

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

Date : 11 January 2019 (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

- |                                      |   |
|--------------------------------------|---|
| 1) Miss Rosanna LAW<br>(Chairperson) | Deputy Secretary for Constitutional and Mainland Affairs              |
| 2) Ms Judy CHUNG                     | Principal Assistant Secretary for Constitutional and Mainland Affairs |
| 3) Miss Cathy LI                     | Assistant Secretary for Constitutional and Mainland Affairs           |
| 4) Mr Jason HUNG                     | Acting Assistant Secretary for Constitutional and Mainland Affairs    |

#### Non-government organisations

#### Representatives

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|---|--|
| 1) Association for Concern for Legal Rights of Victims of Domestic Violence | Ms Yenni KWOK  |
| 2) Chinese YMCA of Hong Kong Hin Keng Centre                                | Mr YIM Tsz-pang  |
| 3) Hong Kong Committee for UNICEF   | Mr Eric TANG<br>Mr Edmond SUEN<br><u>UNICEF Young Envoys &amp; Members of UNICEF Club</u><br>SZE Yuen-wai<br>TUNG Tsz-kwan<br>CHUNG Hiu-nam<br>YAU Hei-tsun<br>KO Cho-laam |

SHEN Xin-yi  
CHAU Wah-toh Matt  
CHUNG Cheuk-laam  
WU Wai-ching  
LAU Hing-chuk  
YUN Sining  
LEE Sungbeen  
LIN Ka-muk Ryan  
YU Si-hyun Irene  
CHEN Pei-zhu Jane  
Anastasia MI  
WONG Yan-tung Christy

- 4) Hong Kong Committee on  
Children's Rights  
Mr Azan Marwah  
Ms Billy WONG  
Ms Shirley WONG
- 5) Kids' Dream  
HO Chin-ching  
LEUNG Chi-chung  
YEUNG Ho-laam  
HUI Man-chun  
NG Ching-wai  
WONG Wai-lung  
CHAN Man-hin  
NG Luen-ming  
HO Sum-yin  
YU Hoi-yan  
LEE Sai-ying  
CHAN Yin-wang
- 6) Hong Kong Human Rights Monitor  
Mr CHONG Yiu-kwong
- 7) Kai Tak Peace Evangelical Centre –  
Children, Youth and Parent Activity  
Centre  
Mr Zico WONG Kit-wang  
Ms LI Ka-yi
- 8) Playright Children's Play  
Association  
Ms Kathy WONG

- 9) Education Services Department, Mr George LUNG  
The Salvation Army

Discussion Item

1. Introduction

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

2. Discussion Item

- 2.1 An outline of the topics in the fourth report of the Hong Kong Special Administrative Region under the International Covenant on Economic, Social and Cultural Rights (Paper No. CRF 1/2019)

2.1.1 The Chairperson said that the Government was preparing the fourth report of the Hong Kong Special Administrative Region (HKSAR) under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The report would cover major developments since the last report and respond to the Concluding Observations of the relevant committee. Members were welcome to give their views on the implementation of the ICESCR in respect of the topics listed in the outline, and to suggest any additional topics for inclusion in the report.

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

- Article 6: Choice of occupation and labour rights  
Topics included: employment services, youth employment services and vocational training;
- Article 10: Protection of the family  
Topics included: Commission on Children, family welfare services for families, single parent families and split families, domestic violence, and protection of children and youths;
- Article 11: Right to an adequate standard of living  
Topics included: the right to continuous improvement of living conditions, the right to adequate food, the right to water, and the right to adequate housing;

- Article 12: The right to health  
Topics included: tobacco control, combating drug abuse, and services for persons with disabilities and persons with mental health problems;
- Article 13 and 14: Right to education  
Topics included: language policy-biliteracy and trilingualism; education for non-Chinese speaking students and students with special educational needs; civic education, human rights education and education against discrimination; and public education on the Basic Law; and
- Article 15: Right to cultural life, scientific progress and its application  
Topics included: policy on culture, arts and heritage conservation, education and development of culture and arts, and promotion of science and technology.

2.2 Comments and questions on the outline of the topics in the fourth report of the HKSAR under the ICESCR put forward by attendees and children representatives, as well as responses from the representatives of CMAB were as follows:

