

Hong Kong Civil Society Report under the Convention on the Rights of the Child



This report was contributed by a total of 23 organizations and individual contributors. Twelve organizations and individual contributors endorsed the whole report; six organizations and individual contributors chose to endorse the sections contributed by their own; as well as five organizations and individual contributors provided content to the report, yet wished to remain anonymous.

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Endorsed the whole report

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- Baptist Oi Kwan Social Service
- Equal Justice
- Hong Kong Committee on Children's Rights
- Hong Kong Family Law Association
- Hong Kong Society for Asylum-Seekers and Refugees
- Hong Kong Society for the Protection of Children
- The Boys' and Girls' Clubs Association of Hong Kong
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- Against Child Abuse
- Hong Kong Family Welfare Society
- Hong Kong Federation of Women's Centres
- Mother's Choice
- PathFinders
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GENERAL MEASURES OF IMPLEMENTATION (ART. 4, 42, 44(6))

CRC not incorporated in domestic law (Hong Kong Family Law Association)

Hong Kong SAR has been a party to the United Nations Convention on the Rights of the Child (“CRC”) since 1994 and therefore committed to the protection of children’s rights. Our government has the duty to protect children both under the CRC and Article 20 of our Bills of Rights. Despite this, the CRC has still not been incorporated into the law of Hong Kong. Although courts and policymakers may take the CRC into account, the absence of direct incorporation limits children’s ability to rely upon Convention rights in legal proceedings and reduces the consistency with which children’s rights principles are applied across legislation and administrative decision-making. The closest thing that we have so far is the Children Proceedings (Parental Responsibility) Bill in 2015 which is still not yet been made into law.

Commission on Children not in line with international standards (Hong Kong Family Law Association)

The special need of children for institutional and legal mechanisms is widely recognized and is reflected in Article 4 of the CRC and Article 20 of the Hong Kong Bill of Rights. General Comment No. 2 further explains that, for children’s rights to be vindicated, States need “*an independent human rights institution with responsibility for promoting and protecting children’s rights*”.

Civil society organisations continue to identify several child rights challenges that underscore the importance of robust monitoring and accountability mechanisms. For example: Hong Kong has a child poverty rate of 22.5%¹, concerns regarding concentrations of ethnic minority students within certain schools, lacks any statutory obligation to assess and meet children’s needs or to investigate claims of abuse and neglect, high rates of violence against children, a lack of services for children with special needs, and the age of criminal responsibility is just 10 years old.

The 1 June 2018 establishment of the Commission on Children (“CoC”) is a welcome development in the area of children’s rights in Hong Kong. However, it is not an independent children’s commission, nor is it in line with the ‘Paris Principles’.

The CoC is explicitly an ‘inter-department working group’ within the government. It is not an independent body governed by legislation with its own premises, staff and budget empowered to investigate violations of children’s rights.

While the CoC is a welcome first step towards meeting the state’s obligations to children, it is only an interdepartmental advisory mechanism situated within government, the CoC does not currently possess the degree of structural independence, investigative authority, or complaint-handling functions typically associated with national human rights institutions operating in accordance with the Paris Principles.

Protection of Children and Juveniles Ordinance (Cap 213) insufficient to protect children (Hong Kong Family Law Association)

The key legislation concerning protection of children is the Protection of Children and Juveniles Ordinance (Cap 213) (“**PCJO**”) which empowers the Juvenile Court in Hong Kong to make order for the care and protection of children. The Director of Social Welfare and the Police are given

¹ The Standard. (5 Jan 2025). *Efforts to alleviate child poverty fall short*, <https://www.thestandard.com.hk/news/article/69041/Efforts-to-alleviate-child-poverty-fall-short>

power to make application to the Court on behalf of any children in need of care or protection according to Section 34 of the PCJO. However, the Ordinance only states that they “**may**” do so instead of they “**must**” do so, even if they are satisfied that the child is in need of care and protection. This is far from adequate. It is a positive step that the Government has implemented the Mandatory Reporting of Child Abuse Ordinance (which took effect on 20 January 2026), so that certain professionals who deal with children are required to report abuse and neglect. The relevant bodies should be made obliged to take steps once they have identified or are aware of any children who are in need of protection.

