

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

Date : 6 August 2021
Time : 2:30 p.m.
Venue : 5/F, West Wing, Central Government Offices, Tamar

Present

Chairperson

Mr John Lee Chief Secretary for Administration (CS)

Vice-chairperson

Dr Law Chi-kwong Secretary for Labour and Welfare (SLW)

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)
Dr Chui Tak-yi	Under Secretary for Food and Health (for Secretary for Food and Health)
Miss Cathy Li	Principal Assistant Secretary (Constitutional and Mainland Affairs) ⁵ (for Secretary for Constitutional and Mainland Affairs)
Mr Gordon Leung	Director of Social Welfare
Dr Lo Yim-chong	Acting Consultant Community Medicine (Family and Student Health) (for Director of Health)
Mr Howard Yam	Assistant Director of Home Affairs (3) (for Director of Home Affairs)
Ms Chan Yuen-han	Chairperson of Women's Commission
Ms Melissa Kaye Pang	Chairperson of Family Council

Non-official Members

Mr Peter Au Yeung Wai-hong
Miss Bakar Fariha Salma Deiya
Miss Kelly Cheng Hui-kiu
Ms Kathy Chung Lai-kam
Mr Dennis Ho Chi-kuen
Dr Patrick Ip

Dr Sanly Kam Shau-wan
Mrs Priscilla Lui Tsang Sun-kai
Ms Shalini Mahtani
Mr Kenny Ng Kwan-lim
Dr Halina Poon Suk-han
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

Ms Jeanne Cheng Principal Assistant Secretary for Labour and
Welfare (Commission on Children)

In attendance

Chief Secretary for Administration's Private Office

Miss Carrie Chang Administrative Assistant to Chief Secretary
for Administration
Mr Alex Chan Press Secretary to Chief Secretary
for Administration
Ms Kathy Siu Political Assistant to Chief Secretary
for Administration

Labour and Welfare Bureau (LWB)

Ms Alice Lau Permanent Secretary for Labour and Welfare
Mr David Leung Deputy Secretary for Labour and Welfare
(Welfare)1
Ms Penny Wong Assistant Secretary for Labour and Welfare
(Commission on Children)
Ms Terry Cheung Chief Executive Officer
(Commission on Children)
Ms Veronica Wong Principal Assistant Secretary for Labour and
[For item 3 only] Welfare (Welfare) 2
Mr Huggin Tang Assistant Secretary for Labour and Welfare
[For item 3 only] (Welfare) 2A

Education Bureau (EDB)

Ms Tao Pui-ki Senior Inspector (Guidance & Discipline)¹
[For Item 3 only]

Food and Health Bureau (FHB)

Ms Elaine Mak Principal Assistant Secretary for Food and
[For Item 3 only] Health (Health)²

Security Bureau (SB)

Ms Joceline Chui Principal Assistant Secretary (Security) (E)
[For Item 3 only]
Miss Tiffany Wong Assistant Secretary (Security) (E3)
[For Item 3 only]

Social Welfare Department (SWD)

Ms Pang Kit-ling Assistant Director (Family and Child Welfare)

Consulting Team for the Consultancy Study for Developing a Central Databank on Children
[For Item 4 only]

Mr Isaac Chow	Lead Consultant, Varmeegeo Limited [Team Leader]
Mr Albert Wong	Partner, PricewaterhouseCoopers Advisory Services Limited (PwC) [Project Director and Researcher]
Mr Patrick Tam	Management Consultant, Varmeegeo Limited [IT Manager]
Ms Kate Shieh	Senior Manager, PwC [Research & Framework Development Team Member]
Ms Michelle Wong	Manager, PwC [Research & Framework Development Team Member]
Ms Vera Leung	Associate, PwC [Research & Framework Development Team Member]
Dr Ruby Lo	Chief Executive Officer, Social Policy Research Ltd [Social Research Partner]
Prof Edward Chan	Professor, Department of Applied Social Sciences, The Hong Kong Polytechnic University [Child Welfare Specialist]

Members absent with apologies

Ms Janus Cheng

Mr Winson Chow Wai-chung

Mr Edwin Lee

CS welcomed Ms Alice Lau, Permanent Secretary for Labour and Welfare, and Ms Jeanne Cheng, Secretary of the Commission on Children (CoC), for joining the meeting for the first time.

