

Family Council
Minutes of 40th Meeting held on 15 March 2019

Date: 15 March 2019 (Friday)
Time: 2:30 p.m. – 4:25 p.m.
Venue: Conference Room 2, G/F, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

Attendance

Chairman

Professor SHEK Tan-lei, Daniel

Ex-officio Members

Ms CHAN Yuen-han, Chairperson of the Women's Commission
Mr LAU Ming-wai, Vice-Chairperson of the Youth Development
Commission

Non-official Members

Ms CHAN Suk-mei, May
Mrs CHU YEUNG Pak-yu, Patricia, Convenor, Sub-committee on
Family Support
Dr Lam Chi-yan, Kay
Professor LAM Tai-hing, Deputy Convenor, Sub-committee on Family
Support
Mr LEE Luen-fai, Convenor, Sub-committee on the Promotion of
Family Core Values and Family Education
Professor LEUNG Seung-ming, Alvin
Dr TSUI Luen-on, Gordon
Mrs WONG NG Kit-wah, Cecilia
Miss WONG Siu-ling, Gabriella
Ms YIP Lai-wa, Emily
Ms YIP Yun-wan, Amarantha

Official Members

Mr Patrick LI, Deputy Secretary for Home Affairs (1) (*attending on behalf of Secretary for Home Affairs*)

Miss Leonia TAI, Deputy Secretary for Labour and Welfare (Welfare) 1 (*attending on behalf of Secretary for Labour and Welfare*)

Mr WOO Chun-sing, Deputy Secretary for Education (4) (*attending on behalf of Secretary for Education*)

Mr Bassanio SO, Assistant Head (3) (*attending on behalf of Head/Policy Innovation and Co-ordination Office*)

Secretary

Ms Carmen KONG, Principal Assistant Secretary for Home Affairs (Civic Affairs)²

In attendance

Miss Iris MA, Chief Executive Officer (Family Council)

Ms Adia LAM, Chief Executive Officer (Family Council) (Designated)

(For agenda item 3)

Ms Melody LUK, Assistant Commissioner for Labour (Labour Relations), Labour Department (LD)

Mr Raymond LIANG, Chief Labour Officer (Labour Relations), LD

(For agenda item 4)

Professor Paul YIP, Principal Investigator/ Chair Professor of Department of Social Work and Social Administration, The University of Hong Kong (HKU)

Dr Sandra TSANG, Co-Investigator/ Associate Professor, Department of Social Work and Social Administration, HKU

Dr Frances LAW, Co-Investigator/ Associate Professor of Department of Social Work and Social Administration, HKU

Ms Jacqueline MAK, Co-Investigator/ Consultant of Tang, Lai & Leung, Solicitors

Mr Jez CHENG, Project Coordinator, HKU

Absent with apologies

Dr LAM Ching-choi, Chairman of the Elderly Commission

Ms CHENG Chi-man, Sonia

Ms CHEUNG Lai-chu

Mr LEE Tsz-king, Dominic

Mr WOO Kin-man, Clement

Welcome Remarks

The Chairman welcomed all to the 40th meeting of the Family Council (the Council), in particular, Ms Adia LAM who attended the Council meeting for the first time.

2. The Chairman informed Members that Ms Adia Lam would take up the post of Chief Executive Officer (Family Council) (CEO(FC)) following the transfer of Miss Iris MA out of Home Affairs Bureau (HAB). The Chairman suggested and Members agreed to record a vote of thanks to Miss Ma for her contributions to the Council.

Item 1 – Confirmation of Minutes of the 39th meeting of the Family Council

3. The minutes of the 39th meeting were confirmed without amendments.

Item 2 – Matters Arising from the Previous Meeting

4. The Chairman noted that the Council Secretariat had circulated a progress report to Members for information, and invited CEO(FC) to brief Members on the progress. CEO(FC) informed the

meeting that the award presentation ceremony of the 2017/18 Family-Friendly Employers Award Scheme was held in Hong Kong Disneyland on 8 December 2018 with around 700 participants from over 300 awardees companies/organisations at the ceremony and 9 200 participants in the Family Fun Day held immediately after the ceremony. The event was well received by participants. The ceremony as well as interviews of awardees was reported in seven media.

5. In respect of the Study on Family Impact Assessment (FIA), CEO(FC) reported that the FIA checklist had been applied to 351 papers as at 28 February 2019. The Chairman asked the Council Secretariat to prepare a consolidated summary of FIA cases processed since the application of the FIA checklist for reference of Members.

