

**For information on
15 August 2013**

Paper FC 10/2013

Family Council

Promotion of Rights and Well-being of Children

PURPOSE

This paper briefs Members on the role of the Family Council vis-à-vis the promotion of rights and well-being of children.

ROLE OF THE FAMILY COUNCIL

2. Since its establishment in 2007, the Family Council has been striving to advocate cherishing the family as a main driver for social harmony, formulate strategies on creating a pro-family environment and family support, and promote family perspective in policy formulation among bureaux and departments (B/Ds). It has also been serving as a platform for B/Ds to examine, from the family perspective, policies and programmes designed for different age and gender sectors (including children).

3. With effect from 1 April 2013, the established approach of including family perspective in the policy-making process has been further enhanced by introducing a mandatory assessment of family implications for all policies. B/Ds are required to use the three sets of family core values (i.e. “love and care”, “respect and responsibilities” and “communication and harmony”) as identified by the Family Council, as well as the impact on family’s structure and functions as the basis for assessing the effect of their policies on families. They are also encouraged to consult the Family Council on policies which will affect the family. We believe that such an arrangement will enable B/Ds to formulate policies which could better suit the family-related needs of women, children, youth and elderly, etc.

DISCUSSION WITH THE ALLIANCE FOR CHILDREN'S COMMISSION

4. At the last Family Council meeting held on 23 May 2013, the Chairman briefed Members on the discussion with Dr Hon Fernando Cheung and representatives of the Alliance for Children's Commission on 17 April 2013 regarding children-related issues. The views expressed by the representatives during the meeting were summarized as follows –

- (a) a dedicated Children's Commission should be set up to look after children policy and the well-being as well as interests of children;
- (b) children-related issues could not be dealt with in a timely manner vis-à-vis the current modus operandi of the Children's Rights Forum¹;
- (c) interest of children were not sufficiently represented and reflected in the Family Council; and
- (d) children's views and perspectives should be given due weight in the development of policies and programmes, taking into account that the needs of children were unique and different from that of adults.

THE ADMINISTRATION'S POSITION

5. At the Legislative Council meeting on 26 June 2013, Dr Hon Fernando Cheung raised an oral question on "Promotion of rights and well-being of children". The wording of the question and the reply by the Secretary for Constitutional and Mainland Affairs is at **Annex**.

¹ Established in 2005, the Children's Rights Forum aims to provide a platform for exchanging views on matters concerning children's rights among non-governmental organizations (NGOs), children's representatives and the Government. The Children's Rights Forum is currently chaired by the Deputy Secretary for Constitutional and Mainland Affairs (1).

WAY FORWARD

6. The Constitutional and Mainland Affairs Bureau will attend the Family Council meeting on 15 August 2013 to brief Members on the Administration's recent effort in promoting children's rights.

**Family Council Secretariat
August 2013**

**The oral question raised by Dr Hon Fernando Cheung on
“Promotion of rights and well-being of children”
and the reply by the Secretary for Constitutional and Mainland
Affairs at the Legislative Council meeting on 26 June 2013**

Question:

On June 8, 2007, this Council passed the following motion moved by me: "[t]hat this Council urges the Government to set up a Commission on Children to fulfill the obligations under the United Nations Convention on the Rights of the Child, safeguard the well-being of children, and ensure that children's perspectives are fully taken into account in the process of formulating government policies." However, the Government has not yet established a Commission on Children. In this connection, will the Government inform this Council:

(a) of the reasons why the Government has not yet established a Commission on Children, and whether it has assessed the complementing policies, legislation and resources needed for the establishment of the Commission;

(b) whether the Family Council and the Children's Rights Forum had taken measures in the past five years to promote the rights and well-being of children; if they had, of the details and the resources injected; if not, the reasons for that; of the respective measures taken by the two organisations to help children from groups with special needs (including poor families, single-parent families, families of new immigrants and ethnic minorities), children with disabilities, and children of different sexual orientations; whether the Government had introduced any special measures to improve the living environment of children from such groups with special needs (e.g. according priority to these children's families in the allocation of public housing or provision of rent allowance); if it had, of the details; if not; the reasons for that; and

(c) whether the Government currently has any measures to promote the rights and well-being of children as a whole; if it has, of a specific account of the objectives of the relevant measures, the effectiveness indicators, as well as the approach for evaluating the effectiveness of such measures; whether the Government has currently formulated a comprehensive child policy; if it has, of the details; if not, the reasons for that; given that the Government has required, since April 1 this year, bureaux/departments to include the assessment of family implications in all policy submissions and Legislative Council briefs, how such an assessment can address the distinctive needs of children?

Reply:

President,

The question raised by Member straddles across several policy areas. In consultation with the relevant policy bureaux, I hereby respond to Member's question on behalf of the Administration.

In the first place, the Administration considers that family is an important unit in society. We believe that children are best protected and nurtured within a loving family. Therefore, our policy is to preserve and strengthen cohesion within the family, use a family-based approach to provide the necessary care for children, and provide services to families in need. In accordance with the aforementioned policy objective, the Administration is all along committed to formulating policies which are conducive to the growth and development of children.

My response to the various parts of Member's question is as follows:

(a) Matters concerning the well being of children involve different policy areas. The relevant policy bureaux will undoubtedly handle matters under their respective purviews, such as formulating specific legislation for protecting the rights of children, and earmarking resources for implementing various policies. In case there are matters which involve a

number of policy areas, policy bureaux will co-ordinate among themselves. We will also suitably co-ordinate and support through mechanisms such as the Policy Committee.

