

**Notes of the  
Sixth Meeting of the Commission on Children**

**Date : 15 November 2019**  
**Time : 3:00 p.m.**  
**Venue : Room 102, 1/F, 258 Queen's Road East, Wan Chai**

**Present**

**Vice-chairperson**

Dr Law Chi-kwong	Secretary for Labour and Welfare (SLW)
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**Ex-officio Members**

Dr Christine Choi	Under Secretary for Education (for Secretary for Education)
Mr Jack Chan	Under Secretary for Home Affairs (for Secretary for Home Affairs)
Ms Elizabeth Tse	Permanent Secretary for Food & Health (Health) (PS(H)) (for Secretary for Food and Health)
Ms Judy Chung	Principal Assistant Secretary (Constitutional & Mainland Affairs) <sup>5</sup> (for Secretary for Constitutional and Mainland Affairs)
Mr Gordon Leung	Director of Social Welfare
Dr Constance Chan	Director of Health (D of H)
Ms Rebecca Chan	Chief Executive Officer (3) (for Director of Home Affairs)
Ms Chan Yuen-han	Chairperson of Women's Commission

**Non-official Members**

Mr Peter Au Yeung Wai-hong  
Ms Janus Cheng  
Ms Kathy Chung Lai-kam  
Mr Dennis Ho Chi-kuen

Dr Patrick Ip  
Dr Sanly Kam Shau-wan  
Mr Edwin Lee  
Mrs Priscilla Lui Tsang Sun-kai  
Ms Shalini Mahtani  
Mr Kenny Ng Kwan-lim  
Ms Susan So Suk-yin  
Ms Michelle Tam Chi-yun  
Dr Sandra Tsang Kit-man  
Mr Gary Wong Chi-him  
Dr Lilian Wong Hiu-lei  
Ms Kathy Wong Kin-ho  
Dr Wong Kwai-yau

**Secretary**

Mr Andrew Tsang	Principal Assistant Secretary for Labour and Welfare (Welfare) <sup>1</sup>
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**In attendance**

**Labour and Welfare Bureau (LWB)**

Mr David Leung	Acting Permanent Secretary for Labour and Welfare / Deputy Secretary for Labour and Welfare (Welfare) <sup>1</sup>
Miss Karen Shing	Assistant Secretary for Labour and Welfare (Welfare) <sup>1A</sup>
Ms Terry Cheung	Chief Executive Officer (Commission on Children)
Miss Linette Au	Assistant Secretary (Commission on Children)

**Education Bureau (EDB)**

Mrs Iris Kwong [For item 4 only]	Principal Education Officer (Kindergarten Education)
Mr Cheng Ming-keung [For item 4 only]	Principal Education Officer (Curriculum Development) <sup>2</sup>

## **Security Bureau (SB)**

Ms Joceline Chui  
[For item 3 only]

Principal Assistant Secretary (Security)E

## **Hong Kong Police Force (HKPF)**

Ms Rebecca Lam  
[For item 3 only]

Assistant Commissioner of Police  
(Support)

Mr Francis Chan  
[For item 3 only]

Chief Superintendent of Police (Crime  
Support) (Crime Wing)

Ms Kitty Chik  
[For item 3 only]

Superintendent (General) (Support  
Branch)

Ms Moon Cheung  
[For item 3 only]

Chief Inspector (Family Conflict and  
Sexual Violence Policy Unit) (Crime  
Wing)

## **Social Welfare Department**

Ms Pang Kit-ling  
[For item 3 only]

Assistant Director (Family & Child  
Welfare)

Mrs Helen Kwok  
[For item 3 only]

Assistant Director (Youth &  
Corrections)

## **Department of Health (DH)**

Dr Lo Yim-chong

Acting Consultant Community Medicine  
(Family and Student Health) / Principal  
Medical and Health Officer (Family  
Health Service)

Dr Florence Lee

Consultant Paediatrician (Child  
Assessment Service)

## **Members absent with apologies**

Prof Daniel Shek Tan-lei  
Miss Bakar Fariha Salma Deiya  
Miss Cheng Hui-kiu  
Mr Winson Chow Wai-chung  
Dr Halina Poon Suk-han

Chairperson of Family Council

SLW informed Members that the Chairman had invited him to chair the sixth Commission meeting as the Chairman had to attend to urgent official business relating to the occupation of university campuses by racial protestors.

