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Reflections on Child Protection Work in Hong Kong from the Death of a Five-year-old Girl

In January 2018, the tragic death of a five-year-old girl, had aroused much attention in the community with heated discussion. Three years on, lessons learnt. Some grounds in policies and mechanisms in child protection have been made. In line with primary and secondary school policy, school absence of any kindergarten student for seven days must be reported. If the absence is due to family problems, the case can be referred to the appropriate department for timely follow-up. In addition, the “Protecting Children from Maltreatment - Procedural Guide for Multi-disciplinary Co-operation” was reviewed, revised, and implemented in April 2020. The terms Consult, Report, and Refer are clearly defined, and roles and responsibilities of child abuse handling professionals delineated.

However, to ensure children’s right to survival and protection, and to ensure proper and safe care, the shortcomings in the existing laws, policies, and mechanisms need to be addressed squarely for an effective child protection safety net.

We recommend the Government to address the following:

1. “Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult”, referred to as **Offence of “Failure to Protect”**, can plug the current loopholes in the law and provide inducements for people taking care of or living with children, to better protect them from risk of harm. Public consultation of this Offence completed, we urge the Government to formulate a timeline for such a legislation; and before that, to formulate transitional measures to strengthen the protection of children in high-risk families. This death case aptly reflects the current gap in the legislation. *
2. Establish a mechanism on Mandatory Reporting of Suspected Child Abuse cases. To mandate professionals coming into contact with children to report suspected abuse situations within a specified time, for early identification, to speed up professional intervention and to render timely support to children, avoiding recurrence of past tragedies. Consultation work should commence without delay to establish such a reporting mechanism. **
3. “Zero Corporal Punishment”: To convey to the community the determination on adopting zero tolerance to corporal punishment, through legislation, and to formulate an action plan, allocating resources to strengthen positive parenting. ***
4. Strengthen the role of the Child Fatality Review Panel. There is a time lapse in the release of its reports, often years after child deaths. Its recommendations are educational in nature

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and have no binding force. In order to improve its role, the panel needs to function as an independent entity with statutory powers to respond to death cases and formulate preventive strategies timely.

5. Establish Serious Case Review. To establish a mechanism to respond to serious child abuse cases timely, and to establish preventive measures, before damages become irreparable.

Child abuse can be prevented if Children's Best Interests are taken as a priority by the Hong Kong society.

Against Child Abuse
13 April 2021

Footnote

* The Law Reform Commission of Hong Kong recommended the introduction of an offence of "Failure to Protect" in May 2019, to be broadly based on section 14 of the Criminal Law Consolidation Act 1935 in South Australia (as amended by the Criminal Law Consolidation (Criminal Neglect) Amendment Act 2005).

** In its Concluding Observations of 2013, the United Nations Committee on the Rights of the Child recommended that the State party adopts a national coordinating framework, including mandatory reporting of all cases and the follow-up measures necessary to address all forms of violence against children. According to a survey published by the International Society for the Prevention of Child Abuse and Neglect in 2018, 71 of the 86 countries participating in the survey have enacted legislation to compulsorily report suspected child abuse cases, including the United States, Canada, Australia, Switzerland, Japan, etc.

*** At present, 62 countries or regions have enacted legislation to totally ban the use of corporal punishment on children.