

Family Council

Review of the Mandatory Family Implications Assessment for Government Policies

PURPOSE

Following the introduction of a mandatory assessment of family implications for all policies as from 1 April 2013, this paper aims to give Members an overall account of the achievements in the past 17 months, a general review of the assessment framework and the proposed way forward.

BACKGROUND

2. With effect from 1 April 2013, the established approach of including family perspectives in the policy-making process has been further enhanced by introducing a mandatory assessment of family implications for all policies. To take this forward, Bureaux/departments (B/Ds) are required to consider if their policies have given proper regard to the family core values as identified by the Family Council (the Council) as well as family's structure and functions. Details of the assessment framework are set out at **Annex A**. As part of the public consultation process and enhanced approach, B/Ds are also encouraged to consult the Council on new policies with family implications.

3. The enhanced approach has been in place for nearly 17 months. In sharing the experience of conducting Family Impact Assessment (FIA) at the Family Summit on 15 May 2014 and briefing the Legislative Council (LegCo) Welfare Panel on the work progress of the Council on 9 June 2014, the Council undertook to review the existing arrangements in the following directions –

- (a) to examine what has been done in the past 17 months;

(b) to review the assessment framework; and

(c) to consider the way forward, with reference to overseas experience as well as the findings of related local researches.

ACHIEVEMENTS IN THE PAST 17 MONTHS

4. With effect from 1 April 2013, the family implications assessment has been made mandatory in all policy papers and LegCo briefs. It has become an integral part of the decision-making process within the Government in a more holistic manner. As the assessment has also been made public in LegCo briefs (List at **Annex B**), public discussion of the policies has been enriched and better informed with family perspectives and considerations.

5. On a related note, B/Ds are encouraged to consult the Council on policies with family implications. It is pleased to note that various B/Ds have proactively consulted the Council on subjects including population policy, legislative proposal on paternity leave, policy study on standard working hours, Youth Hostel Scheme, preparation of statutory town plans, community-based drug testing, long-term housing strategy and regulatory control over internet computer service centres, etc. A list of subjects which the Council's advice has been sought is at **Annex C**.

6. By and large, the enhanced approach has achieved its objectives in fostering good family awareness and sensitivity amongst B/Ds to balance family considerations with other policy objectives on the understanding that public policies may always entail some degree of conflicting objectives and constraints. Noting that the attempt to build in an assessment of family implications is still relative new in Hong Kong, we consider that the introduction of an enhanced approach has been a good starting point.

7. That said, there is still room for a more robust and systematic approach to assess family implications, taking overseas experience and findings of the local studies into account.

FAMILY IMPACT ASSESSMENT MECHANISM

8. In making the family implications assessment a mandatory requirement in all policy papers and LegCo briefs in April 2013, we considered it appropriate and relevant for B/Ds to consider their policy impacts on family in a more general term as the identified family core values (“Love and Care”, “Respect and Responsibility” as well as “Communication and Harmony”) are able to capture essence of the more commonly perceived concepts about family values which can fit in well with different family forms.

9. Based on our experience so far, and taking into account research conducted, we note that there is merit in developing a FIA checklist as it may help B/Ds to ask the right questions in sufficient depths and make such impact explicit. In this connection, two areas of follow-up action are proposed as follows –

- (a) organizing training/experience sharing sessions for civil servants, particularly senior echelons, in order to consolidate experience in considering family perspectives in formulating policies and new initiatives, and building in FIA in reviewing such policies and initiatives; and
- (b) developing a more comprehensive and elaborated checklist on the basis of current experience in the Government in formulating FIAs.

We will consider commissioning a consultancy with experience in developing FIA for taking forward the proposed follow-up action as set out above.