Item 1: Confirmation of the Notes of the Tenth Meeting held on 7 May 2021

2. The draft notes of the tenth meeting were circulated to Members on 5 July 2021 and no comment was received. The notes were confirmed without any amendment.

Item 2: Matters Arising

3. There were no matters arising from the last meeting.

Item 3: Proposed Mandatory Reporting Requirement for Suspected Child Abuse Cases [Paper No. 13/2021]

4. On CS' invitation, SLW briefed Members on the pros and cons of the mandatory reporting mechanism for suspected child abuse cases with reference to overseas experience and the key parameters that should be considered if such a mechanism were to be introduced in Hong Kong.

5. Ms Susan So declared her interest as some of the staff members of the organisation that she served (i.e. Hong Kong Society for the Protection of Children) were members of the professions potentially subject to the proposed mandatory reporting requirement.

6. Members' views and suggestions were summarised as follows –

(a) Some Members supported the setting up of a mandatory reporting mechanism as early as possible. Individual Members made the following further suggestions –

(i) Apart from the designated professionals as proposed in the consultation paper, the mandatory reporting requirement could include other categories of persons who had frequent contact with children, including all child-related

professionals (such as psychologists) and non-professional welfare workers (such as programme managers of non-governmental organisations (NGOs)). Besides, parents, being the primary carer of their children, should also have the responsibility to report any suspected child abuse incidents.

- (ii) The mandatory reporting requirement should cover children aged below 18 (as opposed to under the age of 16 as proposed in the consultation paper).
- (b) Some Members considered that the Government should not rush to mandate reporting of suspected child abuse cases by legislation. Views of individual Members included –
- (i) The relevant professions, such as teachers, child care workers and medical practitioners, had concerns about the threshold for the mandatory reporting of “child abuse” incidents given that the consultation paper did not provide implementation details, reporting procedures and resource implications.
 - (ii) Before considering the introduction of mandatory reporting system through legislation, the Government should strengthen the administrative measures (such as the Pilot Scheme on Social Work Services for Pre-primary Institutions (Pilot Scheme)) for early detection of child abuse cases and support of the relevant parties, enhance public education on child abuse, as well as conduct consultation and engagement sessions to collect views and allay stakeholders’ concerns.
 - (iii) The proposed penalty of 3 years’ imprisonment was too severe considering that the designated professionals were not perpetrators of child abuse.
 - (iv) Some Members suggested that fine might be a more appropriate penalty for people who did not have the same level of expertise as the professionals in identifying child abuse cases (e.g. welfare workers) for failing to report. In addition, the Government should not exclude fine from

being the penalty for professionals failing to report since 3 years' imprisonment was too heavy to be the minimum penalty and might induce over reporting.

- (v) The Law Reform Commission (LRC) conducted a consultation in 2019 on the proposed new offence of “failure to protect a child or vulnerable person where the child’s or vulnerable person’s death or serious harm results from an unlawful act or neglect”. The Government should take into consideration the final report and recommendations of LRC in devising the proposed mandatory reporting requirements.
- (vi) A Member shared with the meeting the data of a survey conducted from August to December 2020 related to the provision of social work service for pre-primary institutions under the Pilot Scheme , in which 25% of students receiving the service were identified to be at risk children, suffering from family risks, suspected abuse and neglect. It had demonstrated the importance of early identification of risks as well as appropriate and prompt intervention and support for the children concerned. The support of appropriate social service was indispensable to the successful implementation of mandatory reporting.
- (c) Irrespective of their stance on the proposed mandatory reporting mechanism, Members suggested that the Government should be well-prepared in the following areas should it decide to legislate –
 - (i) Child abuse should be clearly defined and the wording used should be consistent across different ordinances to avoid confusion in interpretation and enforcement.
 - (ii) There was a need to provide guidelines on the proposed reporting threshold of “imminent risk of serious harm” to assist frontline professionals in identifying cases and avoid over-reporting or misreporting.
 - (iii) There was inadequate professional staff (e.g. social workers) in the private child care sector to support identification of

suspected child abuse cases. The Government should enhance collaboration between medical practitioners (including doctors in private practice) and school social workers in identifying child abuse cases.