**Item 1: Confirmation of the Notes of the fifth Meeting held on 16 August 2019**

2. The draft notes of the fifth meeting were circulated to Members on 29 October 2019 and no comment had been received. The notes were confirmed without any amendment.

**Item 2: Matters arising**

3. An updated work plan of the Commission was circulated to Members on 31 October 2019. SLW highlighted the following key revisions –

- (a) Two items, i.e. Reports of Child Fatality Review Panel and Cyber Bullying and Procedural Guide on Protecting Children from Maltreatment were included as agreed at the tea gathering held on 18 September 2019.
- (b) Taking into account the experience from previous meetings and the number of priority issues to be handled by the Commission, and with the Chairman's agreement, not more than two "discussion items" and one "information item" would be included in the agenda for each Commission meeting in future.

4. Members agreed with the proposed arrangement for agenda setting, and accepted that it would take a longer timeframe for the Commission to finish discussion of all the priority issues as entrusted by the Chief Executive's Preparatory Committee for the Establishment of Commission on Children.

5. In response to a Member's enquiry, SLW said that issues specific to individual Working Groups (WG) would be referred to and considered by the relevant WG, as appropriate. Should a discussion item require cross-Bureau/Department (B/D) collaboration, the Secretariat would convey the Commission's discussion and advice to relevant B/D for follow-up work.

6. In response to a Member's suggestion for a proposed cash subsidy for children with developmental disorders to undertake assessment service, PS(H) said that the existing health care voucher scheme was targeted at the elderly. FHB had reservation about creating different voucher schemes to cater for different target groups.

### **Item 3: Briefing by the Police in Handling of a Child or Young Person in Custody [Paper No. 14/2019]**

7. Superintendent (General)(Support Branch) and Chief Inspector (Family Conflict and Sexual Violence Policy Unit) (Crime Wing) of the HKPF briefed Members on the handling of children or young persons in custody; AD (Youth and Corrections) of the SWD briefed Members on the established practice and procedures of the Tuen Mun Children and Juvenile Home (TMCJH) in handling the minors admitted, including those in need of care or protection.

8. Dr Lilian Wong declared interest as she was the Secretary-General of the organisation (i.e. Hong Kong Paediatric Foundation) which issued the "Position Statement on Our Deep Concerns about the under Violence and Brutality to Our Children in Hong Kong" relating to the toxic stress posed by the recent social incidents to children.

9. Members' views and suggestions are summarised as follows –

- (a) Members noted that it was the Police's statutory duty to maintain public safety and public order. Some opined that the use of force should be restrained. A balance should be struck between effective law enforcement and adequate protection of children's rights. While Members appreciated that police officers were under tremendous stress amid recent social incidents, police officers should maintain appropriate manners in their interaction with the public.
- (b) The Police should consider engaging a team of professionals such as social workers and clinical psychologists to provide support for arrested minors, and make sure that children's rights as set out in the United Nations Convention on the Rights of the Child were properly protected. For example, the Police should ensure that an arrested

minor must be accompanied by an appropriate adult throughout the interview process.

- (c) Frequent exposure to violent scenes would result in toxic stress for children, possibly affecting their personal development. Some children might also imitate the violent acts. Noting that the information note prepared by the Department of Health (DH) had provided detailed information on toxic stress, Members suggested publishing it for reference by the public.
- (d) On the use of tear gas, there were views that –
  - (i) frequent use of tear gas in densely populated areas might have adverse impact on public health. The Police should provide information about the composition of tear gas;
  - (ii) excessive use of tear gas would affect the health conditions of children and the elderly, especially those with chronic illness. The Government should provide information to the public on how tear gas residual materials should be cleaned; and
  - (iii) many parents and children were concerned about the health impact of tear gas. There were cases where child carers were not able to leave their work place when the Police was deploying tear gas in the vicinity.
- (e) On the application of the Police General Orders (PGO), there were views that –
  - (i) police officers' use of force, handling of underage arrestees and general manner in dealing with the public should be subject to strict compliance with the PGO;
  - (ii) medical treatment of individual underage arrestees, where necessary, should be given top priority over other procedural matters whilst they were under the Police's custody; and