(Action : Council Secretariat)

6. For the other studies in the pipeline, CEO(FC) reported that the draft final report for the Family Survey 2017 was received and would be circulated to members of the Sub-committee on Family Support (Support Sub-committee) for consideration within March 2019. As regards the progress of the “Further Study on the Phenomenon of Divorce in Hong Kong” (the Divorce Study), the second Working Group meeting was held on 21 January 2019. The Council Chairman wrote to the Judiciary Administrator (JA) on 24 January 2019 appealing to her assistance in provision of court information for the study. JA replied on 13 February 2019 that the first batch of information was released to the research team on the same day and they would provide further information available in the Judiciary by phases when ready. The research team would brief Members on the latest progress of the Divorce Study under Agenda item 4.

7. CEO(FC) then updated Members that the Council’s Facebook had attracted over 12 220 likes as at 28 February 2019 and the average number of “Reaction”, “Comments” and “Sharing” per post

was about 198. The twelve episodes of the new family education package on the family core value of “Communication and Harmony” were launched in the Council’s Facebook in turn starting from 4 January 2019. They had also be shown on social media and platforms of MTRC between mid-February and mid-March 2019. As at 28 February 2019, the view count of episodes ranged from 230 000 to 360 800.

8. CEO(FC) also informed the meeting that the Council Secretariat had conducted an interim review on the Pilot Scheme on Thematic Sponsorship to Support Family-related Initiatives (the Pilot Scheme) and presented the observations to the Support Sub-committee at its 35th meeting on 21 January 2019. The Convenor of Support Sub-committee would share with members its views and recommendations under Agenda Item 5.

Item 3 – Extension of Statutory Paternity Leave and Proposed Enhancement of Statutory Maternity Leave (Paper FC 2/2019)

9. The Chairman invited Ms Melody LUK, Assistant Commissioner for Labour (Labour Relations), and Mr Raymond LIANG, Chief Labour Officer (Labour Relations) of Labour Department (LD) to brief Members of the latest development on extension of statutory paternity leave (PL) and maternity leave (ML).

10. Ms Luk informed the meeting that with the passage of the Employment (Amendment) (No. 3) Ordinance 2018, a male employee with child born on or after 18 January 2019 would be entitled to five days’ PL for each confinement of his spouse or partner if he fulfilled other requirements as stipulated in the law. In respect of ML, the Government proposed extending the statutory ML from the current 10 weeks to 14 weeks in one go with ML pay (MLP) at the current rate of four-fifths of the employees’ average daily wages. The cost of the

additional four weeks' MLP would be funded by the Government by way of reimbursement to the employer with a cap of \$36,822 per employee, which would be equivalent to four-fifths of the wages of an employee with a monthly wage of \$50,000 in four weeks. In addition, there would be two other technical amendments to the Employment Ordinance (EO) –

- (a) to update the definition of miscarriage in EO from before 28 weeks of pregnancy to before 24 weeks of pregnancy; and
- (b) to entitle an employee who has attended pre-natal medical examination in relation to her pregnancy to sickness allowance by producing, other than a medical certificate, relevant documentary proof of having attended such medical examination.

11. In response to the Chairman's enquiry of the future plan, Ms Luk explained that the Government had adopted a gradual approach in improving employees' benefits, the regime of PL and ML inclusive, with due regard to the affordability of employers and the local socio-economic conditions. At the moment, the Government would focus on the upcoming legislative exercise and had no other plan. The Chairman shared that as observed from the entries of the Family-Friendly Employers Award Schemes organised by the Council, many companies had been offering ML and PL in excess of the statutory requirements and the employers' feedback revealed that such measures could improve their business performance and returns. To drive culture change in the long run, he suggested LD to conduct surveys to collect evidence-based data on the benefits of provision of ML and PL in excess of the statutory requirements for publicity use.

12. A member supported the views of the Chairman and added that an improved regime of ML and PL could release the pressure of mothers, in particular those working mothers. As the first half year

after confinement was a critical period to family, it would be desirable to have longer ML and PL. Apart from extended ML, flexible working arrangement after a female employee's return from ML should also be encouraged.

