

**Family Council**  
**Minutes of 28<sup>th</sup> Meeting held on 3 March 2016**

Date: 3 March 2016 (Thursday)

Time: 2:30 – 4:30 p.m.

Venue: Conference Room 3, G/F, Central Government Offices,  
2 Tim Mei Avenue, Tamar, Hong Kong

Attendance

Chairman

Prof. SHEK Tan-lei, Daniel

Ex-officio Members

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

Non-official Members

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

Ms LAW Suk-kwan, Lilian

Mr LEE Luen-fai, Deputy Convenor, Sub-committee on the Promotion  
of Family Core Values and Family Education

Prof. LEUNG Seung-ming, Alvin

Miss TANG Pui-yee, Phoebe

Miss WONG Siu-ling, Gabriella

Ms YAU Oi-yuen, Irene

Ms YIP Lai-wa, Emily

Mr YIU Tze-leung, Ivan

Official Members

Mr Matthew CHEUNG, Secretary for Labour and Welfare<sup>1</sup>

Ms Betty FUNG, Permanent Secretary for Home Affairs (*attended on behalf of Secretary for Home Affairs*)

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

Prof. WONG Chack-kie, Member (2)/Central Policy Unit (*attended on behalf of Head/Central Policy Unit*)

Secretary

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

In attendance

Mr Laurie LO, Deputy Secretary for Home Affairs (1)

Ms Jessica CHENG, Chief Executive Officer (Family Council)

(For agenda item 4 only)

Miss Annie TAM, Permanent Secretary for Labour and Welfare

Mr Kenneth CHENG, Principal Assistant Secretary for Labour and  
Welfare (Welfare)1

Mr FUNG Man-chung, Assistant Director (Family and Child Welfare),  
Social Welfare Department

Ms Mary HO, Government Counsel, Department of Justice

Absent with apologies

Prof. CHAN Cheung-ming, Alfred, Chairman of the Elderly  
Commission

Prof. LAM Tai-hing, Deputy Convenor, Sub-committee on Family

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<sup>1</sup> Secretary for Labour and Welfare left the meeting after agenda item 3. Permanent Secretary for Labour and Welfare attended the meeting on behalf of Secretary for Labour and Welfare after his departure.

Support

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

Ms LOO Shirley Marie Therese, Convenor, Sub-committee on the Promotion of Family Core Values and Family Education

Dr TSUI Luen-on, Gordon

### **Welcome Remarks**

The Chairman welcomed all to the 28<sup>th</sup> meeting of the Family Council (the Council) and introduced to Members Ms Karyn CHAN who had succeeded Ms Aubrey FUNG as Principal Assistant Secretary for Home Affairs (Civic Affairs) 2 and joined the meeting for the first time.

### **Item 1 – Confirmation of Minutes of the 27<sup>th</sup> meeting of the Family Council**

2. The minutes of the 27<sup>th</sup> 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 consideration. On the three-pronged approach to support family-related initiatives, Member (2) of the Central Policy Unit (CPU) updated Members regarding the expansion of study topics to cover family-related issues in the Public Policy Research Funding Scheme (PPR Funding Scheme). He informed the meeting that, in response to the proposal by the Sub-committee on Family Support (the Support Sub-committee) raised at its meeting on 23 February 2016, CPU would rename the topic “Population Policy” to “Population and Family Policies” under the PPR Funding Scheme, with the expansion of

indicative research areas to include “family and family-related issues” in the second quarter of 2016.