The Director of Social Welfare is also given numerous other powers in relation to protecting children under PCJO, including to require a person to cause a child to attend inquiry² or assessment by professionals such as clinical psychologists³, to enter and visit residence of and interview the child⁴, to search places⁵ for the protection of child. These powers were vested in them largely as discretionary powers, even if they suspect that the child in question is in need of protection.

Contributing organisations report that in a number of cases involving suspected maltreatment but no immediately observable physical injury, families were advised to seek court remedies directly rather than seeing child protection proceedings initiated by authorities. In most cases where the children are not obviously harmed or injured, they would usually advise the parties in question to seek an order from the court instead of proactively apply to the court for child and protection order for the child under the PCJO. Obviously there is the extensive use of discretionary powers without corresponding statutory duties.

The Procedural Guide on handling of suspected child abuse is not legally binding (Hong Kong Family Law Association)

As there is no statutory body obliged to protect children in Hong Kong, the way children are protected is largely based on self-discipline of the Social Welfare Department (“SWD”) and the NGOs on a “voluntary” and discretionary basis.

The SWD publishes the revised guide called “Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation”⁶ (the “Guide”). It is a revised version of a previous guide, in which has broadened the scope from “abuse” to “maltreatment” which includes neglect, and shifted the focus from “case handling” to a proactive and forward-looking approach of “child protection”. It also includes guidance on steps to be taken at each stage after identifying maltreatment cases.

Despite the enthusiasm, the Guide is only a guidance note to the industry which is not legally binding. The PCJO does not impose any duty on the Social Welfare Department and NGOs to make any plan for or take any action to prevent child maltreatment, nor is there any oversight or review of such decisions. NGOs in particular are also severely restricted in their capacity to investigate suspected abuse and neglect due to their limited resources and funding, which are mainly used to deal with identified maltreatment cases instead of working on preventive measures.

Although the Guide mentions prevention as one of its 3-pronged strategies, it lacks any proposals /protocol on proactive actions as preventive measures, such as education, intervention and

² Section 45, PCJO.

³ Section 45A, PCJO.

⁴ Section 34(5B), PCJO.

⁵ Section 44, PCJO.

⁶ Revised in 2026: https://www.swd.gov.hk/en/pubsvc/family/fcw_info/fcwprocedure/fcwp_mdco/

outreaching. It is also noted that the Social Welfare Department's budget on subvented sector to provide family supporting network services for intervention and outreaching to vulnerable households has stayed the same since the financial year of 2018/19⁷.

We continue to see cases where concerns about child maltreatment have gone uninvestigated⁸, where no MDCC (Multi-Disciplinary Case Conference) has been called, or where the MDCC recommendation is not followed⁹. There is also no one person charged with making a reasoned evaluation of the risks a child may face. Decisions about what maltreatment has taken place are made by consensus among the various professionals, and as a result this consensus-based decision-making model may create challenges in ensuring consistency, transparency, and accountability in assessment outcomes¹⁰.

Protection of Children Legislation (Amendments) Bill 2020¹¹ (Hong Kong Committee on Children's Rights)

In early 2020, a private member's bill (entitled the "Protection of Children Legislation (Amendments) Bill 2020") was submitted to the Legislative Council to implement some of the more urgent recommendations of the UN Committee's Concluding Observations. The Bill was drafted by a broad coalition of leading local child protection professionals. Regrettably, the Bill was not debated due to objection from the Government.

In particular, the Bill sought to (i) impose a duty on the courts and the Director of Social Welfare to have regards to the best interests of the child when exercising powers under the PCJO, (ii) require that children in institutional care for more than 9 months have their care plans reviewed by the courts to prevent delay, (iii) enable child protection professionals to bring child protection proceedings, (iv) impose a statutory duty on those responsible for children to report child abuse and introduce a statutory definition of child abuse, (v) provide protection from victimization for reporters of abuse, (vi) limit the maximum period of imprisonment for juvenile offenders to 10 years, and (vii) reform the age of criminal responsibility to align with international standards.

The Government objected to the Bill on the following grounds¹²: (i) the mandatory reporting of child abuse would cause an "*upsurge of workload arising from the substantial increase in reported cases*" and as a result the Government would have to "*set up four additional investigation units, involving 78 new permanent posts*" at the cost of HK\$60 million annually; and (ii) the mandatory reporting and judicial oversight of care plans would also require "*51 new permanent posts*" at an "*estimated annual recurrent cost required will be over \$35 million*".