CONSULTATION WITH THE FAMILY COUNCIL

10. On a related note, B/Ds are also encouraged to consult the Council on new policies which carry family implications as part of the public consultation process. We note that B/Ds have proactively consulted the Council not only on new policies with family implications, but also on existing policies and programmes as well. As such, we do not see a need to initiate a change by making this requirement mandatory for the time being. That said, Home Affairs Bureau (HAB), as the Council Secretariat,

will continue to invite relevant B/Ds to brief the Council not only on new policies with family implications, but also on the application of family perspectives for existing policies/programmes under their purview to identify improvement opportunities. HAB will endeavour to ensure that consultation with the Council will be made by relevant B/Ds as appropriate.

ADVICE SOUGHT

11. Members are invited to give comments on the review of the FIA and the proposed way forward.

**Family Council Secretariat
August 2014**

Family Implications Assessment Framework

Bureaux/departments are invited to consider if their policies have given proper regard to the family core values and also the impact on family's structure and functions as identified by the Council under the following dimensions –

Love and Care:

- reinforcing the families and relationship amongst family members (e.g. fostering marital relationships; enhancing parental competence and knowledge and commitment necessary for raising children; enhancing inter-generational relationships)
- fostering mutual care of family members towards one another, including those with special needs
- protecting family members from abuse, violence or neglect

Respect and Responsibilities

- respecting the rights of family members
- enforcing family members' obligations to provide support, financial or otherwise, to one another
- recognizing the reciprocal influence of family needs on individual needs and vice versa

Communication and Harmony

- facilitating communication amongst family members
- enabling family members to better balance work, family and community commitments
- strengthening the connection to the wider kin and community/neighbourhood networks

**List of Legislative Council Briefs with
Assessment on Family Implications
(from 1 April 2013 onwards)**

No.	Bureaux/Departments	Subject
1.	Commerce and Economic Development Bureau	Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice Toys and Children's Products Safety Regulation (Repeal) Regulation Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation
2.	Education Bureau	Education Ordinance (Cap. 279) Education Ordinance (Amendment of Schedule 3) Notice 2013
3.	Environmental Protection Department	Air Pollution Control Ordinance (Cap.311) Air Pollution Control (Marine Light Diesel) Regulation
4.	Environmental Protection Department	Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedules 1 and 3) Order 2014 Protection of Endangered Species of Animals and Plants (Exemption for Appendices II and III Species) (Amendment) Order 2014
5.	Financial Services and the Treasury Bureau	Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with Respect to Taxes on Income) (Canada) Order
6.	Financial Services and the Treasury Bureau	Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with Respect to Taxes on Income) (Jersey) Order
7.	Financial Services and the Treasury Bureau	Companies (Unfair Prejudice Petitions) Proceedings Rules
8.	Financial Services and the Treasury Bureau	Companies (Revision of Financial Statements and Reports) (Amendment) Regulation 2013 Companies (Disclosure of Information about Benefits of Directors) Regulation 2013

No.	Bureaux/Departments	Subject
9.	Financial Services and the Treasury Bureau	Companies (Model Articles) Notice Company Records (Inspection and Provision of Copies) Regulation Companies (Non-Hong Kong Companies) Regulation Companies (Fees) Regulation
10.	Financial Services and the Treasury Bureau	Bankruptcy (Amendment) Rules 2013 Bankruptcy (Fee and Percentages) (Amendment) Order 2013 Companies (Fees and Percentages) (Amendment) Order 2013 Companies (Winding-Up) (Amendment) Rules 2013
11.	Financial Services and the Treasury Bureau	Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with Respect to Taxes on Income) (Italian Republic) Order
12.	Financial Services and the Treasury Bureau	Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with Respect to Taxes on Income) (Guernsey) Order
13.	Financial Services and the Treasury Bureau	Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with Respect to Taxes on Income) (State of Qatar) Order
14.	Financial Services and the Treasury Bureau	Companies Ordinance (Amendment of Schedule 7) Notice 2013 Companies Ordinance (Amendment of Schedule 10) Notice 2013 Companies Ordinance (Commencement) Notice 2013
15.	Financial Services and the Treasury Bureau	Inland Revenue (Amendment) Bill 2014
16.	Food and Health Bureau Department of Health	Prevention and Control of Disease Ordinance (Amendment of Schedule 1 and 2) Notice 2014 Prevention and Control of Disease Ordinance (Amendment) Regulation 2014
17.	Home Affairs Bureau	Annual Review of Financial Eligibility Limits of Legal Aid Applicants
18.	Home Affairs Bureau	Legal Aid in Criminal Cases (Amendment) Rules 2013
19.	Home Affairs Department	Po Leung Kuk Ordinance (Cap. 1040) Resolution of the Board of Directors of the Po Leung Kuk

