contact Centre,
Hong Kong Family Welfare Society |

1. Introduction

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

2. Discussion Item

Pilot Project on Children Contact Service (Paper No. CRF 2/2018)

- 2.1 2.1.1 The Chairperson invited the representative of the Hong Kong Family Welfare Society (HKFWS) to brief the meeting on the Pilot Project on Children Contact Service (the Pilot Project).

2.1.2 Ms Christina SUEN, Manager of HKFWS's Parent-child Contact Centre (PCCC) first introduced the background of the Pilot Project. She said that with funding from the Lotteries Fund, a two-year Pilot Project was launched by HKFWS on 21 September 2016. This project provided a series of services including: parent-child contact helpline, co-parenting community education service, and free arrangement of child contact for separated/divorced parents and their children.

2.1.3 All services covered by the Pilot Project were provided by PCCC under HKFWS. Commenced on 31 October 2016, PCCC was the first parent-child contact centre. Its target service users were separated/divorced parents and their children. It aimed at facilitating the healthy communication between the child and his/her non-residing parents through the public education and promotion of parental responsibility, "co-parenting", as well as maintaining stable contact between the children and their parents, so as to assist parents and children in facing and adapting to family changes. Professional Visitation Monitors (VMs) and parenting coordinators were the major providers of the previously mentioned services both of which were social workers. Parenting coordinators was a special task force jointly trained by the HKFWS and overseas experts. They were responsible for providing co-parenting support in midst of diverse circumstances, and coordinating services for separated/divorced families with children.

To ensure that the services could be provided in a "child-focused", conflict-free, and safe environment, PCCC was equipped with various child-friendly facilities, which included two waiting areas, a "co-parenting" conference room, a children playroom, a conference cum contact room, a contact circle, baby care facilities and children's lockers.

The aforementioned facilities were all child-friendly; designed to take care of the needs of children of different ages, as well as to protect users' privacy.

2.1.4 Ms SUEN said that under Article 9 of the Convention on the Rights of the Child, the right of the child, who was separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, should be respected. Researches also indicated that maintaining continued and stable contact with the separated/divorced parents is beneficial for a child's physical and psychological development.

2.1.5 Ms SUEN then introduced the overall objectives of PCCC's services as follows:

- (1) to provide a neutral location which is safe, conflict-free, controlled and equipped with specific settings and facilities for separated/divorced parents and their children to conduct a contact session;
- (2) to facilitate separated/ divorced parents' development of "child-focused" value and attitude through supervised parent-child contact/exchange service. This allows children to remain in positive contact and connections with parents, and to rebuild the parent-children relationship; and

- (3) Through education and support services, separated/ divorced parents could learn to take care and parent their children as “co-parenting partners”, such that the child can still enjoy care and concern from both parents despite his/her parents’ separation/divorce.

2.1.6 As for the specific scope of service, Ms SUEN said that a three-pronged approach was adopted by PCCC to cater for the needs of high-conflict divorced families, which included:

- (1) Preventive and advocacy work

The concepts of “Parental Responsibility” and “Co-parenting” were promoted through various channels. For example, a Parent-child Contact Helpline was set up to provide information on the Children Contact Service for the community, needy parents and children from divorced families. Co-parenting Community Education Service featuring a number of outreach and community activities such as, educational seminars, exhibitions and service promotional activities was also provided. For the child’s best interest, the service was aimed at promoting to the community and parents the concept on “co-parenting” with “child-focused” perspective.

- (2) Tertiary and therapeutic work

Upon mutual consent of both parents and their children, supervised parent-child contact service could be provided to separated/divorced parents who had difficulty in arranging contact with their children on their own. In such case, professional VMs would arrange or supervise children to have contacts or gatherings with their non-residing parents or other family members in PCCC. Where necessary, VMs would also arrange exchange service to facilitate smooth exchange of children between their parents’ homes.

Prior to the first parent-child contact/exchange session, VMs would arrange an orientation session for the applicant’s child. To start with, VMs would have an individual session with the child without involving the parents. The main goal was to build rapport between VMs and the child before the provision of service. This also helped the VMs to grasp the child’s expectations, goals, perceptions, and concerns over the parent-child contact. VMs would use an age-appropriate and child-friendly manner to communicate with the child, to ensure comprehensive understanding of the needs of the child.

To provide children with a sense of comfort and security during the parent-child contact/exchange session, and to ensure the availability of immediate support, VMs would establish and rehearse a safety plan and a set of safety signals with children, and encourage them to seek help from staff through the safety signals whenever necessary.

According to PCCC’s statistics, parent-child contact/exchange were arranged for 118 cases between October 2016 and June 2018.

