

Family Council
Minutes of 42nd Meeting held on 12 September 2019

Date: 12 September 2019 (Thursday)
Time: 2:30 p.m. – 4:45 p.m.
Venue: Wan Chai District Council Conference Room,
21/F, Southorn Centre, 130 Hennessy Road,
Wan Chai, Hong Kong

Attendance

Chairman

Prof. SHEK Tan-lei, Daniel

Ex-officio Members

Dr LAM Ching-choi, Chairman of the Elderly Commission
Ms CHAN Yuen-han, Chairperson of the Women's Commission

Non-official Members

Mr FONG Yick-jin, Eugene
Dr LAM Chi-yan
Prof. LEUNG Seung-ming, Alvin, Convenor, Sub-committee on Family
Support
Ms PUN Siu-fung, Cindy
Dr WONG Fung-yee, Margaret, Deputy Convenor, Sub-committee on
Family Support

Official Members

Mr Patrick LI, Acting Permanent Secretary for Home Affairs
(*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*)
Mrs CHAN SIU Suk-fan, Deputy Secretary for Education (4)
(*attending on behalf of Secretary for Education*)
Ms Cindy KWAN, Senior Administrative Officer (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

Ms Adia LAM, Chief Executive Officer (Family Council)

(For agenda item 3)

Ms Peggy AU YEUNG, Senior Assistant Solicitor General (Special Duties)(Ag), Department of Justice (DoJ)

Miss Melissa KIANG, Senior Government Counsel, DoJ

(For agenda item 4)

Mr Darwin LEUNG, Assistant Project Manager, Policy for Sustainability Lab, Centre for Civil Society and Governance, The University of Hong Kong

(For agenda item 6)

Mrs CHAN SIU Suk-fan, Deputy Secretary for Education (4), Education Bureau (EDB)

Ms PANG Kit-ling, Assistant Director (Family and Child Welfare), Social Welfare Department (SWD)

Absent with apologies

Mr LAU Ming-wai, Vice-Chairman of the Youth Development Commission

Ms CHAN Suk-mei, May

Ms CHENG Chi-man, Sonia

Ms CHEUNG Lai-chu

Ms CHEUNG Wang-yim, Lavender, Deputy Convenor, Sub-committee on the Promotion of Family Core Values and Family Education

Prof. Albert LEE

Mr LEE Tsz-king, Dominic

Mrs WONG NG Kit-wah, Cecilia

Mr WOO Kin-man, Clement

Ms YIP Lai-wa, Emily, Convenor, Sub-committee on the Promotion of Family Core Values and Family Education

Ms YIP Yun-wan, Amarantha

Welcome Remarks

The Chairman welcomed all to the 42nd meeting of the Family Council (the Council), in particular one new member, namely Dr WONG Fung-ye, Margaret who was appointed to the Council in April 2019 and attended the Council meeting for the first time.

Item 1 – Confirmation of Minutes of the 41st meeting of the Family Council

2. The minutes of the 41st meeting were confirmed without amendments.

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) informed the meeting that the 2019/20 Family-Friendly Employers Award Scheme would be launched in the publicity event, viz. Award Presentation Ceremony for the Inter-school Colouring Competition for Kindergarten Students and Picture Composition Competition for Primary School Students, to be held on 8 December 2019 at the Hong Kong Science Museum. A new award “Award to Support Flexible Working Hours” would also be introduced to give recognition to companies / organisations which had been implementing flexible working hours as their stipulated policy and had achieved impressive results in creating a pro-family working environment to facilitate their employees to take care of their families.

4. For the “Further Study on the Phenomenon of Divorce in Hong Kong” (the Divorce Study), CEO(FC) reported that the Council Secretariat was in the course of vetting the revised draft Interim Report submitted by the research team on 30 August 2019. The research team would brief the Working Group on the latest progress of the Divorce Study at the next Working Group meeting scheduled to be held in late October / early November 2019.

5. In respect of the Study on Family Impact Assessment (FIA), CEO(FC) reported that the FIA checklist had been applied to 429 papers as at 31 August 2019. Besides, a quotation exercise for the new education package on “Love and Care – Caring for Our Kids” under the 2019-20 publicity campaign was being conducted to engage a service provider with a view to launch the package by end 2019.

Item 3 – The Draft Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill (Paper FC 9/2019)

6. The Chairman invited Ms Peggy AU YEUNG, Senior Assistant Solicitor General (Special Duties)(Ag) and Miss Melissa KIANG, Senior Government Counsel of DoJ to brief members on the draft Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill (the draft Bill). Ms Au Yeung then briefed members on the background as well as the main provisions of draft Bill. The following points were also mentioned during the presentation –