Item 4 – Progress of “Further Study on the Phenomenon of Divorce in Hong Kong” (Paper FC 3/2019)

13. To facilitate Members' discussion, the Chairman invited CEO(FC) to brief Members on the background of the Divorce Study. CEO(FC) informed the meeting that in view of the development in several issues concerning matrimonial legislation, the Support Sub-committee discussed and agreed in 2017 to commission the Divorce Study with a view to finding out more about the demographic and socioeconomic landscape of divorce situation in Hong Kong so as to facilitate a holistic review of various divorce related issues, including the systems of collection of maintenance payments and enforcement of maintenance orders.

14. The Chairman then invited the research team led by Prof. Paul YIP and comprising Dr Sandra TSANG, Dr Frances LAW, Ms Jacqueline MAK and Mr Jez CHENG to brief Members on the gist of its Progress Report submitted in February 2019 as well as the latest position of the Divorce Study.

15. Dr Frances Law shared with the meeting the research team's preliminary observations on the crude divorce rate of eight different places as well as the measures implemented in ten places for handling non-compliance of maintenance payment. The research team was in the course of stocktaking the maintenance support arrangements in different places, and was mindful that the measures should be viewed in the context of the social security and legal systems of respective places. The research team would also examine the legal framework and

institutional setup for the maintenance recovery measures in different places.

16. Prof. Paul Yip then briefed Members on the preliminary analysis of survey data obtained from the “Thematic Household Survey No. 61 : Enforcement of Maintenance Order” (Thematic Survey) and Dr Sandra Tsang gave a brief account of the data obtained from around 200 electronic questionnaires collected from non-governmental organisations (NGOs) and law firms by the end of November 2018. The major observations were –

Thematic Survey

- (a) the relatively prominent group of divorcees were aged between 45 and 64, at secondary education level, and lived in public rental housing. Hotspots of their residential places were Yuen Long, North District, Sham Shui Po and North Yau Tsim Mong, Wong Tai Sin and Kwun Tong;
- (b) the social awareness of maintenance orders was low at 15.3% only;
- (c) 83% of ever divorced/separated respondents had neither applied nor intended to apply for a maintenance order and majority of them were economically active. Many of them found no need for the maintenance order or had a private agreement with ex-spouse;

Electronic questionnaires

- (d) majority of principal clients were female, at mean age of 41.5 and at secondary education level and below; and
- (e) while 56.8% of principal clients had applied for maintenance order, around 27.5% of them only applied for a nominal maintenance fee of HKD \$1. Amongst the 65.1%

of clients having a monthly maintenance payment, 30% encountered difficulties in the collection of the monthly maintenance payment and they scattered across different demographic groups.

17. Members' views were summarised as follows –
- (a) a member enquired about the phenomenon of HKD \$1 maintenance fee, statistical data of enforcement of maintenance orders in Hong Kong and planned number of focus group meetings to be held by the research team. She considered that the research team should study various administrative measures including those adopted in Mainland China for reference;
 - (b) another member expected to know more about the effectiveness of various maintenance support arrangements in different places as well as the trend of compliance rate of maintenance payment;
 - (c) a member noted that the electronic questionnaire recruited cases by non-probability sampling method and enquired on the number of NGOs involved. Noting that the sampling size was relatively limited, she asked if raw data was available for analysis in this study;
 - (d) noting that the electronic questionnaires were filled by service providers rather than the subject divorcees, a member asked if data matching would be conducted. He also suggested that the crude divorce rate should be examined in context. For example, the declining divorce rate in western countries should be viewed against its declining marriage rate as well;

- (e) another member expected a more detailed analysis of spatial distribution of divorce cases in Hong Kong; and
- (f) a member commented on the categorisation of key reasons leading to divorce provided in the questionnaire and suggested that such information should better be collected during focus groups interviews.

18. In response, Dr Sandra Tsang explained that based on the preliminary data obtained from the Thematic Survey and the electronic questionnaires, it was the research team's initial observation that notwithstanding the relatively limited number of divorcees in suffer, their suffering should not be taken lightly and any assistance offered in the process of collecting maintenance fees would mean a great relief to them. The research team would probe into issues like the phenomenon of HKD \$1 maintenance payment, challenges before and during the recovery of maintenance fee faced by divorcees by focus group discussions at a later stage and initially, eight to ten focus groups would be lined up. While the research team had yet to have full access to the court data, it aimed to paint a comprehensive picture of divorce landscape in Hong Kong through multiple ways and hoped that the Divorce Study would generate relevant and useful data to facilitate subsequent policy study. Dr Frances Law then supplemented on the research team's preliminary observations on other places' maintenance support arrangements, and Prof. Paul Yip assured the meeting that they would compare the pros and cons of different measures and consult the Council again before working out the recommendations.