(3) Other value-added support services

In addition, PCCC provided other value-added services in various ways, so as to provide education and counselling support for parents facing difficulties and families in need. These services included co-parenting educational/counselling services, parenting coordination service, contact/visitation planning service, children play and divorce education service, filial play service and parent-aide service. Through different training programmes and workshops, parents could understand the physical and psychological impacts of divorce on children, and adopt a “child-focused” co-parenting model to facilitate the healthy development and well-being of children.

As at June 2018, PCCC had provided co-parenting educational/counselling services for 89 cases and children play and divorce education service for 24 cases to give child-care knowledge and counselling to divorced parents.

- 2.1.7 Ms SUEN encouraged interested attendees to apply for the services mentioned in paragraph 2.1.6 above through referral by professionals, such as, social workers, lawyers, family mediators and parenting coordinators. The services would only be commenced after the signing of service agreement by both parents. Applicants were also welcomed to enquire for the application procedures or community educational activities through the Parent-child Contact Helpline.
- 2.1.8 In the long run, Ms SUEN hoped that the services of PCCC could help minimise the conflicts and disputes between separated/divorced parents, thereby avoiding the chances of children being caught in the middle and reducing the harm done on children. The Chairperson thanked Ms SUEN for the briefing.
- 2.2 Comments and questions on the Pilot Project on Children Contact Service put forward by attendees and children representatives, as well as responses from the representatives of SWD and HKFWS were as follows (Discussion Group 1):
- 2.2.1 A children representative asked whether children living with relatives after their parents divorced were covered by the project. In response, Mr SIN of HKFWS said that their main target service users were divorced parents (residing or non-residing parents) and their children. For children residing with their relatives, he expected that the relatives as a neutral party could assist the parents to make the contact arrangement. Mrs CHANG of SWD added that she hoped in the long run, both parents could work out an agreement on self-arranged child contact.
- 2.2.2 A children representative enquired about the ways to apply for the services, e.g. whether referrals by SWD or the court was required. Mr SIN said that HKFWS was publicising the service through public education programmes. Those in need of the service could apply to HKFWS directly, and referrals from NGOs were also welcomed.

- 2.2.3 An attendee asked whether the project covered families where parents were not officially divorced. In response, Mr SIN pointed out that at present their service was targeted at separated/divorced parents. For other families in need, they could approach SWD's Integrated Family Service Centres (IFSC), and the "co-parenting" education/parent-aide services offered by HKFWS could also be of help to them.
- 2.2.4 The attendee further asked if HKFWS had come across children who were very resistant to the service. Mr SIN said the project was child-focused, and the social workers of PCCC would assess the mental state of children during every contact session in order to provide appropriate support service and help examine how to enhance the effectiveness of the next contact. They would consider suspending the contact service if the children were found highly resistant to it.
- 2.2.5 While appreciating that the service could help the children, a children representative was concerned about how the contact arrangement would be made if both parents could not reach an agreement due to conflicting views. Mrs CHANG of SWD said that contact service could only be provided upon the consent of both parents, failing which either party could file an application for an order on child access to the court. Having considered the case study report submitted by SWD, the court could make a supervision order and require SWD to submit regular reports on the progress of child access.
- 2.2.6 An attendee concerned that divorced families in greatest need might not be able to use the service due to various reasons (e.g. avoiding troubles or failing to reach a consensus by both parents), and asked whether separated/de facto marriage or cross-boundary families could be included in the project. In response, Mrs CHANG said that SWD was planning to expand the project. Starting from 2019-20, the department would set up a one-stop co-parenting support centre to be operated by NGOs in Hong Kong, Kowloon East, Kowloon West, New Territories East and New Territories West each to help needy children cope with the conflicts and impacts brought about by family crisis, and the scope of service would not be limited to children contact. As to the coverage of service targets, she welcomed comments and advice from the meeting. An attendee responded that parenting service should be made available to married or co-habiting parents alike. However, he/she opined that a desirable level of service should be set, taking into account the resources and waiting time. Mrs CHANG said that SWD would consider manpower deployment with reference to the Pilot Project.
- 2.2.7 Mr SIN remarked that judging from the experience of the Pilot Project, the existing service centre located in the urban area of Lai Chi Kok might still be inconvenient to some families, especially when two families were involved. He further pointed out that the general public might not accept the concept of joint custody for the time being. In response to the enquiry from an attendee, Mr SIN said the Pilot Project served a total of some 160 families in the past two years. There were successful cases of self-arranged contact though the ratio was not high, whereas some cases were terminated due to conflicts or other reasons. Mrs CHANG added that the service was implemented on a

pilot basis at the initial stage without much publicity, and more than half of the cases were relatively challenging, which involved high-conflict families referred on court order. She hoped that early intervention could be made in the future, so as to provide suitable services to families in need.