**Opinions on Stress of Students, School Bullying and the Problem of Student Suicide**

- 2.2.1 An attendee said that bullying in local schools and the highly competitive school system had contributed to anxiety and depression among children and violated their right to play and take rest. He/she further said that the problem of children suicide had become serious in recent years, and expressed concern over schools' participation in the Territory-wide System Assessment (TSA). He/she observed that many schools still required all of their students to take part in BCA, and was concerned that fierce competition and comparison between school sponsoring bodies would re-emerge. In the lack of relevant studies and researches, however, it was difficult to give a detailed picture of the gravity of the situation. He/she hoped that the Government could provide funding for academic studies and put in place a mechanism under which schools were required to consult students, parents and teachers on participation in BCA.
- 2.2.2 An attendee pointed out that the Hong Kong Diploma of Secondary Education (HKDSE) Examination had imposed increasing pressure on students, and as a result many students from better-off families shifted to International Baccalaureate Diploma Programme (IB) Examination and universities also tended to admit these students. He/she quoted a university lecturer as saying that this was because the universities would upload the intake results of different faculties to the Joint University Programmes Admissions System (JUPAS) website, and accepting more IB Examination

students could elevate the academic results of students taking university programmes and demonstrate the popularity of the faculties concerned. He/she said that the percentage of students who scored the highest grade in HKDSE Examination was 1% whereas that in IB Examination was 24%. This had created inequality in access to higher education. He/she hoped that the Government would pay more attention to the situation.

2.2.3 An attendee commented on the problem of student suicide. He/she said that there were already 18 students who had committed suicide in the current school year, and the preventive measures taken by the Government did not seem to work.

2.2.4 An attendee commented on the problem of school bullying. He/she was of the view that despite the implementation of the policy of providing one school social worker for each secondary school, it was extremely difficult for a single social worker to take care of all students. He/she urged the Government to work out other measures to alleviate the problems.

2.2.5 An attendee hoped that the Government would truly reflect in the report the stress caused by public examination on the youth in Hong Kong to the United Nations (UN) and provide statistics on student suicide to the UN for reference.

2.2.6 An attendee was concerned about discrimination and bullying in schools against the youth who were sexual minorities and hoped that relevant bureau could examine how to help them.

2.2.7 An attendee said that one in four students had slight suicidal tendencies according to some statistics, which showed that the problem of mental health among students was rather serious. He/she hoped that the situation could be mentioned in the report.

### **Opinions on Supporting Students with Special Education Needs (SEN)**

2.2.8 An attendee remarked that the waiting time for assessments of SEN students was still not satisfactory, and urged the Government to make commitment to finding ways for shortening the waiting time. He/she hoped that such commitment could be covered in the report to be submitted to the UN.

2.2.9 An attendee said that the compatibility of inclusive education policy to the needs of students should be mentioned in the report. He/she said that according to the information provided by the Hong Kong Association for Specific Learning Disabilities, only 10% of language teachers had received complete and systematic teacher training on special education. He/she

therefore queried whether there was sufficient manpower to implement inclusive education in Hong Kong. He/she also said that the public misunderstood SEN students. For instance, accommodating measures for SEN students (such as providing additional examination time or examination paper printed in larger font size) were considered as “privileges” by other students, and hoped that the Government could pay attention to the situation. Another attendee shared the same concern and said that apart from students, teachers were also resistant to making adaptations. In relation to non-Chinese speaking students, he/she opined that more work could be done on teaching material adaptation and teacher training.

- 2.2.10 An attendee said that more resources should be allocated for professional adaptation and small class teaching to assist SEN students.
- 2.2.11 An attendee said that there was room for improvement in the existing mechanism which provided resources for schools with SEN students. At present, the special education needs of students were classified into three classes, with Class III being the most serious. However, only schools that had Class III SEN students would be granted additional resources for hiring a teaching assistant responsible for SEN matters. In other words, schools would not receive such resources even if they had taken on board a lot of Class I and II students. He/she was of the view that apart from the level of SEN, the number of SEN students in schools should also be taken into account in resource allocation. Besides, he/she remarked that the general public did not have access to statistics on teacher training in the education of SEN students provided by the Education Bureau (e.g. ratio of schools which had received training). Members of the public could only give effective opinions when they grasp the present situation.

### **Opinions on Receiving of Higher Education of Youths**

- 2.2.12 An attendee said that while many local students could rely on the Government’s Student Loan Scheme in order to receive higher education, Muslim youth could not benefit from the Scheme, which was not Shariah-compliant.
- 2.2.13 An attendee said that many associate degree students were worried about the recognition of the courses they were taking. Although the contents, knowledge and skill training offered by associate degree courses were completely different from that of secondary school curriculum and even similar to that of first year’s degree courses, employers tended to regard them as secondary school graduates. The attendee hoped that the situation faced by associate degree students and graduates could be truly reflected in the report. An attendee also hoped that the latest position on vocational training

provided for the youth in Hong Kong would be reflected in the report.

### **Opinions on Youth Alcohol Consumption, Gambling and Drug Abuse**

- 2.2.14 An attendee expressed concern over alcohol consumption and gambling among the minors, and said he/she personally knew some underage students who went to nightclubs every month. He/she was also aware of underage students engaging in online gambling, and hoped the authority concerned would pay heed to the problem.
- 2.2.15 An attendee hoped that the situation of children whose parents abused drug and relevant policy assistance offered to them could be covered in the report. Another attendee hoped that the latest situation of drug abuse among the youth could also be covered.