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

### **Item 3 – Public Consultation on Retirement Protection (Paper FC 1/2016)**

5. With a view to gauging public views on how to improve Hong Kong’s retirement protection system, the Commission on Poverty (CoP) launched a six-month public engagement exercise on 22 December 2015. The Chairman invited Mr Matthew CHEUNG, Secretary for Labour and Welfare (SLW), to take Members through the powerpoint presentation which was covered in the paper FC 1/2016. The salient points of the presentation were summarised as follows –

*(a) background of the public consultation on retirement protection*

the Chief Executive stated in his Election Manifesto that the Government would “study how to introduce short, medium and long-term measures to solve the problem of elderly poverty and improve the present social security and retirement protection system”. The current-term Government had launched the Old Age Living Allowance (OALA) and enhanced a number of elderly services relating to welfare, healthcare and transport. Nevertheless, a financially sustainable retirement protection system was necessary to prepare Hong Kong community for the challenge of an ageing population;

*(b) scope of the consultation*

CoP considered that the scope of consultation should not be limited to the issue of whether to introduce “universal pension”, or to the pillar which covered the social security programmes provided by the Government. It should instead cover all pillars

and the complementary elements required to provide comprehensive protection for the elderly;

(c) *four pillars providing different kinds of protection*

the retirement protection system in Hong Kong comprised four pillars, including (i) the non-contributory social security system benefitting 73% of the elderly population (the zero pillar), (ii) the Mandatory Provident Fund (MPF) system enabling 2.8 million employees to save for their retirement (the second pillar), (iii) voluntary private savings (the third pillar), and (iv) heavily subsidised public services such as public housing, healthcare, residential and community care services, as well as public transport fare concession to meet the daily needs of the elderly (the fourth pillar);

(d) *challenges for Hong Kong*

a rapidly ageing population was the combined result of longer life expectancy and a low birth rate in Hong Kong. It was expected that our labour force would start to shrink in 2018 and by 2064, almost 36% of Hong Kong's population would be aged 65 or above. Based only on the growth of the elderly population and assuming that there was no service improvement, the estimated elderly expenditure in 2064 would be two to four times the current expenditure; and

(e) *key issues to be tackled*

noting that there was still room for improvement within the existing system, the community should focus discussion on how to enhance the existing system and make good use of \$50 billion earmarked by the Government with a view to providing better assistance to the elderly in need.

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

- (a) noting that the Government had worked out the required increase in tax rates for meeting the increased expenditure under the two simulated options (i.e. “regardless of rich or poor” or “those with financial needs”) by presenting four different scenarios, a Member enquired if the four scenarios could be integrated for the purpose of highlighting the financial impact to the public in a more coherent manner;
- (b) a Member considered that the two simulated options as illustrated in the public consultation document represented different sets of values. Those advocating the non-means-tested monthly retirement pension considered that it was individual rights of all elderly in recognition of their past contribution to the society. In view of different views and perceptions, the Government should consider how to set and make clear its policy objectives;
- (c) low investment return from the MPF as well as the need for medical insurance were also matters of concern to the elderly. The Government should further explore how to take forward the proposal of extending the working life and retirement age;
- (d) a Member considered that retirement protection should have a reasonable coverage, and hence it was necessary for the Government to better support the elderly, particularly those from lower income class. Noting that some vulnerable elders were deterred from seeking appropriate financial assistance for fear of labelling effect of the requirement to make declaration on non-provision of financial support by family members of the elderly applicant under the Comprehensive Social Security Assistance Scheme (CSSA Scheme), it would be desirable for the Government to explore offering an additional tier of financial assistance under OALA; and

- (e) as more and more elderly were residing in self-owned properties, the Government might explore (i) providing financial assistance to elderly owner-occupiers to repair and maintain their self-owned properties and (ii) the potential of developing the reverse mortgage market in Hong Kong.
7. In response to Members' views, SLW made the following remarks –
- (a) in the light of an ageing population and shrinking labour force, the Government had already taken proactive steps to extend the service of civil servants beyond retirement age;
  - (b) the two simulated options were neither exhaustive options nor concrete policy proposals. The \$80,000 asset limit for “those with financial needs” option was set with reference to the existing asset limits of OALA and CSSA for illustration purpose. The two options were meant to provide basis for discussion on how to take forward retirement protection in Hong Kong;
  - (c) while there was room for improvement within the existing system, the Government had reservation on the universal pension as it would raise tax substantially and affect the competitiveness of Hong Kong. There would also be implications on allocation of resources as the resources would not be directed to focus on helping those elderly in need; and
  - (d) the Government would explore how to strengthen support to elderly from the low income class through non-means-tested assistance.
8. The Chairman thanked SLW for his presentation and response. Taking into consideration the experience of some European countries, the Chairman showed his appreciation of the Government's proactiveness and determination in initiating public discussion on

issues pertaining to retirement protection which had far-reaching implications on the community.