- 2.2.8 In response to the Chairperson's enquiry, Mr SIN said the two-year Pilot Project had just completed and was extended for one year to bridge with the service of the co-parenting support centres to be set up under the expanded project. Comments from different sectors of the community on the expanded project were most welcomed. While agreeing that the more service centres to be set up the better, the Chairperson said that consideration should be given to what kind of service was most urgently needed.
- 2.2.9 In response, an attendee said that the existing Pilot Project focused on "contact", whereas some overseas child contact centres had already extended their scope of work beyond "contact" to child-focused services. Besides, she believed that in certain cases, early intervention (e.g. mediation service) could prevent the case from deteriorating and ending up in court. The attendee suggested that children should be allowed and arranged to meet the judge directly when deemed necessary, and that child-friendly facilities should also be provided in Family Court.
- 2.2.10 Another attendee agreed that the services provided should be diversified. If one-stop services including legal advice, mediation, co-parenting education and child contact etc. could be provided by the same social worker, both parents and children could be relieved of the agony of repeating their cases to different parties. In view of the fact that the existing family mediation service placed too much emphasis on parents, he/she suggested that children should have more involvement in the process so that they would feel secure and assured. An attendee shared the view that the service centre should provide one-stop services, but opined that it should consider enhancing professional training as the proposed services involved different fields of knowledge.
- 2.2.11 An attendee was concerned about whether imprisoned persons would become a target service user and whether the meeting environment could be child-focused as far as possible. The Chairperson responded that this involved security issue. She said that the Correctional Services Department (CSD) had already provided parenting services to inmates. For example, female inmates were allowed to take care of their infants in penal institutions up to the age of three. As for whether it was suitable for children aged above three to stay with their mothers in penal institutions, she said children of a higher age had already developed cognitive ability, and growing up in a custody setting would bring negative effect on their development. A balance should be struck when dealing with the issue. However, she agreed that CSD should consider providing child-friendly facilities for inmates to meet their children.
- 2.2.12 An attendee asked if the service centre would set an age limit on the children they serve. Mr SIN said that although there was no age limit, the target service users were mainly primary school students or younger children.

Children of a higher age might meet with parents on their own arrangement.

- 2.2.13 Mrs CHANG and Mr SIN thanked the attendees and children representatives for their questions and suggestions.
- 2.3 Comments and questions on the Pilot Project on Children Contact Service put forward by attendees and children representatives, as well as responses from the representatives of SWD and HKFWS were as follows (Discussion Group 2):
- 2.3.1 A children representative stated that this was the first time he/she learned of the Pilot Project and enquired about the details of application, e.g. whether divorced/separated families and their children could apply on their own initiative. Another children representative also expressed interest in the services offered by PCCC, hoping the project could help him/her to make contact with his/her father. The children representative also said that children would have a greater sense of security if VMs could help arrange and supervise contacts and gatherings with high-conflict parents.
- 2.3.2 Ms SUEN of HKFWS said that based on the best interest of children, the project aimed at promoting to parents and the community the concept on parental responsibility, “co-parenting” with “child-focused” perspective and facilitating the healthy development of children. Applicants could apply for the service either through referrals made by professionals such as social workers or on their own. If the application was accepted, the service would be commenced only after the signing of service agreement by both parents and children.
- 2.3.3 An attendee expressed concern over the ways to ensure children from divorced/separated families could obtain the service and thus their rights of being taken care of by parents were respected. He/she opined that there was no mechanism currently in place to listen to children’s views, and that the Government should introduce institutional changes to ensure that the needs of children were respected. A children representative was concerned about how service providers could gain the trust of children. Another attendee pointed out that parents often speak for their children even though the latter were able to express themselves. He/she suggested that children’s wishes and rights should be taken into account in any process of child custody and upbringing.
- 2.3.4 A children representative asked whether PCCC had provided other venues for children from separated/divorced families to meet their parents. Another children representative suggested that PCCC should organise various types of activities, such as camping and volunteer service, to fulfil the needs of adolescents from separated/ divorced families. The children representative further suggested PCCC to reference services provided by other NGOs (e.g. letter-box counselling service) and to help children from separated/divorced families to express their feelings and emotion through writing, and show support and concern to them to facilitate their healthy development.
- 2.3.5 Ms SUEN said that the provision of children contact service for separated/divorced families had successfully maintained a relatively stable

relationship between the two after making use of their services, VMs would observe the families and assess whether self-arranged contact was suitable for these cases. Ms SUEN also pointed out that the present users of children services were mainly primary school students from divorced/separated families. The HKFWS had also implemented the “Big Hand holding Little Hand” Buddies Support Project to support the children in adjusting to the changing family environment due to parental separation/divorce. A group of youngsters from divorced families had been trained to act as mentors to support and encourage these children to face their family crisis in a positive way, and cope with the conflicts and impacts brought about by family crisis.