- (a) the arrangement titled “關於內地與香港特別行政區法院相互認可和執行婚姻家庭民事案件判決的安排” (the Arrangement) was signed between the Government of the Hong Kong Special Administrative Region (Hong Kong) and the Supreme People’s Court of the People’s Republic of China on 20 June 2017. The Arrangement would come into effect after both Hong Kong and the Mainland have put in place the relevant implementation mechanism in their respective jurisdictions, and would apply to judgments made on or after its commencement date;
- (b) during the public consultation period from 8 February 2019 to 8 March 2019, the Government received five written submissions containing views on the draft Bill and the draft Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Rules. The Law Society of Hong Kong (Law Society) and the Hong Kong Bar Association (Bar Association) have both indicated in-principle support for the draft Bill; and
- (c) the Bill would benefit parties to cross-boundary marriages and their children as well as parties with assets in Hong Kong and the Mainland by providing a more expeditious and cost effective way of seeking recognition and enforcement in Hong Kong of Mainland judgments given in matrimonial and family cases, as well as facilitating the application in the Mainland for recognition and enforcement of Hong Kong judgments given in matrimonial and family cases. By reducing the need to litigate matrimonial proceedings on divorce and custody in

both Hong Kong and the Mainland, the implementation of the Bill would have a positive impact on mitigating the impact and emotional stress of a divorce on the parties to the marriage and on the children of the family. It would also provide better safeguards to families, in particular those involving cross-boundary marriages and their children.

7. Members' views and questions were summarised as follows –
- (a) a member considered it helpful to have reciprocal recognition and enforcement of judgments in matrimonial and family cases between Hong Kong and the Mainland. The member also asked whether Mainland judgments in matrimonial and family cases would be enforced in the same way as Hong Kong judgments and how the Hong Kong court would deal with a situation where it had a different view from the Mainland judgment in a case concerning a child under the age of 18;
 - (b) a member asked about the intention behind the time limit for making an application for registration of care-related orders (as defined in the draft Bill) under the draft Bill; and
 - (c) a member expressed the view that the Bill should come into effect as soon as possible because the reciprocal recognition and enforcement of judgments given in matrimonial or family cases would benefit and provide safeguards to families, in particular those involving cross-boundary marriages and their children.

8. Ms Au Yeung thanked members for their comments. She then made the following points in response to the questions raised by members –

- (a) where a Mainland judgment in a matrimonial or family case has been registered under the Bill, it could be enforced in the same way as enforcing a Hong Kong judgment;
- (b) the intention of the Arrangement as well as the Bill was that the requested court would generally not be expected to review the merits of the relevant judgments given by the court of the requesting place and this was in line with the current practice

of reciprocal recognition and enforcement of foreign judgments. Furthermore, one of the grounds for setting aside a registration under the draft Bill was where the recognition or enforcement of the Mainland judgment is manifestly contrary to the public policy of Hong Kong. It has also been specifically stated in the draft Bill that under this setting aside ground, where it involves a child under 18, the court must take into account the best interests of the child; and

- (c) for care-related orders, application for registration under the draft Bill could be made before the occurrence of any non-compliance, however, where there has been a non-compliance, it would be reasonable to require parties to make an application for registration while the judgment could still be enforced in the Mainland, i.e. generally within two years.

9. The Chairman thanked Ms Au Yeung for her presentation and members' comments. The Chairman asked about the main concerns of the five written submissions received during the public consultation launched in February 2019, as well as the timeline for implementation of the Arrangement.

10. Ms Au Yeung replied that submissions received included those from the Liberal Party, the Bar Association as well as the Law Society. The Bar Association and the Law Society have both indicated in-principle support for the draft Bill and comments made were mainly on the technical aspects of the draft Bill, for example the details of the registration mechanism. Ms Au Yeung also mentioned that the Government was carefully considering the timeframe for implementation and that it had duly noted that some stakeholders had indicated support for early implementation, including the Judiciary.

Item 4 – Public Engagement on Long-term Decarbonisation Strategy (Paper FC 10/2019)

11. The Chairman invited Mr Darwin LEUNG, Assistant Project Manager, Policy for Sustainability Lab, Centre for Civil Society and Governance, The University of Hong Kong to brief members on the public engagement (PE) on long-term decarbonisation strategy conducted by the Council for Sustainable Development (SDC).

12. Mr Leung briefed members on the salient points of the paper as summarised below –

- (a) the Paris Agreement (PA) which was an agreement within the United Nations Framework Convention on Climate Change dealing with greenhouse gas emissions, came into force on 4 November 2016 and applied to Hong Kong. To help Hong Kong fulfil its commitments under the PA, the Government had invited the SDC to conduct a territory-wide PE on long-term decarbonisation strategy. Through the PE, the SDC hoped to raise public awareness of the negative impact of human-induced carbon emissions, and gauge the views of the community on how Hong Kong should contribute to the global decarbonisation efforts;
- (b) the key message in the PE document was to meet the target under the PA, the whole society needed to step up its efforts, and everyone had to contribute by adopting low-carbon living lifestyles. In the long run, to comply with the decarbonisation target, Hong Kong would need to increase the proportion of zero carbon energy;
- (c) the SDC released the PE document and launched a three-month public interaction phase on 14 June 2019. Activities in this phase included regional forums, school talks, briefing sessions for different stakeholders, etc.; and
- (d) views and responses collected during the public interaction phase would be analysed by an independent analysis and reporting agency and taken into account by the SDC in preparing a report with recommendations to the Government.

