



RESPONSE TO THE PUBLIC CONSULTATION OF POLICY ADDRESS 2023

**SUBMISSION BY
PLAN INTERNATIONAL HONG KONG**

INTRODUCTION

Plan International Hong Kong (“Plan International”) is submitting this briefing in response to the Hong Kong Special Administrative Region’s Government (“the Government”)’s invitation for public view of the 2023-2024 Policy Address.

Plan International is an independent development and humanitarian organisation that advances children’s rights and equality for girls. Plan International initially operated a field office in Hong Kong from 1953 to 1973, helping nearly 12,000 local children and their families by providing support in education, food, healthcare, housing and career counselling. Plan International re-opened its Hong Kong office in July 2009, giving the Hong Kong community the chance to give back by supporting child development programmes in Asia, Africa, the Americas, Oceania and the Middle East.

Plan International Hong Kong advocates a holistic approach to protecting and promoting children’s rights through preventive and responsive measures so that all children can grow, thrive, lead and live in safety, free from harm, abuse and neglect. Committed to ending violence against children and promoting meaningful child participation, Plan International Hong Kong has rolled out local programmes and influencing work through evidence-based research, partnerships, policy influencing and public education since 2017.

This briefing covers the key issues of Plan International’s concerns and aims to provide recommendations for the Hong Kong Government’s administration.

These main issues include:

- **Importance of Preventive Measures in Child-Related Organisations**
- **Involve Child Participation in Decision-Making Processes**

Plan International welcomes the Hong Kong Government’s practice of conducting public consultations when drafting Policy Address, and would appreciate any opportunity to present additional information, in writing or person, to the Government.

EXECUTIVE SUMMARY

This section serves to highlight Plan International’s recommendations for the Hong Kong Government’s Administration on

A. Importance of Preventive Measures in Child-Related Organisations

Plan International Hong Kong welcomes the introduction of the “Mandatory Reporting of Child Abuse” Bill. We suggest the Government to consider (i) extending the scope of mandated reporters to more child-related practitioners; (ii) establishing clear guidelines for child-related organisations to report and prevent child abuse. Detailed submission could be found in [“Plan International Response to the Proposal on Mandatory Reporting for Suspected Child Abuse Cases”](#).

Besides the mandatory reporting of suspected child abuse, Plan International proposes that the Government to consider providing incentives and guidance to child-related institutions to develop and implement their own Child Safeguarding Policies (CSP). The implementation of CSPs is crucial in minimising harm and abuse towards children. This can be achieved by enforcing minimum child safeguarding standards across different sectors through appropriate regulations. We also recommend the Government to provide support to child-related organisations to acquire Child Safeguarding training for all staff and related personnel who might have contact with children at work.

B. Involve Child Participation in Decision-Making Processes

As Hong Kong being a responsible and inclusive society, it is vital that we value the perspectives and contributions of children in shaping policies and initiatives that directly affect their lives. Plan International welcomes the community participation and engagement Leisure and Cultural Services Department (LCSD) taken in transforming public play spaces (PPS) as announced in Policy Address 2019.¹

To further enhance the child participation in decision-making processes, Plan International suggests the government to consider

- a) Establishing Working Groups with Child Participation on District Councils;
- b) Including children and parent representatives in Committees and Policy Task Forces related to children matters; and
- c) Providing blueprint for Commission on Children Working Group on Promotion of Children’s Rights and Development, Public Education and Engagement

¹ Leisure and Cultural Services Department. (April 2023). *Transformation of Public Play Spaces Community Engagement*. Retrieved from: <https://www.lcsd.gov.hk/en/pps/engagement.html>

SECTION I: IMPORTANCE OF PREVENTIVE MEASURES IN CHILD-RELATED ORGANISATIONS

BACKGROUND OF THE ISSUE

1. In the past decade, numerous cases of child abuse have occurred in various institutions, including sports institutions, tutorial centres, religious institutions and child-related social service organisations, both globally and locally. Recent news and research have pointed to the grave problem of institutional child abuse among different child-related sectors in Hong Kong, which demands immediate attention and actions by the Government.
 - 1.1 The Islamic Learning Centre physical abuse case² and Mei Foo Tutoring Center teacher repeatedly sexual abuse of children³ emphasise the urgent need for prevention and intervention measures against child abuse within institutional settings.
 - 1.2 Local research has also indicated an alarming trend of child abuse in the education sector as well. According to the Situation Analysis Study on Child Safeguarding Policy by Plan International Hong Kong, 1 in 5 (22.8%) of children had encountered at least one kind of harm in schools, private tuition centres or interest classes in the past six months, including 'having intimate bodily touch with teachers', 'physical punishment by teachers', 'left out by teachers' and 'bullied by peers'. More alarmingly, 1 in 10 of the children (11.2%) had been physically punished in educational institutions⁴, albeit the fact that corporal punishment has been legally banned in Hong Kong since 1991.
2. The mandatory reporting mechanism is only a secondary response after the abuse had occurred, while the Child Safeguarding Policy (CSP) could tackle child abuse at its core. CSP is a set of clear standards and guidelines that minimises harm to children whom the organisation contacts, by governing the behaviour of staff and associates of the organisation, and embedding procedures to ensure concerns over a child's welfare are swiftly responded to. Thus, a stronger safety net can be webbed for children.

