

Family Council
Minutes of 33rd Meeting held on 6 June 2017

Date: 6 June 2017 (Tuesday)

Time: 2:30 – 4:40 p.m.

Venue: Conference Room 4, G/F, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

Attendance

Chairman

Prof. SHEK Tan-lei, Daniel

Ex-officio Members

Mr LAU Ming-wai, Chairman of the Commission on Youth

Mrs LAU KUN Lai-kuen, Stella, Chairperson of the Women's
Commission

Non-official Members

Ms CHAN Suk-mei, May

Ms CHEUNG Lai-chu

Mrs CHU YEUNG Pak-yu, Patricia, Convenor, Sub-committee on
Family Support

Prof. 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

Mr LEE Tsz-king, Dominic

Miss TANG Pui-ye, Phoebe, Deputy Convenor, Sub-committee on the
Promotion of Family Core Values and Family Education

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 Laurie LO, Deputy Secretary for Home Affairs (1) (*attending on behalf of Secretary for Home Affairs*)

Mr David LEUNG, Commissioner for Rehabilitation (*attending on behalf of Secretary for Labour and Welfare*)

Mrs HONG CHAN Tsui-wah, Deputy Secretary for Education (4) (*attending on behalf of Secretary for Education*)

Dr Florence FONG, Senior Researcher (5) (*attending on behalf of Head/Central Policy Unit*)

Secretary

Ms Karyn CHAN, Principal Assistant Secretary for Home Affairs (Civic Affairs) 2

In attendance

Miss Iris MA, Chief Executive Officer (Family Council)

(For agenda item 3)

Ms Peggy AU YEUNG, Senior Government Counsel, Legal Policy Division, Department of Justice

(For agenda item 4)

Mr FONG Kai-leung, Assistant Director (Rehabilitation & Medical Social Services), Social Welfare Department

Miss CHAN Lai-chu, Chief Social Work Officer (Rehabilitation & Medical Social Services) 1, Social Welfare Department

(For agenda item 5)

Mr LAU Ming-wai, Chairperson of the Commission on Youth

Mr Vincent FUNG, Principal Assistant Secretary for Home Affairs
(Civic Affairs) 1, Home Affairs Bureau

Absent with apologies

Dr LAM Ching-choi, Chairman of the Elderly Commission

Ms CHENG Chi-man, Sonia

Prof. LEUNG Seung-ming, Alvin

Mr WOO Kin-man, Clement

Welcome Remarks

The Chairman welcomed all to the 33rd meeting of the Family Council (the Council).

Item 1 – Confirmation of Minutes of the 32nd meeting of the Family Council

2. The minutes of the 32nd meeting were confirmed without amendment.

Item 2 – Matters Arising from the Previous Meeting

3. The Chairman noted that the Council Secretariat had circulated a progress report to Members for information, and invited Chief Executive Officer (Family Council) (CEO(FC)) to brief Members

on the progress. CEO(FC) reported that videos on a series of 12 selected family-friendly employment practices were under production for showing during five experience sharing sessions and through various publicity channels later. Over 200 participants joined the publicity event co-organised with the Radio Television Hong Kong on 30 May 2017. The Council Secretariat was preparing for the launching of the snapshot competition “Happy Moments of Family”, which was successfully accredited as a 20th Anniversary Celebration event, in August 2017.

4. The final report of the study on “Parenting Practices in Hong Kong” was uploaded onto the websites of the Council and Central Policy Unit for public information on 29 May 2017 and the Council Secretariat had circulated the report to relevant bureaux and departments for information and follow up action as appropriate. The Study on Family Impact Assessment (FIA) was in good progress. The draft FIA Checklist Tool was put into trial use from May to September 2017. The survey team commissioned to conduct Family Survey 2017 consulted the Sub-committee on Family Support (Support Sub-committee) on the proposed methodology of survey at its meeting on 21 May 2017. The Council Secretariat was drafting the consultancy brief for the Further In-depth Study on the Phenomenon of Divorce in Hong Kong. As regards the Pilot Scheme on Thematic Sponsorship to Support Family-related Initiatives, the Council Secretariat was reviewing the four applications received by the deadline of 15 May 2017.