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

- (a) a member supported the setting of carbon reduction target and strategy in Hong Kong but considered that the existing government policies, in particular those on town planning and development, were not in line with such target and strategy. She reckoned that concerted effort and coordination among

different government bureaux / departments was essential so as to help take forward the long-term decarbonisation strategy;

- (b) a member shared her views that for the anonymous form designed to gauge public views about Hong Kong's long-term decarbonisation strategy, more could be done to make the form more "family-related". For instance, reference could be made to the researches on family values when designing the form, and more questions on sustainable measures that families could easily be involved, could be included. Besides, the Government should consider if the provision of subsidy could help incentivise people to adopt a low-carbon lifestyle, in particular those from grass-roots families. As many families cared much about the quality of their daily lives, the Government should take note of this when developing the public engagement strategy and review the related measures from time to time so as to strike a balance between maintenance of one's quality of life and adoption of a low-carbon lifestyle. In addition, public consultation about people's involvement in the long-term decarbonisation strategy was a long process. The issuance of an interim report informing Hong Kong people of the progress of this long-term strategy and measures could help boost public responses;
- (c) a member stated that the Government should try to reach out more people by keeping them informed of the updated information and clear targets of the long-term decarbonisation strategy. He also suggested that the Government could explore ways to develop water transportation in Hong Kong and reduce the use of road transportation, especially the cross-harbour tunnels. Moreover, the planting of more trees and the use of solar panels would contribute positively to the overall carbon reduction in Hong Kong; and
- (d) a member commented that the Government should promote the benefits of working from home as a means to reduce carbon emissions by vehicles.

14. The Chairman thanked Mr Leung for his presentation and members' views. He remarked that for the "Award to Support Flexible Working Hours" to be introduced in the 2019/20 Family-Friendly

Employers Award Scheme, the promotion of the practice of work from home by companies / organisations would also be taken into account for this new award. The theme of decarbonisation would also be included in the Council's next year's publicity programmes.

Item 5 – Progress of Work of the Sub-committees under the Family Council (Paper FC 11/2019)

15. The Chairman invited Prof. Alvin LEUNG, the Convenor of the Sub-committee on Family Support (Support Sub-committee) to report on work progress.

16. Prof. Leung reported that the Support Sub-committee had discussed at its meeting on 22 August 2019 the draft project brief of the Consolidation Exercise for Family Surveys and invited two sponsored organisations to present the results of their completed projects under the 2017-18 Pilot Scheme on Thematic Sponsorship to Support Family-related Initiatives at the meeting and provided comments.

(Action: Support Sub-committee)

17. The Chairman invited CEO(FC) to report on work progress on behalf of the Convenor and Deputy Convenor of the Sub-committee on the Promotion of Family Core Values and Family Education (Promotion Sub-committee) who could not join the meeting today. CEO(FC) reported that the Promotion Sub-committee had invited the service provider of the Storybook of “The But’s Family” to present at the meeting the proposed storyline and content as well as the publicity plan of the storybook. Another service provider was also invited to brief the Promotion Sub-committee on the implementation plan of the Council’s Facebook page and the selection of family activities for the coming year until August 2020. Members of the Promotion Sub-committee made comments on the proposals / plans prepared by the two service providers and agreed on the ways to take forward these proposals.

(Action: Promotion Sub-committee)

Item 6 – Discussion on Family-related Matters Arising from the Recent Social Situation in Hong Kong

18. Upon the invitation of the Chairman, Mrs CHAN SIU Suk-fan, Deputy Secretary for Education (4) of EDB and Ms PANG Kit-ling, Assistant Director (Family and Child Welfare) of SWD briefed members on the provision of services by EDB and SWD respectively for families or individuals who required assistance and support under the recent social atmosphere in Hong Kong.

19. The Chairman thanked Mrs Chan and Ms Pang for their presentations and informed the meeting that the Food and Health Bureau had prepared an information note on their related services which had been tabled to members for information. In light of the presentations, members made the following comments –

- (a) a member reckoned that long-term support and assistance, including counselling services should be provided to help students to suitably handle their emotions and feelings;
- (b) a member was of the views that ways should be explored to re-build family relations, including those between parents and their children as well as those between husband and wife;
- (c) apart from the relationship between teachers and students, a member pointed out that it was important to pay attention to the maintenance of relationship between schools and people who lived in the nearby area; and
- (d) a member commented that suitable support should be provided to school principals and teachers who might have been working under pressure to deal with issues of unprecedented nature.

20. The Chairman thanked members' comments and invited Mrs Chan and Ms Pang to take note of members' comments for necessary action. On the basis of the deliberations made at this meeting, the Chairman stated that consideration could be given to preparing a submission to the Chief Executive setting out the views of the Council on the recent social issue from the family perspective.

(Action: Council Secretariat)

Item 7 – Any Other Business

21. There being no other business, the meeting was adjourned at 4:45 p.m. The next meeting would be held on 20 December 2019 (Friday).

**Family Council Secretariat
September 2019**