⁷ According to the budget published by the Social Welfare Department "Head 170" for 2020/21: https://www.legco.gov.hk/yr17-18/english/counmtg/papers/cm20180228-sp075_076/pdf/head170.pdf and for 2025: <https://www.budget.gov.hk/2025/eng/pdf/head170.pdf>

⁸ As was the case with the death of 5 year old Chan Siu Lam: *Nursery 'knew' about abuses*, Hong Kong Standard (2018): <https://www.thestandard.com.hk/section-news/section/11/194217/Nursery-%27knew%27-about-abuses>

⁹ As was the case with the death of 5 year old Yeung Chi Wai: *Who Killed Yeung Chi Wai?*, Cheung (2016): <http://www.vohk.hk/2016/05/17/who-killed-yeung-chi-wai/>

¹⁰ The child "Z" died of starvation and no steps were taken to protect him despite being visited by a social worker: *Hong Kong mum starved, abused 5-year-old son; he weighed less than 10kg when he died*, Wong (2026): <https://www.asiaone.com/china/hong-kong-mum-starve-abuse-5-year-old-son-court>

¹¹ Protection of Children Legislation (Amendments) Bill 2020, <https://drive.google.com/file/d/1vQjDwyb3FaPaJSykxtObokamBNpaoqeY/view?usp=sharing>

¹² LegCo President's Decisions on Member's Bills, Basic Law Bulletin Issue No. 23 (December 2021): <https://share.google/NDmxfe2Jwzuib200q>

However, at the beginning of 2026, the Government introduced into law the Mandatory Reporting of Child Abuse Ordinance (Cap. 650) as recommended by civil society. Since then the feared ‘upsurge’ in spurious reports has not materialised and considerable progress has been made in improving education of child welfare professionals on child abuse. Given the success of this change, the Government should review its opposition to the rest of the proposals made in the Bill.

Recommendations:

The above findings suggest continuing gaps within Hong Kong's child protection framework that warrant further legislative and institutional review.

1. Legislation incorporating the CRC should be made without any further delay.
2. The CoC should be re-established as an independent statutory body with the functions and powers set out in the Paris Principles and General Comment No. 2.
3. The Government should urgently conduct a consultation with the public and with child protection professionals to begin a whole-scale review of child protection law reform.
4. The laws in Hong Kong should make it a statutory duty of the Director of Social Welfare and the Police to investigate and intervene in cases of suspected child maltreatment and bring appropriate cases to the court. It should be obligatory not discretionary.
5. Strengthen preventive child protection services through enhanced outreach, evidence-based early intervention programmes, regular review of service needs, and appropriate staffing levels for school social work and family support services.
6. The Government should provide more resources to the Social Welfare Department and NGOs on child protection.

GENERAL PRINCIPLES

Non-discrimination (art. 2)

Discrimination faced by sexual minority children (The Boys' and Girls' Clubs Association of Hong Kong)

Different researches from 2009 to 2017¹³¹⁴¹⁵ reported that 34%-53% of LGBTQ+ (lesbian, gay, bisexual, transgender, queer, etc.) children in Hong Kong have experienced various extents of discrimination from family members, teachers and peers in school regarding their sexual orientation and/or gender identity. The forms of discrimination ranged from social isolation to sexual harassment. These individuals reported a higher level of loneliness than those who have not experienced unfair treatment or rejection, while they were more likely to have a significantly severe level of depressive and anxiety symptoms. Over one-fifth of them even have had suicidal thoughts. The results demonstrate prejudicial effects of discrimination on LGBTQ+ children's mental health, while some studies also suggested that these experiences induced adverse impacts on learning motivation of LGBTQ+ students.

¹³ Project Touch, BGCA. (2009). Research on the situation of LGB students in secondary school. Retrieved from http://www.newtouch.net/file/ref_report/ref_report_touch04.pdf

¹⁴ Kwok, D. (2015). *Study on gender and sexual-orientation harassment and discrimination experiences of LGBTQ students in secondary schools*. Retrieved from https://www.eoc.org.hk/EOC/Upload/UserFiles/File/Funding%20Programme/policy/1314/20150526/HKIEd_Research%20Report_C.pdf

¹⁵ Chan, R. C. H., & Mak, W. W. S. (2017). LGBT community mental health research report series. Retrieved from http://docs.wixstatic.com/ugd/1bf55d_1f5f618bf0a044fbabc7e4484af2a196.pdf

Discrimination does not solely come from the individual level. LGBTQ+ children face institutional discrimination which nourishes a non-inclusive school culture. The 2015 SEC's study¹⁶ results revealed that most pre-service teachers have no experience of sexuality education and harbour some prejudice against sexual minorities. Some LGBTQ+ children reported experience that their sexual orientation and/ or gender identity was disclosed to their parents by school teachers or social workers without obtaining their consent, resulting in more rejections from their family members. Meanwhile, transgender children are more likely to drop out from school due to unsupportive school arrangements such as mandatory requirements of wearing school uniform and using washroom according to their sex-at-birth.