5. As Members had no further comments, the progress report was endorsed.

Item 3 – Proposed Arrangement with the Mainland on Reciprocal Recognition and Enforcement of Judgments on Matrimonial and Related Matters (Paper FC 11/2017)

6. The Chairman invited Ms Peggy AU YEUNG, Senior Government Counsel, Legal Policy Division of the Department of Justice (DoJ), to brief Members on the proposed arrangement with the Mainland on reciprocal recognition and enforcement of judgments on matrimonial and related matters (the Proposed Arrangement). The salient points of the presentation were summarised as follows –

- (a) at present, family matters were expressly excluded from the “Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region Pursuant to Choice of Court Agreements between Parties Concerned”. As a result, parties to cross-boundary marriages and their children, as well as parties who have assets in the Hong Kong and the Mainland would inevitably have to incur extra time and costs as well as to suffer additional emotional distress in seeking to recognise and enforce matrimonial judgments obtained in one jurisdiction by the courts of the other;
- (b) after rounds of discussions with the Supreme People’s Court of the People’s Republic of China (SPC), DoJ had worked out the Proposed Arrangement and planned to sign it with the SPC before the end of June 2017;

- (c) the Proposed Arrangement covered a wide range of legally effective judgments including, among others, divorce decrees, maintenance orders, and custody orders relating to children to facilitate mutual assistance between the two places for the return of children. Orders made by Hong Kong courts which might be varied by the original court or orders pending appeals were covered as well but the Proposed Arrangement would not include a power on the part of the requested court to vary maintenance orders made by the original court;
- (d) the Proposed Arrangement would provide several grounds of refusal in respect of an application for recognition and enforcement of a relevant judgment such as when the respondent had not been summoned according to the law of the original court or had not been given a reasonable opportunity to make submission or argue his/her case; or the judgment was obtained by fraud. In addition, the court would refuse an application for recognition and enforcement of a judgment if the recognition and enforcement was manifestly contrary to the public policy, taking into account the best interests of the child where appropriate;
- (e) in terms of family implications, the Proposed Arrangement would provide a more expeditious and cost-effective mechanism for seeking recognition and enforcement in the Mainland of judgements on matrimonial and family matters obtained in Hong Kong and vice versa, thereby mitigating the impact and emotional stress of a divorce, and providing

better safeguards to families, in particular, parties to cross-boundary marriages and their children.

7. Deliberations of the meeting after the presentation were summarised as follows –

- (a) welcoming the Proposed Arrangement, a member considered that there was still room for improvement in respect of the recognition of interim orders issued by Hong Kong courts and children removal arrangements in compliance with the Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention) ;
- (b) a member found the Proposed Arrangement to be a good start and enquired about its impact on the caseload of Hong Kong courts and whether the draft Children Proceedings (Parental Responsibility) Bill to implement the recommendation of a “parental responsibility model”, if enacted, would affect the content of Proposed Arrangement. Another member shared the concerns over the workload of family court and considered that the Government should consider allocating more resources to the District Court; and
- (c) a member enquired about the implementation schedule of the Proposed Arrangement.

8. Miss Au Yeung thanked Members for their comments and responded that the Government would follow the established practice to review the Proposed Arrangement after implementation. In response

to the concern over the removal of children, she explained that consensus had been reached with the SPC for reciprocal recognition and enforcement of custody orders on children although “parental abduction” was not recognised under the Mainland law and the Hague Convention does not apply to the Mainland. She also briefed members that the legislative proposals for implementation of the Proposal Arrangement would hopefully be submitted to the Legislative Council by the end of 2018 and any new development in relation to the draft Children Proceedings (Parental Responsibility) Bill could be, in future, reflected in the Proposed Arrangement through a supplemental arrangement as appropriate. The Government would seek additional resources, if required, in accordance with the established mechanism.

9. The Chairman thanked Ms Au Yeung for her presentation and response. He considered it important to ensure that necessary resources would be available for the implementation of the Proposed Arrangement.

Item 4 – Progress of Pilot Scheme on On-site Pre-school Rehabilitation Services (Paper FC 12/2017)

10. The Chairman invited Mr FONG Kai-leung, Assistant Director (Rehabilitation & Medical Social Services) and Miss CHAN Lai-chu, Chief Social Work Officer (Rehabilitation & Medical Social Services) 1 of the Social Welfare Department (SWD) to update the Council on the progress of the Pilot Scheme on On-site Pre-school Rehabilitation Services (Pilot Scheme).