**Item 4 – Public Consultation on the Proposed Legislation to Implement the Recommendations of the Law Reform Commission’s Report on Child Custody and Access (Papers FC 2/2016 and FC 3/2016)**

9. The Chairman informed the meeting that the Council had completed “A Study on the Phenomenon of Divorce in Hong Kong” (the Divorce Study) in 2014. As the present proposal might touch on issues pertaining to divorce which were not covered by the Divorce Study (e.g. maintenance and age of marriage), it was worthwhile for the Council to commission a further in-depth study, so that more relevant information and data could be gathered for the Government and the Council to assess the impact of divorce on families and the community. As Members had no special views, the Chairman invited the Support Sub-committee to follow up on the proposed study.

(Action: Support Sub-committee)

10. Upon invitation of the Chairman, Permanent Secretary for Labour and Welfare (PSLW) took Members through the PowerPoint presentation. The Labour and Welfare Bureau, in consultation with various bureaux and departments, had prepared the draft Children Proceeding (Parental Responsibility) Bill (the proposed legislation) to implement the recommendations of the Law Reform Commission’s Report on Child Custody and Access (the Report) by legislative means. The main thrust of the Report related to the introduction of a “parental responsibility model” (the Model) into Hong Kong’s family law. Underlying the Model was the principle that the best interests of children should guide all proceedings concerning children. PSLW briefed Members on the salient provisions of the proposed legislation as well as the related support measures.

11. Deliberations of the meeting were summarised below –



- (a) noting that the concept of “guardianship” was recommended to be replaced by “parental responsibility” with a view to sweeping away the concept of “ownership” of children and that children’s views should be duly respected. Care should be exercised in the implementation of the Model by legislative means;
- (b) support services for divorced families were vital for the smooth implementation of the Model. Members were pleased to note that the Social Welfare Department (SWD) had taken the initiative to launch the Pilot Project on Children Contact Service (the Pilot Project). To take forward the Pilot Project from a holistic perspective, it would be desirable for SWD to consider devising an evidence-based framework to assess the effectiveness of the Pilot Project and enhancing training for frontline social workers. As problems encountered by divorced families were not restricted to low-income class families, needs of divorced families from the middle class should also be taken care of. With a view to helping prospective couples understand the meaning of marriage, pre-marital education was considered desirable; and
- (c) while recognising the principles underlying the Model, issues of domestic violence should not be overlooked. Efforts should be made to ensure that the best interests of children had been taken into consideration. It was of paramount importance that the frontline social workers should have the sensitivity in fully comprehending the issues involved. Besides, it was also important to step up publicity work on the support services for families suffering from domestic violence.

12. PSLW thanked Members for their comments. She said that implementation of the proposed legislation would be a challenging task. She also drew to Members’ attention that the Legislative Council Panel

on Welfare Services passed a motion<sup>2</sup> moved by Dr Hon Fernando CHEUNG at its meeting on 22 February 2016 which touched on, among other things, the issue of maintenance.

13. The Chairman thanked PSLW for her presentation and invited Members to give further written comments on agenda items (3) and (4), if any, to the Council Secretariat for onward transmission to CoP and LWB respectively on a personal basis.

[Post-meeting note: The Council Secretariat received no further written comments on agenda items (3) and (4).]