### **Opinions on Parental Responsibility, Domestic Violence and Child Abuse**

- 2.2.16 An attendee expressed views on the introduction of “joint parental responsibility model” (emphasising the continuing responsibilities of both parents towards their children rather than their individual parental rights even after divorce) by legislation. The attendee said that the Government attempted twice, but in vain, to put forward the policy in a legislative proposal. He/she hoped that the Government could provide the way forward of the policy concerned in the report.
- 2.2.17 An attendee said that there was a pressing need to introduce legal reform on the child protection mechanism. While reform on local legislation relating to child protection remained stagnant in the past few decades, the United Kingdom had carried out three reforms during the same period. He/she urged the Government to refer the issue to the Law Reform Commission. Moreover, only a handful of serious child abuse cases were reported and entered into enforcement procedures. Besides, the problem of children staying overdue in temporary residential institutions should also be taken seriously.
- 2.2.18 An attendee expressed views on corporal punishment of children. He/she said that parents would not be prosecuted unless the corporal punishment had reached the level of abuse, thus called for a policy review by the Government. In response, the Chairperson said that Hong Kong adopted a “zero-tolerance” approach to violence against children, but a better understanding of the relevant legislation was needed when dealing with the issue.
- 2.2.19 An attendee said that the connection between various issues, such as youth smoking, drug abuse, gambling and suicide, which were often regarded as

separate issues, should not be overlooked. Studies showed that youth behavioural problems were related to the harm caused by abuse or domestic violence. He/she opined that a comprehensive and holistic approach should be taken to deal with the matter. He/she further said that even without actual physical harm, witnessing domestic violence alone could make profound negative impact on children, but at present children who merely witnessed domestic violence were not regarded as victims. Moreover, Hong Kong has yet to set up a mandatory notification system for domestic violence.

### **Opinions on the Role of the Commission on Children**

- 2.2.20 An attendee said that it should be stated clearly in the report that contrary to what the civil society had been asking for, the Commission on Children (the Commission) had no legal status, nor did it have any independent team of staff, office, financial provision and investigation power.
- 2.2.21 An attendee welcomed the establishment of the Commission. He/she further said that the Commission would focus its work on children aged 14 or under although its service targets covered all children under 18. However, the UN Convention on the Rights of the Child defined children as all persons under the age of 18. He/she questioned whether the work priorities of the Commission were in full compliance with the requirements of the UN Committee on the Rights of the Child. Another attendee also hoped that the Commission could be hived off from the government structure to become an independent organisation.

### **Other Opinions on the Outline**

- 2.2.22 An attendee said some owners and/or estate agents made it clear that they would not rent the flats to ethnic minorities. He/she further said that the Estate Agents Authority and the Equal Opportunities Commission (EOC) did not take proactive actions to investigate the above situation, and the complaint procedures of EOC were complicated as well. In response, the Chairperson said EOC should be more proactive in looking into the cases, and that the above phenomenon might arise from cultural difference rather than discrimination.
- 2.2.23 An attendee expressed views on participation in cultural and arts activities. He/she said that young people who wanted to pursue development in less popular areas of arts like Chinese traditional operas faced a lack of channels and platforms as well as low acceptance among their peers. He/she hoped that the Government could step up promotion in this respect.

- 2.2.24 An attendee said the “Inclusive Playground” in Tuen Mun was effective and hoped that consideration could be given to include such facilities into town planning requirements. The Chairperson said this matter had been discussed at an earlier Children’s Rights Forum meeting, and had conveyed to the department concerned that such facilities, if proven effective, could be considered to extend to other districts.
- 2.2.25 An attendee said at present about 160 children under the age of 15 did not study in schools and hoped that relevant bureaux/departments would step up efforts to follow up the issue.
- 2.2.26 An attendee said at present language education in Hong Kong focused on Chinese and English. He/she hoped that consideration could be given to offering courses on languages other than Chinese and English to students.
- 2.2.27 An attendee pointed out that “cultural identity and national values” was proposed in the outline of topics as an item to be covered under Article 13 of the ICESCR, but Article 13 did not expressly state that this topic must be covered. He/she suggested that consideration should be given to deleting this item.
- 2.3 Comments and questions on other business put forward by attendees and children representatives, as well as responses from the representatives of CMAB were as follows:
- 2.3.1 An attendee hoped that CMAB could hold Children’s Rights Forum meetings in schools. Another attendee said CMAB should take the initiative to liaise with NGOs and children representatives relevant to the matters to be discussed at the Forum in future, so that the focused discussion held could better reflect the actual situation.
- 2.3.2 The Chairperson thanked the attendees and children representatives for their questions and suggestions. She said that the concerns raised at this meeting would be relayed to the relevant policy bureaux for consideration, and focused discussion on the effectiveness of individual policy could be held at future meetings of the Children’s Rights Forum.