11. Mr Fong briefed Members on the salient points of the paper as summarised below –

- (a) the pre-school rehabilitation services provided by SWD included Early Education and Training Centres (EETCs) which emphasised the caring and training roles of children's families; Integrated Programme in Kindergarten-cum-Child-care-centres (IP) which provided training to children with mild disabilities, and Special Child Care Centres (SCCC) which provided special training and care for children assessed to have moderate and severe disabilities;
- (b) as at December 2016, SWD provided a total of 6 903 pre-school rehabilitation service places while 7 641 children were on the waiting list for these services. The average waiting time, depending on the type of pre-school rehabilitation services, ranged from 13.5 to 18.2 months in 2016-17. In addition, SWD had been providing a training subsidy for eligible children to acquire self-financing services under a means-tested Training Subsidy Programme (TSP). About 40% of children on the waiting list were now receiving other forms of subsidised services through TSP and the Pilot Scheme. Starting from the 2017/18 school year, the Government would provide non-means-tested training subsidy for children on the waiting list for SCCC and increase 1 500 additional subsidy places, thereby providing interim services up to around 60% of children on the waiting list;

- (c) up to 30 April 2017, the Pilot Scheme, launched in November 2015, had served 4 127 children studying in kindergartens or kindergarten-cum-child care centres. Through on-site professional consultation, demonstration and seminars, the project operators provided support services to teachers and child care workers, equipping them with knowledge and skills in working with children with special needs. Response from children's parents was positive;
- (d) the Government had earmarked an annual recurrent funding of \$460 million for regularising the Pilot Scheme and providing 7 000 places in phases so as to reduce the waiting time. A Consultant Team led by the City University of Hong Kong had been engaged to review the Pilot Scheme with a view to identifying the appropriate mode of operation when the scheme was regularised. The review was expected to be completed in the second half of 2018; and
- (e) the Government would continue to increase the pre-school rehabilitation service places by phases in the next five to ten years. Supporting measures to ensure adequate manpower supply of professionals for pre-school rehabilitation services were also in place.

12. Mr David LEUNG, Commissioner for Rehabilitation, supplemented that due to parents' increasing awareness of the special needs of their children and the promotion of pre-school rehabilitation services since the launch of the Pilot Scheme, it was noticed that more

and more parents were ready to come out for services in recent years. According to the feedbacks collected so far, parents generally preferred a model that would allow more flexibility in providing optimal number of training hours and centre-based training according to the specific needs of individual child. The Government would make reference to the Consultant Team's findings on the constraints and good practices regarding the various modes of provision of services under the Pilot Scheme in formulating the key parameters of regularising the services.

13. Deliberations of the meeting after the presentation were summarised as follows –

- (a) while appreciating the impressive progress made, a Member expressed concerns about the manpower supply to sustain the development;
- (b) a Member was of the view that there was an increasing number of children on the waiting list for pre-school rehabilitation service places and, as she observed, it was a condition for receiving speech therapy service. She also considered the frequency of visits by occupational therapists and physiotherapists inadequate;
- (c) a Member enquired about the details of special needs of the children on the waiting list and continuity of services at primary school level including information disclosed to the schools to facilitate follow-up; and

- (d) a Member shared that she had heard about the difficulties encountered by children with special needs during the admission to kindergartens and asked about the current situation.

14. Mr Fong thanked Members for their comments and responded that the tertiary institutions would provide additional training places to increase the supply of manpower. The review underway would examine the need and feasibility of increasing and mandating the number of training hours for children under on-site rehabilitation services. According to the information available, about 40% of children on the waiting list were suffering from various degrees of autism and other associated problems. Appropriate services would be provided for children with respect to their disabilities and rehabilitation needs. At present, subject to parents' consent, there was a mechanism for sending the children's reports to the primary schools concerned for reference but such an arrangement was not mandatory. The issue of transition from kindergarten to primary school would be reviewed by the Consultant Team and parent education had to be strengthened. In general, the Maternal and Child Health Centres would conduct initial screening and referred potential cases to the Child Assessment Centre for follow up and the existing waiting time for admission to subvented pre-school rehabilitation services was over one year. It was hoped that the waiting time could be shortened in future and appropriate support services would be available for the children on the waiting list. Mr Leung supplemented that the Pilot Scheme would be regularised from 2018/19 school year and the number of service places would increase by phases to 7 000 from 2019/20 school year onwards. Together with the provision of more places of subvented pre-school

rehabilitation services in the next five to ten years, it was hoped that the waiting time for pre-school rehabilitation services could be shortened substantially.

15. The Chairman thanked Mr Fong for the presentation. He considered it important to address the issue of the children’s adaption to primary schools and there was advocate for increasing resources in the provision of educational psychologists. The Council might discuss the subject later when the recommendations of the Consultant Team were available.