- (iv) The Government should review the effectiveness of existing support measures, identify areas for improvement and strengthen the provision of these measures for needy children and families. A Member suggested that the “Protecting Children from Maltreatment - Procedural Guide for Multi-disciplinary Co-operation” guidelines could be beefed up with more explicit and practical content to facilitate identification of high risk cases by frontline personnel of different professions. There was a need to enhance residential support service to cater for an expected increase in caseload if the mandatory requirement would be implemented.
- (v) The Government should formulate a detailed plan before implementation of mandatory reporting, addressing key areas including resource and manpower requirements, staff training, guidelines on the reporting procedures, supporting measures and public education.
- (vi) The Government should strengthen training for people who would be subject to a mandatory reporting to avoid over-reporting and (both unintended and malicious) misreporting of cases as far as possible. The training could also cover how to encourage victims and/or their family members to make reports. These potential informants often shied away from reporting the perpetrators because of their relationship as relatives/friends, or out of fear of being dragged into legal proceedings.
- (vii) To protect the rights and interests of informants, the legislation should provide a defence in the event of misreporting on the ground of acting in good faith.
- (viii) In terms of the reporting channel, while severe cases would be reported to the Police, others could be reported to family service institutions for prompt intervention and assistance

and to avoid creating bottlenecks.

(d) Individual Members also expressed some other views relating to child protection –

(i) The Government should strengthen support for child abuse victims to ensure full recovery from the trauma and prevent them from becoming perpetrators themselves when they grew up.

(ii) Forced marriages involving ethnic minority girls were often associated with physical, mental and sexual abuses, but were seldom reported to the Police or relevant organisations for assistance.

7. SLW encouraged stakeholders to offer views during the consultation period on whether the Government should legislate to provide for a mandatory reporting mechanism. If it was decided to go down the legislative route, the Government would need to take into account a basket of considerations such as compatibility with relevant codes of practice of the affected professions, and further consultation on the implementation details would be conducted.

8. CS thanked Members for their valuable views and said that a consultation exercise would be conducted to seek views from the stakeholders of the social welfare sector, school sector, health sector, as well as the relevant advisory boards including Social Welfare Advisory Committee, Family Council and Women's Commission. The Government would consider the way forward taking into account all views received.

**Item 4: Progress Update of the Consultancy Study for Developing a Central Databank on Children in Hong Kong
[Paper No. 14/2021]**

9. On CS' invitation, Dr Sanly Kam, the Convenor of the Working Group (WG) on Research and Public Engagement, and the Consulting Team (i.e. PricewaterhouseCoopers Advisory Services Limited) briefed Members on the progress of the Consultancy Study for Developing a Central Databank on Children (CDC) in Hong Kong.

10. Members' views and suggestions were summarised as follows.
- (a) A Member enquired about the scale of the CDC to be set up, the coverage of data of other relevant target groups (e.g. women and family) in the CDC as well as the transferability and compatibility among the CDC and other databanks of relevant target groups for the purpose of facilitating integrated analysis on data across different but relevant domains.
 - (b) Some Members enquired about the types of data currently held by various bureaux/department (B/Ds), how the public could access such data, and the implementation timetable of the CDC.
 - (c) A Member looked forward to the development of the implementation framework under the CDC in Hong Kong, and suggested expanding data domains beyond those selected for the two priority areas of the CDC, i.e. "Risk of Abuse & Neglect" and "Children with Special Education Needs (SEN)", in the longer run if possible.
 - (d) A Member suggested that the CDC should support linkage of data of individual persons maintained by various B/Ds. This would facilitate tracking and case management for improving services and guiding policy formulation. To address privacy and security concerns, the Member suggested that B/Ds should ensure the anonymity of datasets and consider the appointment of an independent administrator to manage the CDC. As for privacy issues relating to the two priority areas of the CDC, the Member opined that it might not be necessary to obtain the prescribed consent of the data subject (who might be the perpetrator) for case tracking purpose in the domain of child abuse. In the domain of children with special education needs, only authorised professionals, such as teachers and medical practitioners, should be allowed to use the data of an individual children.
 - (e) A Member considered that the design of the CDC, which enabled integration of data held by different sectors and B/Ds, was a good start as it would provide a central pool of resources for reference by the community, as well as support policy formulation by CoC. Besides, the Member stressed the importance of enhancing the public's understanding of the CDC to allay their worries and

