

LCQ8: Measures to prevent child abuse

Following is a question by the Hon Yang Wing-kit and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 26):

Question:

It has been reported that the Hong Kong Society for the Protection of Children (HKSPC), despite suspecting on the 17th of last month that a number of child abuse incidents had occurred in its Children's Residential Home, had not reported the incidents to the Social Welfare Department and the Police until the 21st of last month. The HKSPC subsequently set up an Independent Review Committee early this month to conduct a thorough review on the incidents as well as the management and operation of the organisation concerned. Regarding measures to prevent child abuse, will the Government inform this Council:

(1) whether it will establish a mechanism that when investigation is conducted on organisations providing child care services suspected of mismanagement, it will make arrangements for other organisations or persons to temporarily take over the services provided by them, and impose punishments (e.g. revocation of licences) on those organisations the mismanagement of which are found substantiated; if so, of the details; if not, the reasons for that;

(2) whether it knows if the groups or organisations currently providing child care services have put in place (i) a code of conduct for their employees, volunteers and carers, (ii) a mechanism for handling complaints, and (iii) a system for handling suspected child abuse incidents; if they have, of the details; if not, the reasons for that;

(3) whether it will draw up a blacklist of child care workers and prohibit those child care workers with abuse records from working in the relevant industries; if so, of the details; if not, the reasons for that; and

(4) whether it will (i) expeditiously introduce legislation on the mechanism for mandatory reporting of suspected child abuse and neglect cases, and (ii) take on board the Law Reform Commission's recommendation on introducing an offence of "failure to protect", so as to protect children from abuse; if so, of the details and timetable; if not, the reasons for that?

Reply:

President,

Immediately after the suspected child abuse incident occurred in the Children's Residential Home (CRH) under the Hong Kong Society for the Protection of Children (HKSPC), the Government has taken a series of follow-up actions. Given that investigation of the incident is still underway by the law enforcement and regulatory agencies with the possibility of taking

further actions, and that some cases have commenced the judicial proceedings, the Government is not in a position to disclose information on the specific incident in detail.

My reply to the Member's question is as follows:

(1) and (3) The CRH under the HKSPC is a residential child care centre (RCCC) registered under the Child Care Services Ordinance (Cap. 243) which must be operated in accordance with the relevant statutory requirements and the regulations stipulated by the Operation Manual for Pre-primary Institutions. To monitor and ensure RCCCs' compliance with the relevant statutory requirements on an ongoing basis, the Social Welfare Department (SWD) conducts surprise inspections during daytime and night-time at every RCCC from time to time, and at a higher frequency depending on individual RCCC's condition.

In December 2021, staff of the CRH were suspected to have abused the children at the service unit. The Police promptly commenced investigation, arrested the staff involved and initiated prosecution against them. The SWD also took a series of immediate follow-up actions to ensure that the operation of the CRH is in compliance with the need to protect children and upholding of service standards. Upon the HKSPC's report on December 21, 2021, the SWD immediately asked the HKSPC to report to the Police and assisted the HKSPC to admit the children involved to hospitals for checking. The SWD also sent a multi-disciplinary professional team, comprising clinical psychologists, nurses, social workers, etc, to investigate and inspect the CRH's operation, check the relevant work records, and observe the behavioural, health and emotional conditions of the 70 children at the CRH one by one, so as to ascertain that their conditions were stable. Subsequently, the SWD met with the Executive Committee and management of the HKSPC to express grave concern about the incident, listened to the HKSPC's report on the incident and follow-up actions, and asked the HKSPC to take corresponding enhancement measures in the supervision and monitoring of frontline staff to ensure children at the CRH are well taken care of.

In tandem, case social workers will continue to assess the family situation, risk factors and needs of the children to formulate suitable welfare plans for them. Social workers will also visit the children regularly and maintain a close liaison with their family members and staff of the CRH to understand their situation and the views of their parents, in order to ensure that the children are provided with proper care. The SWD conducted daily surprise inspections at the CRH in different intervals to continuously evaluate whether the CRH fulfils the relevant statutory requirements and service quality standards. The SWD also urged the HKSPC to implement appropriate measures immediately to ensure that the operation of the CRH meets the relevant requirements.

Starting from January 17, 2022, the SWD has deployed a designated team, comprising social workers, nurses and personnel with experience in supervising child care centres, to station at the CRH every day and closely monitor its daily operation on the ground, in order to ensure that its operation satisfies the required service standards and that effective

improvement measures have been put in place to safeguard the proper care of children. The designated team will operate until the CRH's improvement measures and operation situation satisfy the SWD's requirements.

The SWD had issued warning letters and written notice to the HKSPC for improvement plans regarding the incident and asked the HKSPC to submit a review report to the SWD on or before January 25, 2022, including a review of its internal management mechanism and continuous supervision of the conduct of the staff members, so as to avoid similar incidents from recurring in the future. The SWD has just received the report on January 25, and would examine it in detail before devising further actions. Depending on the content of the report and the outcome of the investigation, the SWD may take statutory regulatory actions where necessary. Besides, if the Director of Social Welfare considers that a child care worker is no longer suitable to take up child care work, he may remove the name of the person concerned from the register.

(2) To fulfil the relevant requirement of the Funding and Service Agreement, all subvented welfare service units shall submit reports regularly according to the Service Performance Monitoring System, including the requirements of basic service, service quality standards and service volume/service effectiveness standards, formulating effective complaint handling mechanism, and taking all reasonable steps to ensure that service users are free from abuse. Furthermore, the SWD, together with relevant bureaux and departments, non-government organisations and relevant professionals, have jointly drawn up the Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation for different professionals' reference in taking necessary actions for suspected child maltreatment cases. The SWD is conducting a comprehensive review on the monitoring mechanism of the CRH and follow up multiple actions, including strengthening continuous staff training, stepping up inspections, improving guidelines, enhancing staff's knowledge and sensitivity in handling suspected child maltreatment cases, and inviting independent individuals to visit service units.

(4) The Chief Executive announced in her 2021 Policy Address that the Government would take forward the legislative work on a mandatory reporting mechanism for child abuse cases. Practitioners in the professions subject to mandatory reporting obligations would receive appropriate training to enhance their capacity for early identification and handling of child abuse cases. The Government's target is to introduce the bill into the Legislative Council in the first half of 2023. The Government is also considering how to take forward recommendations in the Law Reform Commission's report on causing or allowing the death or serious harm of a child or vulnerable adult published in September 2021.