Item 5 – Youth Development Work (Paper FC 13/2017)

16. On invitation of the Chairman, Mr LAU Ming-wai, Chairperson of the Commission on Youth (CoY) and Mr Vincent FUNG, Principal Assistant Secretary for Home Affairs (Civic Affairs) 1 of Home Affairs Bureau, updated the Council on the youth development work. Mr Lau briefed Members that CoY was tasked to review the youth development work and to facilitate the review, a booklet which summarized what had been done in the previous years was published. CoY would conduct a series of focus group discussions and forums in the coming months to collect views for mapping out a recommended direction of youth development work in future. The seven policy areas covered by the booklet were “Education”, “Health”, “Multi-faceted Development”, “Global perspectives”, “Volunteerism”, “Work” and “Youth Engagement and Community Participation”. Members were invited to provide views and comments.

17. Members' views were summarised as follows –
- (a) a member pointed out that “family” was missing in the seven policy areas and another member echoed that it was the basic unit in the society from which a young person grew. It was important to consider reinforcing some traditional values like the spirit of brotherhood / sisterhood, the need to respect others and the patience of listening;
 - (b) a Member suggested featuring sports and cultural activities in youth development. He also considered that it might be useful to engage youth in discussion of political issues and/or moral values, and innovative means should be explored to arouse their interest;
 - (c) a Member considered that youth development was not the same as direction of youth policy. For the former, she considered the issue of health, in particular mental health, was important in view of the increasing number of non-engaged youth;
 - (d) a Member considered that the seven policy areas represented a comprehensive coverage of issues surrounding the youth. While not being featured as an independent area, family indeed played an indispensable role in various aspects. For example, given the predominant nuclear families nowadays, some of the youth were found to be not so strong at people skill which was an area where family could have a role to

play. She also asked if there was any key performance indicators to assess the performance of youth development work;

- (e) on the aspect of global perspectives, a Member considered that the youth had more opportunities to widen their horizon now but the crux was how best they could reflect and apply what they learned in local context. Perhaps it was time to consider renewing efforts in this aspect;
- (f) for the public engagement exercise, a Member suggested that teachers and parents group should be engaged to align the expectations. Another member shared the view and considered that in general, the youth had aspiration and were willing to try but some parents might be not satisfied with their performance and made them frustrated;
- (g) a Member suggested examining the impact of technology development on youth development. The trend of indiscriminately following the opinions on social media might be an issue to be addressed; and
- (h) a Member considered that the over-emphasis on academic performance had generated youth with high marks yet low job skills. Some of them also had high-esteem and false hope on startup business. The youth's aspiration should be adjusted in the light of the increasing number of undergraduates nowadays. Moreover, the society seemed to focus its attention on the top notch of youth as well as the underprivileged, thereby neglecting the average majority.

18. Mr Lau thanked Members for the comments. He responded that the family perspective was indeed infused into all seven policy areas, and it was an important strengthening factor in youth development work. CoY would collect views of different stakeholders, including parents, in the engagement exercise. While it was not CoY's plan to produce any key performance indicator or action checklist, it would endeavor to map out the direction of future youth development work.

19. Mrs HONG CHAN Tsui-wah, Deputy Secretary for Education (4) responded that many areas as raised by Members such as moral values, life planning education, science and technology development were indeed the key consideration of the existing education policy. EDB would consider how to reinforce and rationalise these inter-related elements.

20. The Chairman thanked Mr Lau for the presentation and suggested arranging further discussion when CoY had consolidated the opinions collected and started to prepare its draft report.

Item 6 – Progress of Work of the Sub-committees under the Family Council (Paper FC 14/2017)

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

22. Mr LEE Luen-fai reported that the Promotion Sub-committee had discussed the proposed framework of the 2017-18 Family-friendly Employers Award Scheme as reported by CEO(FC) and provided comments on the rough cut of two videos on selected family-friendly employment practices. The Chairman remarked that consideration should be given to further encouraging the participation of Government in the coming Award Scheme.

(Action : Promotion Sub-committee)

23. Mrs Patricia CHU reported that the Support Sub-committee had met the research team assigned for conducting Family Survey 2017 and discussed the methodology with them. It had also invited two sponsored organisations to present progress of their projects under 2016-17 Pilot Scheme on Thematic Sponsorship to Support Family-related Initiatives at the meeting and offered advice.

(Action : Support Sub-committee)

Item 7 – Any Other Business

24. There being no other business, the meeting was adjourned at 4:45 p.m. The next meeting would be held on 5 December 2017 (Tuesday) at 2:30 p.m.

**Family Council Secretariat
September 2017**