concerns over data collection and usage.

- (f) A Member agreed that it was appropriate at this stage to select the two priority areas for further examination by the Consulting Team, and suggested that the Consulting Team should set out in the Final Report the benefits of the CDC in policy appraisal and formulation with the two priority areas as an illustration.

11. The Consulting Team made the following response –

- (a) Given that the target segment for the CDC would be children, the type of data to be included in the CDC would be well-defined to cover only persons below the age of 18. The data could be open for access by different bodies giving due consideration to the purpose of access and level of privacy protection required.
- (b) With reference to overseas experience, it was uncommon to develop an all-encompassing databank with all data stored centrally given the various concerns with regard to operational efficiency, privacy and security amongst others. Instead of data centralisation, the CDC should enable the sharing of data across different platforms, subject to the fulfilment of defined criteria and requirements.
- (c) The Consulting Team had taken stock of 24 local databases (18 from government B/Ds and 6 from NGO/academia) in respect of the types and storage of data, identification of data owners, as well as privacy and data security, the information of which had been included in the First Progress Report and circulated to all CoC Members. The Consulting Team would make recommendations on how to develop the CDC including the potential data sharing and interface arrangement in the Final Report.
- (d) In terms of benefits, the CDC should enable a comprehensive view of relevant children data in a one-stop platform, saving time and efforts for people who have a legitimate need to access such information. The Consulting Team would take into account stakeholders' views as far as possible, bearing in mind the need to ensure feasibility and effectiveness of the CDC in meeting its objectives.

- (e) The Consulting Team would illustrate the benefits of the CDC in the Final Report with reference to the two priority areas.

12. Dr Sanly Kam expressed her gratitude to the WG Members, representatives of relevant B/Ds and the Consulting Team for their concerted efforts, dedication and time in taking forward the project.

13. CS acknowledged the efforts of various parties and thanked Dr Sanly Kam for her leadership in overseeing the Consultancy Study as the WG Convenor. He said that the Government would take into account the recommendations of the Consultancy Study when charting the way forward in developing a CDC in Hong Kong.

Item 5: Progress Reports of the Working Groups [Papers No. 15 – 18/2021]

14. The Convenors of the four Working Groups reported the progress of the respective Working Groups. The Meeting noted the progress reports of the WG on Children with Specific Needs [Paper No. 15/2021], WG on Promotion of Children’s Rights and Development, Education and Publicity [Paper No. 16/2021], WG on Children Protection [Paper No. 17/2021] and WG on Research and Public Engagement [Paper No. 18/2021].

15. Referring to the stakeholder engagement session on “Children’s Developing – Living and Activity Space” held on 24 July 2021, a Member noted that the children participants each sent a postcard to the Chief Executive of HKSAR (CE) to express their aspiration for improvement in living environment, and asked if any response would be provided to them. CS assured the Member that appropriate follow-up action would be taken and that the Secretariat would follow up on the matter.

[Post-meeting note: The CE sent a printed postcard to each of the children participants on 13 August 2021, which were delivered by the Secretariat through the respective NGOs that had nominated the children to take part in the engagement session.]

Item 6: Any Other Business

16. Members noted that the next meeting was scheduled for 5 November 2021. There being no other business, the meeting ended at 5:20 p.m.

**Commission on Children Secretariat
October 2021**