No.	Bureaux/Departments	Subject
20.	Judiciary Administration	Official Administrator's Accounts (Interest) (Amendment) Rules 2013
21.	Judiciary Administration	Rules of the High Court (Amendment) Rules 2014 Rules of the District Court (Amendment) Rules 2014
22.	Judiciary Administration	District Court Equal Opportunities (Amendment) Rules 2014
23.	Labour and Welfare Bureau	De-designation of the Importation of Foreign Domestic Helpers as Labour Importation Scheme under the Employees Retraining Ordinance (Cap. 423)
24.	Labour and Welfare Bureau	Child Abduction Legislation (Miscellaneous Amendments) Bill 2013
25.	Security Bureau	Marriage (Amendment) Bill 2014
26.	Security Bureau Immigration Department	Immigration (Anchorages and Landing Places) (Amendment) Order 2014
27.	Transport and Housing Bureau	Road Traffic Ordinance (Chapter 374) Road Traffic (Driving-offence Points) Ordinance (Chapter 375)
28.	Transport and Housing Bureau	Western Harbour Crossing Ordinance (Chapter 436) Western Harbour Crossing Ordinance (Amendment of Schedule 1) Notice 2013
29.	Transport and Housing Bureau	Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Chapter 474) Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of Schedule 1) Notice 2013
30.	Transport and Housing Bureau	Shipping and Port Control Regulations (Amendment of Seventh Schedule) Notice 2014
31.	Transport and Housing Bureau	Road Traffic Ordinance (Amendment of Schedule 5) Order 2014 Road Traffic (Driving Licences) (Amendment) Regulation 2014

List of Subjects which the Family Council's advice has been sought

Bureaux/departments
(A) Steering Committee on Population Policy
<ul style="list-style-type: none"> • Population Policy
(B) Constitutional and Mainland Affairs Bureau
<ul style="list-style-type: none"> • Promotion of Rights and Well-being of Children
(C) Development Bureau
<ul style="list-style-type: none"> • Reclamation Outside the Victoria Harbour and Rock Cavern/Underground Space Development
(D) Home Affairs Bureau
<ul style="list-style-type: none"> • Youth Hostel Scheme
<ul style="list-style-type: none"> • Minimum age of marriage without parental consent
<ul style="list-style-type: none"> • Proposed Amendments to Chinese Permanent Cemeteries Ordinance and Chinese Permanent Cemeteries Rules
<ul style="list-style-type: none"> • Regulatory control over internet computer services centres
(E) Security Bureau
<ul style="list-style-type: none"> • Community-based Drug Testing
(F) Department of Health and Social Welfare Department
<ul style="list-style-type: none"> • Pre-School Rehabilitation Services
(G) Housing Department
<ul style="list-style-type: none"> • Long Term Housing Strategy
(H) Labour Department
<ul style="list-style-type: none"> • Legislative Proposal on Paternity Leave
<ul style="list-style-type: none"> • Policy Study on Standard Working Hours

Bureaux/departments
(I) Planning Department
<ul style="list-style-type: none">• Preparation of statutory town plans
(J) Social Welfare Department
<ul style="list-style-type: none">• First Report of the Child Fatality Review Panel