19. The Chairman thanked the research team for its presentation and reiterated on the importance the Council attached to this study. While acknowledging the complexity of the subject of divorce, he reminded the research team to adhere to the focus of the study and avoid being sidetracked to issues outside the scope of study. Regarding the availability of raw data, the Council would keep in touch

with the JA with a view to facilitating the research team's data access request. In the long run, the Chairman suggested that the Divorce Study might include a recommendation on the need to regularly capture statistical data on divorce cases for reference of relevant bureaux/departments in considering appropriate support measures to divorced families.

Item 5 – Progress of Work of the Sub-committees under the Family Council (Paper FC 4/2019)

20. The Chairman invited the Convenors of the Promotion of Family Core Values and Family Education (Promotion Sub-committee) and Support Sub-committee to report work progress.

21. Mr LEE Luen-fai, Convenor of the Promotion Sub-committee, briefed members that after discussion on 29 January 2019, the Promotion Sub-committee recommended the family core value of “Love and Care” be reinforced as the theme of 2019-20 publicity campaign and proposed a Chinese title of “童心同行” to reflect the sub-theme of “Caring for Our Kids”, which meant to echo with the territory-wide campaign proposed by the Task Force on Prevention of Youth Suicides. Similar to the arrangement of previous years, the publicity campaign would cover publicity programmes in collaboration with the Radio Television Hong Kong such as a family publicity event in May 2019, radio drama programmes, etc.

(Action : Promotion Sub-committee)

22. Mrs Patricia Chu, Convenor of the Support Sub-committee, briefed Members that the Support Sub-committee had conducted an interim review on the Pilot Scheme and recommended that pending establishment of Family Development Fund in the long run, a thematic sponsorship scheme should be launched in place of the Pilot Scheme to continue to support non-profit making and worth-while family-related

projects. While the existing funding mode and administrative arrangement should be maintained, the Support Sub-committee considered that projects approved under the thematic sponsorship scheme should be distinguished from the general service delivery programmes being funded under various government schemes by enhancing their research or evidence generating element. One of the possible improvement measures under discussion was provision of additional funding, on top of the approved funding under the existing ceiling cap of \$1 million, for the approved projects to engage research organisations to assist in conducting project evaluation or collection of empirical data from project participants. The Chairman welcomed the recommendations of the Support Sub-committee.

(Action : Support Sub-committee)

Item 6 – Any Other Business

23. Mrs Cecilia Wong suggested that the Council might consider engaging the young athletes obtaining world champions in the Council's events and activities, and promoting the innovative inclusive playground facilities of the Tuen Mun Park which was the first barrier-free play space for children in Hong Kong and suitable for all ages of family members. She also suggested discussion on the interventions to reduce prevalence of alcohol abuse.

(Action : Council Secretariat)

24. Prof. LAM Tai-Hing appealed to Members' support to the Government's legislative proposal relating to the ban on electronic cigarettes in Hong Kong which would be discussed at the Legislative Council in the week of 18 March 2019.

25. Ms Amarantha YIP informed Members that the Hong Kong Family Welfare Society would stage its 70th Anniversary Symposium entitled “Family Wellbeing in a Changing Society” on 17 May 2019 and the Council would be a supporting organisation of this event. She welcomed Members to join the symposium which aimed at advocating the wellbeing of Hong Kong families, as well as the “Symposium on Child-focused Collaborative Practice to Promote the Wellbeing of Children in Divorced Families” scheduled for 23 May 2019.

26. Noting that it was the last meeting of the current term of the Council ending 31 March 2019, the Chairman suggested and Members agreed to record a vote of thanks to five Members who had served the Council for six years, namely Mrs Patricia CHU, Prof. LAM Tai-hing, Mr. LEE Luen-fai, Dr Gordon TSUI and Miss Gabriella WONG.

27. DSHA(1), on behalf of the Government, thanked the Chairman for his contributions to Council and informed the meeting that the Chief Executive had re-appointed the Chairman for another tour to lead the smooth sailing of the Council including overseeing the completion of the Divorce Study.

28. There being no other business, the meeting was adjourned at 4:25 p.m. The next meeting would be held in June 2019.

Family Council Secretariat
April 2019