

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

**14 September 2022 (Wednesday) at 10:00 a.m.  
Conference Room 4, G/F, Central Government Offices**

**Present**

Mr Lester Garson HUANG (Chairman)  
Ms Sylvia CHAN May-kuen  
Dr Gary CHENG Faat-ting  
Miss CHEUNG Sze-wing  
Mr CHUGH, Manohar Thakurdas  
Mr Anthony KWAN Wai-ming  
Mr Frederick LAI Wing-hoi  
Ms Alice LAU Oi-sze  
Mr Armstrong LEE Hon-cheung  
Dr Wingco LO Kam-wing  
Prof Petrus NG Yat-nam  
Dr PAN Pey-chyou  
Dr Ricky SZETO Wing-fu  
Ms Eva WONG Ching-hung  
Mr Anthony WONG Kin-wai

**In Attendance**

**Labour and Welfare Bureau**

Ms Alice LAU	Permanent Secretary for Labour and Welfare
Mr David LEUNG	Deputy Secretary for Labour and Welfare (Welfare) 1
Ms Polly KWOK (For discussion of item 1 only)	Deputy Secretary for Labour and Welfare (Welfare) 2

Ms Manda CHAN (For discussion of item 1 only)	Commissioner for Rehabilitation
Mr Tony YIP	Principal Assistant Secretary for Labour and Welfare (Welfare) 1
Mr Emmanuel LAM	Assistant Secretary for Labour and Welfare (Welfare) 1B (Secretary to SWAC)
Mr Adams WONG	Executive Officer (Welfare) 1A
Ms Jessica LI	Executive Officer (Welfare) 1B

Social Welfare Department (SWD)

Miss Charmaine LEE	Director of Social Welfare
Mr KOK Che-leung	Deputy Director of Social Welfare (Services)
Ms Wendy CHAU (For discussion of item 2 only)	Assistant Director (Family & Child Welfare)

Education Bureau

Dr Verena LAU (For discussion of item 1 only)	Principal Assistant Secretary (School Administration)
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Health Bureau

Ms Elaine MAK (For discussion of item 1 only)	Principal Assistant Secretary for Health 2
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**Absent with apologies**

Dr BAI Xue  
Prof Emily CHAN Ying-yang  
Mr Andy HO Wing-cheong

Dr LAM James Joseph  
Dr Gary NG Ka-wing  
Prof Frances WONG Kam-yuet  
Ms Amarantha YIP Yun-wan

**Discussion Item 1: Proposal of the Mandatory Reporting Requirement (MRR) for Suspected Child Abuse Cases**

Members offered the following views and suggestions –

2. Members generally supported the introduction of MRR to achieve early identification of and effective intervention into child abuse/neglect cases. Many members expressed concerns about the capacity of the Government departments concerned in handling a large number of reports made upon the enactment of the MRR legislation. They urged the Government to ensure that sufficient manpower and financial resources would be secured to handle reported cases expeditiously to prevent children from suffering from further abuses.

(a) Whom to protect

- i. The majority agreed that children should be defined as persons aged below 18 in line with the international practice.

(b) Who are mandated to make reports

- i. The majority agreed to the list of designated professionals who had frequent contact with children and were subject to certain form of regulation as set out in the paper.
- ii. For suspected child abuse cases involving multiple mandated reporters, there was an enquiry on whether the duty to report would be considered fulfilled if one of the mandated reporters had taken the lead to report the case on behalf of other mandated reporters. If not, whether there would be penalty for mandated reporters who had not reported the same case at the juncture of the case being first reported.

(c) Types of suspected cases to be reported

- i. Recognising the need to strike a balance between child protection and prevention of over-reporting, the majority of members agreed that the threshold of legally reportable circumstances should be confined to cases involving more serious abuses as set out in the paper.
- ii. Some members expressed concerns about borderline cases, and that some mandated reporters might report suspected cases irrespective of their nature and seriousness to avoid non-compliance with the MRR.

(d) Level of penalty

- i. There were suggestions that the penalty for failing to report should be proportionate to the severity of abuse cases.

(e) Safeguard provisions for mandated reporters

- i. Some members supported that employers or supervisors of the mandated reporters who prevented their employees from fulfilling their statutory obligations of reporting suspected child abuse cases should be subject to the same criminal liability of non-reporting to serve as deterrence.
- ii. Many members opined that the Government should update relevant guidelines and regulations applicable to practitioners of various professions to ensure making reports under the MRR would not be regarded as misconduct or breach of professional guidelines and regulations.