- (iii) frontline police officers should be reminded of the relevant guidelines in discharging their duties. Some Members considered that there should be appropriate remedial measures in case of non-compliance.
- (f) The Police should, as far as possible, give due consideration to the safety of bystanders in the course of its operations.
- (g) A Member requested the Police to provide detailed information on the breakdown by districts and by day, if possible, of tear gas, beanbag rounds, rubber bullets and sponge grenades used as well as the number of underage arrestees (at or below 18) since June 2019.
- (h) On handling of children with specific needs whilst under the Police's custody –
  - (i) Noting that children with behavioural problems, such as Attention Deficit and Hyperactivity Disorder (ADHD) or Autism Spectrum Disorder, might have a higher tendency to be involved in illegal activities associated with public order events (POE), a Member asked if the Police had any special arrangement for handling underage arrestees with specific needs.
  - (ii) A Member asked about the interpretation service provided for arrestees and witnesses who were ethnic minorities (EM). There was also the concern about EM children under the age of 16 being detained in the TMCJH, as they should be allowed to return home as soon as possible to prevent isolation and marginalisation.
- (i) With regard to the Police's operations relating to POE involving children or young persons, some Members considered that the Police, the EDB and the SWD should work together to enhance communication so that schools and social service units could be better prepared to provide support to students.
- (j) A Member pointed out that school bus routes might be affected by recent social incidents. Students might be mistaken as protestors and stopped by the Police demanding identification.

- (k) Regarding isolated accusations about alleged sexual abuse of underage arrestees under police custody, including strip search and gang rape, a Member was concerned that victims of sexual crimes, in particular young children, might not be willing to make formal complaints. Members generally considered that frontline police officers should be reminded to adhere to relevant guidelines so as to protect children against any form of infringement of rights.
- (l) Recent social incidents would have impacts on children and young people, particularly those with developmental concerns and problems. These impacts, though uncertain at this stage, could be far-reaching. While some mental illnesses could be diagnosed in childhood, many could not until much later.

10. D of H informed Members that an information paper titled “Stress Management in Children” had been circulated for Members’ reference. DH recognised the importance of safeguarding children’s physical and mental health. At SLW’s invitation, D of H introduced the said information paper and invited Members’ views.

*[Post-meeting notes: On Members’ suggestion, DH has made the information note available online for the public; the information note was prepared in Chinese, English and ethnic minority languages.]*

11. In reply to Members’ views, ACP (Support) made the following overall responses–

- (a) It was the Police’s duty to maintain law and order. The overall law and order situation continued to improve in 2018 when Hong Kong actually witnessed a record-breaking low crime rate since the 1970s.
- (b) The Police attached great importance to improving communication and mutual understanding with the youths of Hong Kong. The Junior Police Call was one of the more prominent initiatives. Furthermore, Operation Breakthrough, a police-led charity with police officers volunteering as mentors, had been focusing on giving guidance and support to juvenile offenders.



- (c) The Police had put in place clear guidelines on handling child or juvenile arrestees to safeguard their rights and welfare, and called on Members and other relevant professionals to advise young people against engaging in unlawful activities.
- (d) The use of tear gas by the Police, governed by relevant guidelines, was necessary in response to the prevailing situations. The location and extent of using tear gas would depend on the circumstances at the scene and at the time. As the procurement details of the equipment used by the Police involved operational deployment, it would be inappropriate to disclose such details, including the composition of tear gas, as it would affect the Police's operational capability.
- (e) The Police would continue to ensure proper use of tear gas in accordance with the manufacturer's guidelines and internal ones. Information concerning the impact of tear gas on physical health was available on the website of the Centre for Health Protection under the DH.
- (f) The Police observed the PGO and other internal guidelines closely during operations, specifically –
  - (i) Where a person in police custody so requested or when it appeared to a Duty Officer at the Police Station that such person was in need of medical attention, the Duty Officer would make necessary arrangement to ensure medical care to the person in need.
  - (ii) When a child or juvenile (apparently under the age of 16) was arrested, the Police would make all reasonable efforts to inform the arrestee's parent or guardian to come to the police station where the child or juvenile was held. Where reasonably practical, the Police would require an "appropriate adult" to be present to accompany the arrested child or juvenile during interviews.
  - (iii) From 9 June to 31 October 2019, there were 165 arrestees (out of some 3 000) under the age of 16. Of these, some 150 who had to go through the interview process all did so in the presence

of an appropriate adult. The issue of “appropriate adult” did not arise in the other cases as no investigation of interview was conducted before their release.