In the process of making decisions in relation to children, the relevant policy bureaux will take the "best interests of the child" as an essential and major factor of consideration. The implementation of various legislation and policies is also monitored by the Legislative Council, the Ombudsman, the media and the community at large.

As regards the collection of opinions when formulating policies relating to children, it is the current practice for policy bureaux to seek views from the relevant advisory bodies.

Furthermore, since its establishment in 2007, the Family Council has been striving to advocate the importance of family concept, and promote the use of family core values as the driving force for enhancing social harmony. Since April 1 this year, policy bureaux are required to include family perspectives when formulating policies for different age and gender sectors (including children). They are required to use the three sets of family core values (i.e., "love and care", "respect and responsibilities" and "communication and harmony") as identified by the Family Council, as well as the impact on family's structure and functions as the basis for assessing the effect of their policies on families. They are also required to consider consulting the Family Council on policies which will affect the family. We believe that such an arrangement will enable policy bureaux to formulate policies which could better suit the family-related needs of women, children, youths and elderly.

As regards the Children's Rights Forum established in 2005, it is a step further for providing a platform for non-government organisations, children and the Government to exchange views on children affairs.

To sum up, we consider that the current arrangement in handling children affairs is functioning well. It helps to provide us with flexibility in addressing the concern of various sectors on children matters, and is in line

with our policy objective of strengthening the role of family. The Administration therefore is of the view that there is no imminent need to establish a Commission on Children.

(b) and (c) As stated in the preamble and part (a) of my reply, the Administration's work in handling matters relating to children's well being is not confined to those undertaken by the Family Council or the Children's Rights Forum only. It is implemented through various policy bureaux under an integrated approach. Considering the work of the Family Council, in the past five years, it has spent about \$76 million on promoting family core values, conducting research, family education and supportive work. This includes the launching of the two-year "Pilot Scheme on Family Mediation Service" in May 2012, which provides sponsorship to interested organisations to provide family mediation services to families with economic difficulties, with a view to assisting them in resolving family disputes and alleviating the negative impact on family members (especially children) arising from litigation. The Family Council has also discussed on items such as the comprehensive child development service, and the support for families with new arrivals from the Mainland.

Since its establishment, the Children's Rights Forum has discussed over 25 items. They include topics of close relevance to children, such as the legislation for implementing the "Joint Parental Responsibility Model". The Forum also encourages the participation of people coming from different sectors (including children) who are interested in children affairs, and welcomes suggestions on discussion items.

We have also been implementing programmes such as the Children's Rights Education Funding Scheme and school outreach activities to promote children's rights. In 2013-14, we have allocated around \$2.15 million for the relevant programmes, which represents an increase of around 57 per cent as compared with the original estimate of last year. The relevant programmes are implemented by the Children's Rights Unit of the Constitutional and Mainland Affairs Bureau.

Apart from those programmes as discussed by the Family Council or

the Children's Rights Forum, relevant policy bureaux have also been implementing extensive measures to enhance children's rights and well-being. Some examples are as follows:

In terms of financial support, the Comprehensive Social Security Assistance (CSSA) Scheme provides financial assistance, including rent allowance, to families in need. Single parents and family carers are provided with higher standard rates and additional supplement under the CSSA.

In terms of housing, the Social Welfare Department (SWD) will recommend families and individuals who are in need to the Housing Authority (HA) for its consideration of granting them fast track access to public rental housing (PRH). For divorced couples living in PRH units, the party which is granted custody of any children can continue to live in the public housing unit. If a disabled member of a family is certified to have special allocation need(s), the HA will endeavour to make corresponding allocation arrangements so far as resources permit. "Barrier-free" units will be offered to them as far as possible.

In terms of education, our student financial assistance policy ensures that no student will be denied access to education due to a lack of economic means.

In terms of social welfare, the SWD provides services to all citizens in need, including single-parent families and families with special needs. It also provides diversified and flexible childcare services, fee waivers or subsidies.

To address the needs of new-arrival children, the Education Bureau (EDB) arranges for direct admission for those between six and 15, and provides information on study paths for those who are aged 15 or above. The Home Affairs Department (HAD) also implements a series of programmes to assist new arrivals from the Mainland to integrate into the society.

Regarding ethnic minorities, the HAD has established support services centres to assist their integration with the society since 2009. The EDB also endeavours to assist non-Chinese speaking students to adapt to the local education system and learn Chinese. Measures include providing after-school extended Chinese learning for non-Chinese speaking students, etc.

To meet the needs of disabled children, the Administration provides relevant early intervention services to disabled children or children at risk of becoming disabled below the age of six.

To ensure that children with different sexual orientation will not be discriminated, guidelines have been formulated by the EDB to request textbook publishers not to include discriminative contents in their publications. The EDB will also remind schools of the need to avoid all kinds of discrimination when formulating their school-based policies and procedures. Topics on sexual orientation and the prevention of discrimination on the basis of sexual orientation are included in the curriculums of secondary and primary schools.

In future, the Administration will continue to promote children's rights and well being, for example:

- (i) In terms of education, the EDB will continue to provide children with comprehensive school curriculum and other learning experience.
- (ii) In terms of social welfare services, the SWD will continue to deliver comprehensive family and children welfare services under the direction of "child-centred, family-focused and community-based".
- (iii) In terms of medical and healthcare, the Administration will develop the Centre of Excellence in Paediatrics to provide services for children with complex, serious and rare diseases.

ENDS