



## **DIVISION OF CLINICAL PSYCHOLOGY**

The Hong Kong Psychological Society Ltd.

香港心理學會 臨床心理學組

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### **Response to the Public Consultation on**

### **The Establishment of the Commission on Children**

#### **Submitted by**

**The Division of Clinical Psychology, Hong Kong Psychological Society Limited**

**January, 2018**

In response to the invitation of the Labour & Welfare Bureau, Hong Kong Special Administrative Region, for public comments on the establishment of the Commission on Children, the Division of Clinical Psychology, Hong Kong Psychological Society Limited (DCP) would like to submit our views on the captioned as follows:

#### The Basis of the Feedback

1. Founded in 1982, DCP is a professional body representing the specialty of Clinical Psychology in Hong Kong. All DCP members, currently numbered over 500, have completed either a master's or doctoral training programme in clinical psychology. They serve in Hospital Authority, various government departments, tertiary educational institutions, non-government organisations and private practice, contributing to the enhancement of well-being of the citizens across the entire age span and spectrum of psychological needs.
2. The following comments are made on the basis of our knowledge and experience with the children population, as well as making references to countries that have established a similar structure as that of the Commission on Children.
3. DCP welcomes with enthusiasm the establishment of a Commission on Children, which is long overdue in view of the extension of the Convention on the Rights of the Child (CRC) to Hong Kong since 1994, and the two rounds of unanimous support for the establishment of the Commission in the Legislative Council in 2007 and 2013 respectively. We consider the present resolve to establish the Commission a step to work towards the best interests of children in Hong Kong, and hold keen expectation on the outcome it would yield in achieving the goal.

#### Role of the Commission on Children

4. Regarding the Roles and Functions of the Commission, we consider it appropriate to draw reference from the United Nations Convention on the Rights of the Child, which is supposed to be the ultimate basis for the endeavour. In accordance with the CRC, the Commission needs to take an

active guiding role that includes ‘monitoring’, ‘investigating’, ‘defending’ and ‘involving in changes’ on children’s issues. Whereas in the Preliminary Proposal for the Commission on Children, the roles as specified in the Terms of Reference are more advisory in nature, which includes ‘advising’, ‘reviewing’, ‘encouraging’ and ‘initiating’. A Commission of an advisory nature would not only render the resolve to work towards the best interests of the children diluted, but also create limits on possible work to be done.

5. Given that the Commission is to work on matters directly related to the welfare of the children, one pertinent role would be the creation of a platform for the children, the main stakeholders, to sound out their needs and their views. Therefore, it takes more than mere ‘encouraging direct consultation’ as stated in the proposed Terms of Reference.
6. Currently child-related policies are being responsible by various government bureaux, it would be rather constraining to have the Commission under a single bureau, the Labour and Welfare Bureau, as now suggested. The recent issues of Child Abuse and Suicide in young people are sufficiently illustrative of the extent of involvement of a wide spectrum of policies, departments and services. An independent status (with its independent authority, resources and work plan) would definitely serve the purpose of safeguarding the best interests of the children in its appropriate manner. Even if the current situation would not allow for an immediate implementable independent status, there should be a roadmap and schedule towards such a status, in order that a Commission true to its purpose can be realized.
7. The work and plan of the Commission need to be open to be public so that the society can provide their input where appropriate.

#### On Composition of the Commission

8. We consider it important to include various stakeholders in the membership of the Commission, effecting a pluralistic representation of the civil society. Among them, children would need to be included so that they can participate directly to contribute their views on the defence of their best interest, in accordance with their age and maturity. Without direct participation of children, the Commission would run the risk of staying as an adult-oriented governance system.
9. In addition, membership in the Commission needs to be well-qualified people with knowledge and expertise in matters relating to children’s well-being. Being professionally trained and practically involved in child development and mental health, we clinical psychologists are ready to contribute alongside with other healthcare professionals such as psychiatrists and paediatricians.
10. Other professionals such as architects and urban planners who play a significant part in shaping the environment where children live and grow are of value to the Commission. Their involvement would enrich the understanding of the needs of the children and initiatives that answer to their needs.

### Target Group of the Commission

11. The present proposal of 14 years of age and below as the target of the Commission is grossly incomprehensible and out of practice from countries that have preceded Hong Kong in establishing a similar institution. Age 18 has been marked for the practice in Australia, England and Wales, New Zealand, Canada, Norway and India.
12. From a developmental perspective, there is no standing evidence to support that age 14 is an appropriate cut-off in the construal of policy or service plan.
13. We therefore consider age 18 a more appropriate cut-off. With this cutoff, the Commission can then iron out the various incongruences in the services and legal provision in Hong Kong.

### Priority areas/Issues to be addressed by the Commission on Children in the first 2 years

14. While more study and review need to be conducted in order that the priority areas can be pinned down, we would like to highlight the following areas for the Commission to consider:
  - a. Early intervention has been recognized as a guiding principle for planning of services and formulating policies for children for the following reasons:
    - i. Early life experiences influence later life outcome
    - ii. Earlier investment in children brings highest rate of economic returns
    - iii. A range of well-supported programmes in parenting support and preschool enrichment are established.
  - b. Early intervention would need to include early identification of those vulnerable children in their path of development and the markers of the vulnerabilities.
  - c. Prevention is earlier than any form of intervention. Therefore, measures to ensure healthy development for children would be a pivotal consideration.
  - d. Mental health of children is considered a core need of children. Effort would need to be expended to bring the current fragmentary and piecemeal services that focus more on intervention on full-blown problems into a coherent whole that embraces prevention and early intervention.
  - e. All consideration and discussion of policies and measures would need to include parenting as children's rights and needs are inextricable from their parents.
15. The legal framework needs to be put in place in order that initiatives from the Commission can be practiced with an authoritative basis.

### On Research

16. The Commission is expected to work on evidence. Indeed, the understanding of the condition of children in Hong Kong is in dire need of an independent, reliable and standing database that could drive policy

- design and changes. The build-up of the database needs to be in line with the changing societal and cultural milieu, and the technological advance.
17. The build-up of the database should be one of the priority areas of the Commission.
  18. This database would need to be perused and interpreted alongside database in scientific research in the global context.

#### On Promotion and Public Education Initiatives

19. With the establishment of the Commission, the public at large would need to be informed and educated about the rights of the children as enshrined in the CRC, and its translation into practices in the Hong Kong community.

We sincerely hope that the Commission on Children brings the protection of the rights of Children in Hong Kong towards a fruitful direction. We would be happy to continue to contribute where appropriate.

Prepared by

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5. United Nations Children's Fund (2013). *Championing Children's Rights: A global study of independent human rights institutions for children*. UNICEF Office of Research, Florence.
6. Yamauchi, C. (2010). Parental investment in children: Differential pathways of parental education and mental health. *The Economic Record*, 86(273), 210-226.
7. Works of Various Commission on Children around the World

National Commission for Protection of Child Rights, India  
<http://ncpcr.gov.in>

Children's Commissioner for England  
<https://www.childrenscommissioner.gov.uk/>

Children's Commissioner in Australia  
<https://www.humanrights.gov.au/our-work/childrens-rights>

Children's Commission in Norway  
<https://www.regjeringen.no/globalassets/departementene/bld/rapport-fns-barnekonvensjon-2016.pdf>

United Nations Convention on the Rights of the Child in New Zealand  
<http://www.occ.org.nz/our-work/>

Convention on the Rights of the Child in Canada  
<https://www.loc.gov/law/help/child-rights/canada.php>