- (iv) Compliance with the PGO and other internal guidelines was compulsory for all police officers. Disciplinary actions would be taken against any officers found to be in violations of relevant rules and guidelines.
- (g) Investigation on the allegation by an arrested person of being gang raped by police officers whilst in custody had been concluded, and there was not sufficient information to substantiate the accusation.
- (h) The Police had followed, and would continue to follow, relevant guidelines for conducting search on detainees. The Police would handle complaint cases in accordance with established procedures.
- (i) The Independent Police Complaints Council had established a special task force to deal with allegations of abuse of police powers and inappropriate use of force during the social incidents.
- (j) On a Member’s specific request for detailed breakdown of information relating to the Police’s use of force in each operation or at each location, etc, ACP (Support) said that breakdown by district and by day might not be available. In any event, ACP (Support) suggested that Members and indeed the public should consider specific piece of information in context. For example, in considering whether the Police had resorted to necessary force at a particular operation, it should perhaps be helpful to also look at the scale of illegal activities and extent of violence involved in the Police’s operation. As a matter of fact, many police officers had suffered injuries inflicted by violent acts of protestors.

*[Post-meeting notes: Available figures prepared by the Police were circulated to Members for information on 18 December 2019.]*

12. Superintendent (General)(Support Branch) supplemented with the following responses –

- (a) The Police would make necessary arrangements to take care of the welfare of all persons in police custody, especially persons with special needs or with physical and/or mental disabilities.
- (b) To ensure that EM were fully informed of and understood their rights, the Police would offer interpretation service to support those in need. Standard notices and forms for persons in police custody were made available in 15 common EM languages. Having due respect for their religious or ethnical needs during detention, Bible, Koran or other religious text would be provided, and special dietary arrangements made upon request.

13. Members thanked the representatives of the Police for the briefing and suggested ongoing dialogue with the Police to restore people's confidence in the Police. Members also suggested the Police's direct engagement with children to show understanding of and respect for their feelings and views.

14. ACP(Support) thanked Members for their valuable comments and suggestions. The Police and related professionals would join hands to safeguard law and order in our community. Children and young people must be mindful of their own personal safety at all times, and should not participate in unlawful activities. They should stay away from any place or occasion where there might be violent confrontations or illegal activities. On the use of tear gas, ACP(Support) undertook to convey Members' views to the operation commanders.

15. In conclusion, SLW said that the Secretariat would convey Members' views to the Police and relevant B/D for consideration.

#### **Item 4: Education Development and Academic Pressure in Hong Kong [Paper No. 15/2019]**

16. To allow reasonable time for exchange of views on the matter, SLW suggested and the meeting agreed that discussion of this item would be deferred to the next Commission meeting.

**Item 5: Reports of the Working Group on promotion of Children's Rights and Development, Education and Publicity and the Working Group on Research and Public Engagement [Paper No. 16/2019]**

17. PAS(W)1 briefed Members on the progress reports by the two WG. Members noted the progress of various publicity activities and preparatory work for the proposed consultancy study to develop a central databank on children. Regarding the stakeholders engagement session to be held on 30 November 2019, some Members had expressed concern about the safety of the children participants having regard to recent social incidents. The meeting agreed that the engagement session with children in the afternoon should be cancelled. As regards the morning session for adult participants, since the invitations had been issued, the meeting agreed that the Secretariat should follow up on the organisation of the stakeholders engagement session accordingly.

*[Post-meeting note: The morning session of the stakeholders engagement was held on 30 November 2019 as planned.]*

**Item 6: Any Other Business**

18. SLW informed Members that the production of the TV Announcements in the Public Interest (API) and promotional video of the Commission were completed. The Secretariat had arranged a preview of the API and promotional video at the meeting.

19. There being no other business, the meeting ended at 7:00 p.m.

**Commission on Children Secretariat  
February 2020**