- 2.3.6 Ms SUEN also said that children could seek help through the new “Parade of Light” Project Helpline when their parents were in conflicts. Specifically set up for children by HKFWS, the helpline served to support children’s growth and cope with their emotional needs, so as to help them adjust to changing family environment or parental relations. Under the above project, a dedicated webpage for children, which served to provide information on what to do when parents were in conflicts or divorced was under preparation in order to cater the development needs of these children.
- 2.3.7 An attendee said that the Law Reform Commission put forward a number of recommendations on the arrangements of child custody and access in the Report on Child Custody and Access to facilitate active involvement of both parents in their child’s upbringing after divorce. He/she pointed out that children growing up in high-conflict families were put under tremendous strain. Therefore, he/she suggested that the Government should improve the existing mechanism by, say, inviting professionals such as child psychologists to make early intervention, and giving due consideration to children’s views and opinions in domestic proceedings involving children to better safeguard their rights. The attendee also said that the existing legal provisions relating to the respect for the wishes and rights of children were rather complex. He/she hoped that they could be simplified upon implementation of the Children Proceedings (Parental Responsibility) Bill, so that the concept of joint parental responsibility could be put into practice, and better safeguards be provided for children.
- 2.3.8 Concerned about the publicity and promotional work of the project, a children representative suggested that SWD and PCCC should launch publicity programmes in schools. An attendee suggested that SWD should conduct more consultation sessions to listen to children’s views and understand their needs for different kinds of services.
- 2.3.9 Ms SUEN said that HKFWS recognised the concept of “co-parenting” was unpopular in Hong Kong, and had actively promoted their services in schools and deployed outreach social workers to provide services and training. Ms CHA of SWD pointed out that the IFSCs under SWD and operated by NGOs also assisted in promoting PCCC’s services and making case referrals. Moreover, when handling separation/divorce cases, the social workers in SWD and IFSCs would encourage separated/ divorced parents to continue their relations with children in the changing family environment and respect the children’s views as far as circumstances permit. Ms CHA said that starting

from 2019-20, SWD would set up a one-stop co-parenting support centre to be operated by NGOs in Hong Kong, Kowloon East, Kowloon West, New Territories East and New Territories West each to help needy children cope with the conflicts and impacts brought about by family crisis.

- 2.3.10 An attendee was concerned about the ways to maximise the effectiveness of the one-stop co-parenting support centres. He/she suggested that to meet the needs of families in different districts effectively, regular review should be conducted, taking into account the proportion of population with a view to deploying manpower more flexibly.
- 2.3.11 A children representative shared his/her own experience and pointed out that children facing the tension of poor family relations might feel at loss and helpless. An attendee was concerned that, out of fear, children impacted by domestic violence might not be able to express their feelings in words; he/she asked whether software (e.g. corporate culture, training mechanism etc.) and supporting facilities were available to enhance the sensitivity of social workers and frontline staff towards children services and cater for the needs of children affected by family violence.
- 2.3.12 Ms CHA said SWD would provide regular professional training for social workers and frontline staff, and conduct comprehensive and professional assessment on high-conflict families through interviews and home visits for appropriate follow-up actions, such as, making referrals to school social workers and psychologists. In handling cases of child custody/access referred by the court, social workers of the Family and Child Protective Services Unit of SWD would conduct interviews with the child involved to learn about his/her views and needs. For high-conflict cases involving supervision order made by the court, social workers would provide counselling service and other appropriate assistance, and made referrals to clinical psychologist for follow-up actions when necessary. Ms SUEN said HKFWS had introduced the Child Inclusive Mediation Service modelling on overseas child-focused training, and would continue to raise the awareness and sensitivity of social workers and frontline staff towards the needs of children.
- 2.3.13 An attendee enquired about the specific contents of the training programmes, including whether the provisions of the Convention on the Rights of the Child were included. Ms SUEN said that the existing training programmes cover modules on children's development needs, family impact on children, domestic violence and empowerment of children etc. to increase the understanding of social workers on "child-focused" values. An attendee suggested that social workers and frontline staff's gender sensitivity should be enhanced, and training on crisis prevention and post-traumatic healing be strengthened to better respond to the needs of high-conflict families. Ms SUEN pointed out that the work to raise gender sensitivity took time. Social welfare agencies would continue to provide relevant training and encourage their staff to bear children's well-being in mind and remain neutral when handling the demands and expectations of both parents.

- 2.3.14 Ms CHA and Ms SUEN thanked the attendees and children representatives for their questions and suggestions.

**Constitutional and Mainland Affairs Bureau
December 2018**