² South China Morning Post. (10 August 2023). *Hong Kong police help sought after boy, 13, allegedly slapped by teacher at Islamic learning centre, resulting in 6-hour eye operation*. Retrieved from: <https://www.scmp.com/news/hong-kong/society/article/3230659/hong-kongs-chief-imam-urges-teachers-attend-training-after-13-year-old-boy-undergoes-6-hour-eye>

³ The Standard. (28 August 2023). *Tutor arrested for sexually harassing two brothers in Mei Foo*. Retrieved from: <https://www.thestandard.com.hk/breaking-news/section/4/207593/Tutor-arrested-for-sexually-harassing-two-brothers-in-Mei-Foo>

⁴ Plan International Hong Kong. (September 2021). *Situation Analysis Study on Child Safeguarding Policy (Parents, Children and the Education Sector) Research Summary*. Retrieved from: https://www.plan.org.hk/wp-content/uploads/2021/09/CSP-Research_ES_EN_vf.pdf (Full report available at: https://www.plan.org.hk/wp-content/uploads/2021/09/PLAN_CSP_parent_children_survey-report_final_pori_.pdf)

3. Plan International acknowledged the enacting of Service Quality Standards (SQSs) and Criteria by the Social Welfare Department, particularly SQS 16,⁵ which emphasises service unit takes all reasonable steps to ensure that service users are free from abuse. However, it is worth noting that current regulations do not adequately address child-centred policies nor provide a comprehensive regulation of all child-related organisations.
4. As a systemic measure to prevent institutional child abuse, there has been a **global trend for child-related organisations to establish their own Child Safeguarding Policy (“CSP”) to minimise risks of harm and abuse to children within the institution** according to prescribed national standards, particularly in Australia⁶ and England.⁷

RECOMMENDATIONS FOR THE GOVERNMENT

5. Plan International suggests the Government to consider encouraging implementation of Child Safeguarding Policy in child-related organisations.

5.1 Provision of additional resources for all child-related organisations to acquire training arrangements as supporting measures for the Mandatory Reporting Regime.⁸ Child Safeguarding training for all staff and personnel who might have contact with children at work to promote industry and public understanding of Child Safeguarding and the do-no-harm principle in the children-related context, including but not limited to the education and sports sector.

5.2 Enact legislation to confirm the legal responsibility of child-related institutions, which would include the implementation of a mandatory Sexual Conviction Record Check Mechanism (SCRC). The SCRC mechanism enables employers to obtain information pertaining to the sexual criminal records of prospective employees. By aligning with Plan International's proposed framework of the child safeguarding policy "People & Culture 12" (as outlined in Appendix A), the incorporation of this measure would further strengthen efforts to safeguard children.

⁵ Social Welfare Department. (2023). *16 Service Quality Standards (SQSs) and Criteria. SQS 16 – Implementation Handbook*. Retrieved from:

https://www.swd.gov.hk/storage/asset/section/604/en/SQS_16_-_Implementation_Handbook.pdf

⁶ Australian Human Rights Commission. (2017-2018). *National Principles for Child Safe Organisations*. Retrieved from:

<https://humanrights.gov.au/sites/default/files/National%20Principles%20for%20Child%20Safe%20Organisations.pdf>

⁷ UK Department for Education. (2018). *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*. Retrieved from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

⁸ Legislative Council. (2023). *Mandatory Reporting of Child Abuse Bill*. Retrieved from:

https://www.legco.gov.hk/yr2023/english/brief/lwbcrcoc831_20230531-e.pdf

SECTION II: INVOLVE CHILD PARTICIPATION IN DECISION-MAKING PROCESSES

BACKGROUND OF THE ISSUE

6. The United Nations Convention on the Rights of the Child (UNCRC) article 12 stated every child has the right express their views in all matters affecting, and given due weight in accordance with the age and maturity of the child. Child shall be provided the opportunity to be heard in administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedure rules of national law.⁹
7. Child participation is not only a fundamental right enshrined in the United Nations Convention on the Rights of the Child, but it is also crucial for the holistic development and well-being of children. Research¹⁰ consistently demonstrates that meaningful engagement of children in decision-making leads to better outcomes in terms of their physical and mental health, social integration, educational attainment, and overall empowerment.