(f) Reporting channel

- i. Members generally agreed that mandated reporters should be required to submit a written report, which would serve as proof that they had discharged their statutory duty. Members opined that the written report should be made simple, requiring only a factual description of the case.
- ii. While recognising the need for cases of child abuse to be reported as soon as possible, some members suggested that mandated reporters should be given a reasonable period to make reports upon discovering suspected cases of child abuse.

- iii. Some members suggested that the Government should set up an online platform to receive reports, which should be equipped with the function to classify reported cases according to their nature and seriousness, and to provide mandated reporters with updates on their reported cases.

(g) Trainings and administrative measures

- i. Some members suggested that the Government should provide continuous trainings on the identification and reporting of child abuse cases to mandated reporters, especially managerial staff of non-governmental organisations (NGOs) and schools. These trainings could also be included in the curriculum of relevant professional disciplines at universities and other tertiary education institutions.
- ii. Some members considered that apart from mandated reporters, the Government should also encourage the general public to report suspected child abuse cases.

3. The Government gave the following response –

- (a) The proposed “tiered” reporting mechanism was proposed to achieve the dual policy objectives of ensuring prompt reporting of serious child abuse cases on the one hand, while avoiding over-reporting. The introduction of MRR (under which non-reporting of first tier cases would lead to criminal liability) would not undermine the existing practice whereby the Government encouraged the reporting of child abuse cases involving different levels of severity.
- (b) The current list of mandated reporters covered practitioners in the social welfare, education, and medical & health sectors who had frequent contacts with children and whose professions or work were subject to some form of regulation. For practitioners currently not on the list, the Government would raise the community’s awareness on the importance of early reporting of suspected child abuse cases through public education. The Government would review the list of mandated reporters in future to keep abreast of changing social circumstances and could update the list, if necessary, expeditiously through subsidiary legislation.
- (c) As a mandated reporter would be personally liable for failure to

meet the new MRR, he/she would be required to report a child abuse case as specified in the MRR legislation to the designated authorities within a reasonable timeframe. Once the mandated reporter has made the report through a prescribed channel, his/her statutory obligation would be deemed to have been fulfilled.

- (d) To provide support for mandated reporters, SWD would set up an e-learning platform to enhance their capacity for early identification and handling of suspected child abuse/neglect cases; prepare a “Mandated Reporters’ Guide” with illustration of reportable circumstances to provide practical guidance on the operation of MRR and assist mandated reporters in identifying targeted cases; and prepare a user-friendly template for making written report upon further consultation with the Police and the welfare sector.
- (e) The Government would explore measure(s) with adequate deterrent effect to ensure that employers/supervisors would not prevent or inhibit mandated reporters from making a report in accordance with the proposed MRR legislation.
- (f) The Government was conducting a series of engagement sessions for stakeholders in the social welfare sector, education sector and medical & healthcare sector on the proposed MRR legislation in September 2022. Subject to the outcome of the consultation, the Government planned to introduce a bill into the Legislative Council in the first half of 2023.

**Discussion Item 2: 2023-24 Welfare Services Suggestions and Priorities**

4. Members offered the following views and suggestions –

*Manpower of the welfare sector*

- (a) The recent trend of talent loss had aggravated the shortage of manpower in the welfare sector. The Government should draw up a long term manpower plan for the welfare sector to increase the quantity and improve the quality of the labour force.
  - i. To increase the manpower supply of the welfare sector, the Government should provide more places of relevant subjects

in tertiary education institutions and relax their entry requirements. Flexible retirement arrangement should be promoted to facilitate the continuous employment of experienced workers beyond their retirement age.

- ii. Considerations should be given to tapping into the manpower pool in the Mainland cities in the Greater Bay Area to engage qualified Mainland workers to join the local welfare sector. The Government should consider facilitating local tertiary education institutions to set up training programmes in Mainland cities and provide incentive for those who completed the programmes to join Hong Kong's welfare sector.
- iii. The time-limited relaxation of the requirements under the Supplementary Labour Scheme to import care workers from the Mainland was conducive to alleviating manpower shortage in the welfare sector. The Government should regularise the time-limited relaxation.
- iv. Continuous training should be provided for both the management of NGOs and frontline staff, with particular focus on the utilisation of technology to assist the delivery of welfare services. Relevant trainings should also be provided to carers of needy persons.

*Subventions for welfare services provided by NGOs*

- (b) The Government should encourage NGOs to make good use of their reserves under the Lump Sum Grant Subvention System by making financial planning and strategic investment.
- (c) The Government should not discourage NGOs from seeking other sources of funding to support their welfare services. The Government might also consider providing matching funds for NGOs which managed to secure other funding sources to expand their services and improve service quality.
- (d) When drawing up the cost apportionment guidelines for NGOs, the Government should leave sufficient flexibility for NGOs to deploy their subvention to support Funding and Service Agreement-related activities.