#### **Item 5 – Progress of Work of the Sub-committees under the Family Council (Paper FC 4/2016)**

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

15. On the work of the Promotion Sub-committee, Mr LEE Luen-fai reported that the Promotion Sub-committee had deliberated on the progress of the study on “Parenting Practices in Hong Kong” (the Study) and the “2015/16 Family-Friendly Employers Award Scheme” (Award Scheme).

16. As far as the Study was concerned, Mr Lee said that the territory-wide surveys, focus group meetings, literature review as well as consultative interviews were in progress. It was expected that the draft final report prepared by the research team would be ready in mid-2016. For the Award Scheme, the Promotion Sub-committee

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<sup>2</sup> The wording of the motion was “That, this Panel agrees the concept of “parental responsibility model” should adopt the best interests of children as the basis; but as there is currently a lack of specific services for parents after divorce and an alimony council to assist them in recovering alimony payments, the model has caused great threats and worries to divorced parents from high-risk families with history of domestic violence; coupled with the absence of sufficient complementary services, it is not advisable to legislate hastily; this Panel objects to making legislation at this stage.”

noted the positive response as well as the wide media coverage and invited the Council Secretariat to continue to publicise the Award Scheme. Mr Lee also informed the meeting that the Promotion Sub-committee would discuss a proposal on the publicity campaign to promote family core values and enhance family resilience at its next meeting scheduled for 10 May 2016.

(Action: Promotion Sub-committee)

17. Mrs Patricia CHU reported that the Support Sub-committee had deliberated on the preliminary findings of the Family Survey 2015 (the Survey), proposed framework of the “Pilot Scheme on Thematic Sponsorship to Support Family-related Initiatives (2016-17)” (the Pilot Scheme) as well as the Pilot Scheme on Family Mediation Service (the Mediation Scheme). On the preliminary findings of the Survey, Mrs Chu informed the meeting that Policy 21 Limited would conduct focus groups to examine the reasons of some findings which showed deviation from the general trend of the Survey carried out in 2011 and 2013. Policy 21 Limited would brief the Support Sub-committee on further findings before finalising the report. Regarding the Pilot Scheme, Mrs Chu said that the Support Sub-committee had endorsed the framework and the Council Secretariat would kick start the preparatory work for launching the Pilot Scheme in end March 2016.

18. Mrs Chu also briefed Members that the Mediation Scheme had been in operation for over three years since August 2012. As it had by and large achieved one of the main objectives of running the pilot scheme, i.e. to gather evidence-based information to facilitate consideration of the way forward for family mediation services, the Mediation Scheme would not be further extended and ended on 31 January 2016. Meanwhile, “A study on family mediation services in Hong Kong”, commissioned by CPU on behalf of the Council, was in progress to map out the proposed way forward.

## **Item 6 – Any Other Business**

19. Member (2) of CPU raised his concerns about the role of CPU as the research arm of the Council. The Chairman noted that given the competing priorities and capacity of CPU, it might not be feasible for CPU to commission all family-related researches on behalf of the Council. After deliberations, the meeting agreed that the Council Secretariat would consider (a) commissioning some researches direct and (b) enhancing the capabilities of the Support Sub-committee in overseeing its research studies. Consideration could be given to co-opting members with research background to the Support Sub-committee in due course. The Chairman invited the Council Secretariat to follow up.

(Action: Council Secretariat and Support Sub-committee)

20. On a related note, the Chairman also expressed concern about the progress of various studies, particularly on the commissioning of the Study on Family Impact Assessment. He took the opportunity to remind CPU to expedite its work. In deliberating on how to monitor the progress of various studies, Permanent Secretary for Home Affairs clarified that the role of the Council Secretariat was to ensure that the studies would be conducted and completed in accordance with the timeframe and agreed scope of studies.

21. There being no other business, the meeting was adjourned at 4:30 p.m.. The next meeting would be held on 16 June 2016 (Thursday) at 3:30 p.m..

**Family Council Secretariat**  
**April 2016**