RECOMMENDATIONS FOR THE GOVERNMENT

8. Plan International recommends the Government establish a strategy and mechanism to systematically include children to participate in community matters and policy-making processes related to them by the following:
 - 8.1 The community participation and engagement Leisure and Cultural Services Department (LCSD) taken in transforming public play spaces provided a sound example of successful child participation. Plan International suggests the Government **consider extending community participation and engagement practice to other public spaces**, in particular Housing Authority (HA) which manages over 4500 playground facilities in public rental housing.
 - 8.2 **Establish Working Group with Child Participation at District Council Level**
 - 8.2.1 Plan International has developed “Voices of the Children” project to demonstrates a child-centred model of community development since 2018. The programme showcases how children can be meaningfully engaged in

⁹ United Nations. (1989). *Convention on the Rights of the Child*. Retrieved from:

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

¹⁰ Edmund Bernard Bruyere. (2010). *Child Participation and Positive Youth Development*. Retrieved from:

<https://pubmed.ncbi.nlm.nih.gov/21361166/>

their communities. We hope that this programme can serve as a valuable reference for the Government in establishing a regular mechanism working group at the District Council level.

- 8.2.2 The LCSD project delivered a positive child participation outcome amidst district level. To further enhance child participation, it is recommended to **establish children affairs working groups within each district council that actively involve children as participants**. Several district councils have already taken steps in this direction. For example, the Yau Tsim Mong District Council “Working Group on Youth and Children Affairs”; Kwun Tong District Council “Culture, Recreation Sports and Youth Development Committee”; Sha Tin District Council “Working Group on Education and Youth Affairs”; Tai Po District Council “Working Group on Youth Projects, Elderly Projects, Medical Services and Caring for the Community”.¹¹ These working groups shall actively involve child participation and focus on issues impacting children at the local level, such as education, community services, and recreational facilities.
- 8.3 Studies¹² showed that meaningful participation may improve children's safety, increase the success of care arrangements and increase feelings of well-being for children involved. Therefore, it is essential to **include children and parent representatives in committees and policy task forces**, namely the “Strive and Rise Programme”, “Child Development Fund”, **with children as primary beneficiaries**. This inclusion should be encouraged as a means to address matters directly related to children's rights and well-being. By involving children and parent representatives as members of these committees and task forces, their active participation could structure beneficiary-centred policies and decisions.
- 8.4 As mentioned in Terms of Reference, the Commission on Children is obligated to “promote and promulgate children's rights as articulated in the UNCRC, and engage with children on matters that affect them”.¹³ Plan International recommends **tasking the Commission on Children with developing and disseminating a clear blueprint to ensure a systematic and comprehensive approach to encouraging child participation in decision-making processes**. This blueprint should provide concrete guidance to government departments, agencies, and community organisers on how to effectively encourage and facilitate child participation.

¹¹ District Council. (2023). Retrieved from:

<https://www.districtcouncils.gov.hk/index.html>

¹² Svein Arild Vis. (2010). *Participation and health – a research review of child participation in planning and decision-making*. Retrieved from:

<https://doi.org/10.1111/j.1365-2206.2010.00743.x>

¹³ Commission on Children. (2023). *Membership and Terms of Reference*. Retrieved from:

<https://www.coc.gov.hk/en/member.html>

APPENDIX 1: PLAN INTERNATIONAL'S SUGGESTED FRAMEWORK OF CHILD SAFEGUARDING POLICY

Policy

1. To commit to child safeguarding and state measures to be taken to guarantee children's safety.
2. To provide a clear code of conduct describing acceptable and unacceptable behaviours.
3. Policy is applied to all staff with acknowledgement by signing.
4. Policy is applied to all relevant persons (volunteers, associates, and partners) with acknowledgement by signing.

Procedures

5. To provide clear guidelines to employees, parents and children, so as to support them in reporting any suspicions of child abuse.
6. All incidents, allegations and complaints should be clearly recorded and stored.
7. To ensure children are well-protected during the investigation of a child abuse allegation.
8. To establish a clear time limit on case handling for child abuse allegation.
9. To establish a whistleblowing policy where employees should be able to report abuse or suspicions of abuse without fear of retribution and discrimination in the workplace.
10. To identify, manage and minimise potential risks to children in daily operation.
11. To respect and protect the privacy of children and seek the consent of the child before distributing the child's personal information or pictures.

People & Culture

12. To check job candidates' sexual conviction record.
13. To understand the candidates' attitude and ability towards child protection during recruitment (e.g. interview, background check).
14. To provide employees with regular training and support on how to maintain child safety.
15. To provide training to volunteers, partners and other persons who have contact with children to maintain child safety.
16. To assign child safeguarding responsibilities to designated staff in order to promote CSP's implementation within the organisation.
17. To cultivate a culture where workers feel that they can openly discuss issues related to harm to children.

Accountability

18. Keep the Child Safeguarding Policy public and accessible to all, especially children and parents.
19. To consult children and families on reviewing the effectiveness of child safeguarding policy & procedures.
20. To conduct regular reviews on existing child safeguarding policy and procedures every 1-2 years.