

**Minutes of the
Social Welfare Advisory Committee (SWAC) Meeting**

**17 December 2015 (Thursday) at 4:30 p.m.
Conference Room 4, G/F, Central Government Offices**

Present

Mr Vincent LO Wing-sang	(Chairman)
Ms Anna May CHAN Mei-lan	
Dr Crystal CHENG Lai-ling	
Ms Christina Maisenne LEE	
Mr Edmond LEE Man-bun	
Ms Anthea LO Wing-sze	
Dr Annissa LUI Wai-ling	
Ms Cindy PUN Siu-fung	
Dr Loretta YAM Yin-chun	
Mr Kelvin MA	(Secretary)

In Attendance

Labour and Welfare Bureau (LWB)

Miss Annie TAM	Permanent Secretary for Labour and Welfare (PSLW)
Ms Doris CHEUNG	Deputy Secretary for Labour and Welfare (Welfare)1 (DS(W)1)
Mr Kenneth CHENG	Principal Assistant Secretary for Labour and Welfare (Welfare)1 (PAS(W)1)
Mr Eugene WAN	Assistant Secretary (Welfare) 1A (AS(W)1A)

Social Welfare Department (SWD)

Ms Carol YIP	Director of Social Welfare (DSW)
Mr FUNG Man-chung	Assistant Director (Family & Child Welfare) (AD(FCW))

Department of Justice (DOJ)

Ms Mary HO

Government Counsel (GC)

Absent with apologies

Dr Roy CHUNG Chi-ping
Mr David FONG Man-hung
Mr Laurence HO Hoi-ming
Mr IP Wai-ming
Mr Hansen LEE Hong-kong
Mr Laurence LI Lu-jen
Mr Joseph MAN Hung-yee
Mr Daryl NG Win-kong
Prof Steven NGAI Sek-yum
Ms Theresa TAO Chee-ying
Dr Janice TSANG Wing-hang
Mr Charles YANG Chuen-liang
Ms Sania YAU Sau-wai

**Discussion Item 1: Public Consultation on the Proposed Legislation to Implement the Recommendations of the Law Reform Commission Report on Child Custody and Access
(SWAC Paper No. 07/2015)**

Members were briefed on the public consultation on the Proposed Legislation to Implement the Recommendations of the Law Reform Commission Report on Child Custody and Access, i.e. the draft Children Proceedings (Parental Responsibility) Bill (the draft Bill), as well as the related support measures. Members asked the following questions/offered the following comments –

- (a) Whether the Pilot Project on Children Contact Service (the pilot project) would be implemented in case the draft Bill was not passed;
- (b) The pilot project would have to be well coordinated with the existing Integrated Family Service Centres (IFSCs) and the coverage of the pilot project should be wide enough to support divorced families comprehensively;

- (c) The pilot project should not only be a place for meeting up but should also enable parents to fulfil their responsibilities. The needs of children of different ages should be taken into account and the children contact service should be administered by social workers with professional knowledge of the parental responsibility model;
- (d) The involvement of both parents in a child's day-to-day matters upon divorce might result in frequent conflicts;
- (e) Safeguards against potential abuse of the parental responsibility model should be put in place. Mediation services could be offered to divorced parents prior to the seeking of a court order to impress upon them the concept of parental responsibility;
- (f) Children should be given an opportunity to express themselves and separate legal representation was support-worthy; and
- (g) The proposal had the support of Members.

2. The Government gave the following response –

- (a) There were support measures for divorced/separated families which SWD would implement as its ongoing work irrespective of whether the draft Bill would be passed (such as the pilot project) and there could be additional measures that should be put in place if it was passed;
- (b) In the present public consultation exercise, LWB would strive to facilitate informed discussions of different stakeholders, including non-governmental organisations, women's groups, men's groups and children, through different channels;
- (c) The hotline service would primarily be managed by social workers who were knowledgeable about the principles of the draft Bill and the parental responsibility model. SWD would explore the feasibility of service interfacing between IFSCs/FCPSUs and children contact service in carrying out the pilot project;
- (d) The day-to-day matters of a child would be governed by the new "child arrangements order" in accordance with the draft Bill. Divorced parents should discuss between themselves

what would be in the best interests of the child or seek an order from the court on the arrangements concerning the child;

- (e) LWB would collate and consider the comments received after the public consultation, and revise the draft Bill before it was introduced into the Legislative Council (LegCo), barring unforeseen developments, in the first half of the 2016-17 legislative year; and
- (f) The draft Bill contained provisions empowering the court to appoint a separate representative for the child in disputes concerning the child to safeguard children's interests. Also, LWB would explore with the Home Affairs Bureau possible coordination services that could help smoothen the communication of divorced parents.

SWAC Secretariat
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