### *Caring for elderly and persons with disabilities*

- (e) The Government might consider setting up an integrated elderly centre in each district so that all those in need of services in that district would be pooled together for better synergy and more effective use of resources. Such integrated elderly centres should be equipped with relevant facilities and manpower to cater for the all-rounded needs of elderly
- (f) To address the shortage of residential care home (RCHs) places for the elderly, the Government should buy places from RCHs in Mainland cities in the Greater Bay Area. Since many residents in local RCHs were infected under previous waves of the COVID-19 epidemic, the Government should provide additional resources to RCHs to upgrade their ventilation systems and improve their environmental hygiene.
- (g) The Government should explore with the insurance sector the feasibility of allowing insurance policy holders who were elderly persons to purchase welfare and medical services with the value of their insurance. Additional support should also be provided to needy elderly to purchase smart phones and subscribe to data plan to enhance their social participation and accessibility to welfare services.
- (h) To facilitate self-reliance and fully utilise the labour force amid manpower shortage, more incentives should be provided to employers who were willing to employ elderly persons and persons with disabilities.

### *Support for other needy persons*

- (i) The COVID-19 epidemic had heightened the welfare needs of the underprivileged, and the Government should be more proactive in identifying and filling service gaps. It was suggested that support should be strengthened for single-parent families, new arrival households, households with children aged 0-6 and those living in subdivided unit. The Government should also step up efforts in promoting foster care service, and place greater emphasis on promoting mental health, especially amongst teenagers and elderly.
- (j) Instead of introducing new programmes sporadically, the

Government could consider scaling up existing policies or programmes to render more holistic support to the needy. For example, the scope of the Strive and Rise Programme introduced recently was very similar to the existing Child Development Fund, as both provided mentorship programmes and funding support for targeted beneficiaries.

- (k) Noting the continuous growth in welfare expenditure and the introduction of various support measures for needy persons, the Government should put in place safeguards against abuse, particularly under the Comprehensive Social Security Assistance (CSSA) Scheme.

#### *Welfare premises*

- (l) More manpower should be deployed to expedite the processing of applications under the Special Scheme on Privately Owned Sites for Welfare Uses (Special Site Scheme), especially projects which were at more advanced stages. The Government might also explore the possibility of using Government sites that were temporarily unused to provide short-term welfare facilities.

#### *Lotteries Fund (LF)*

- (m) In view of the drop of revenue under the COVID-19 epidemic, the Government should review and refine the funding scope of LF to focus on funding projects which could effectively meet the welfare needs of society.

#### 5. The Government gave the following response –

- (a) The Government attached great importance to the planning of welfare services. It has been a long established tradition for the Government to undertake a sector-wide consultation with NGOs management and frontline staff annually on service suggestions and priorities. After consolidating the views collected, the Labour and Welfare Bureau would consult relevant committees including SWAC, the Elderly Commission and the Rehabilitation Advisory Committee. This arrangement enabled the Government to timely consider changing needs and adjust policy priorities and existing welfare services.

- (b) The ageing population and changing family structure posed challenges to the provision of welfare services, particularly to elderly services. The Government would continue to explore feasible arrangements and measures to increase the supply of manpower in the welfare sector, including attracting local workforce to join the welfare sector, enhancing training as well as importing workers where there was genuine difficulty in local recruitment.
- (c) SWD would work closely with participating NGOs and relevant Government departments to expedite the progress of projects under the Special Sites Scheme. Without compromising the supply of public housing, the Government would also reserve about 5% of the gross floor area of future public housing projects for the provision of social welfare facilities to meet the medium to long-term service demand of the community.
- (d) The CSSA Scheme aimed to provide a safety net for those who could not support themselves financially. Able-bodied CSSA recipients were required to participate in Employment Support Services to enhance their employability and overcome work barriers. Some CSSA recipients had indeed taken up employment as a result and eventually achieved self-reliance.
- (e) The Government had launched the Guangdong Scheme and Fujian Scheme to enable eligible recipients residing in the Mainland to continue to receive Social Security Allowance. The Government would also continue to explore the room for expanding welfare services with keen demand in nearby Mainland cities to cater for the needs of eligible Hong Kong residents residing therein.
- (f) In order to attract new blood for the welfare sector and retain experienced staff, the Government would continue to enhance the career progression pathway of jobs within the sector.

SWAC Secretariat  
October 2022