Apart from that, in the 2019 Roundtable on Reforming Sexuality Education in Hong Kong co-organized by the Equal Opportunities Commission with the Lee Hysan Foundation¹⁷, all participants from NGOs and school-sponsoring bodies agreed that teaching staff have insufficient knowledge and awareness on gender and sexuality; schools also have low motivation in implementing sexuality education due to the Education Bureau (EDB)'s inaction on it. From these feedbacks, we concluded that changes and improvements on institutional and structural levels are essential to eliminate discrimination against LGBTQ+ children in Hong Kong.

The HKSAR Government has claimed to use education instead of legislation to eliminate discrimination towards LGBTQ+ individuals. Contributing organisations remain concerned that limited progress has been achieved in addressing discrimination faced by LGBTQ+ children in the past two decades. The fact that the Home Affairs Bureau took down children's books with LGBTQ+ friendly themes off the public library shelves in 2018¹⁸ may further indicate a regression of protecting LGBTQ+ children from discrimination. The Government's action also deprived LGBTQ+ children of information that could be important to their development, health, and safety, as well as children's right to understand about diversity, respect and harmony.

Various human rights monitoring bodies of the UN have repeatedly made specific recommendations to the HKSAR Government to adopt anti-discrimination legislation relating to sexual orientation and gender identity on a number of occasions from 1990 to 2014. The Concluding observations adopted by the Committee on the Rights of the Child (CRC) in 2005¹⁹, noted and recommended:

The Committee is concerned about... the lack of legislation specifically prohibiting discrimination on the basis of race or sexual orientation... The Committee recommends that in the Hong Kong SAR the State party expedite its efforts to draft and adopt legislation prohibiting discrimination on the basis of race or sexual orientation.

¹⁶ Kwok, D. (2015). *Study on gender and sexual-orientation harassment and discrimination experiences of LGBTQ students in secondary schools*. Retrieved from https://www.eoc.org.hk/EOC/Upload/UserFiles/File/Funding%20Programme/policy/1314/20150526/HKIED%20press%20statement_E.pdf

¹⁷ Equal Opportunities Commission. (2019). *EOC hosts roundtable on sexuality education reform*. Retrieved from <https://www.eoc.org.hk/EOC/Upload/UserFiles/File/enews/news209e.htm>

¹⁸ Zhang, K. (2018, June 20). And Tango Makes Three among 10 children's books with LGBT themes taken off the shelves in public libraries by Hong Kong government. *South China Morning Post*. Retrieved from <https://www.scmp.com/news/hong-kong/community/article/2151705/and-tango-makes-three-among-10-childrens-books-same-sex>

¹⁹ CRC/C/CHN/CO/2, paragraph 31 & 33, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHN%2FCO%2F2&Lang=en

In view of protecting children's inalienable rights and fostering their holistic development, we deeply concerned about the limited policy response and continued implementation gap in promoting the non-discrimination principle regarding sexual orientation and gender identity.

We observed that many recommendations have been proposed by the LGBTQ+ and human rights communities, and we would like to conclude them as follows:

Recommendations:

1. Training institutions should provide a compulsory sexuality education emphasizing on equality, diversity and inclusiveness to develop the capacity of teachers and helping professionals, hence, to create a safe and supportive environment for LGBTQ+ children.
2. EDB should develop formal comprehensive guidelines and monitoring system for sexuality education, in accordance with *International technical guidance on sexuality education* published by UNESCO²⁰, to enhance participatory motivation of teaching staff, students and parents. A formal structure and system should also be set up to handle cases and complaints on discrimination within the school campus to support students and teachers in need.
3. The Government should initiate legislation prohibiting discrimination on the grounds of sexual orientation and gender identity. Indeed, the legislation has been discussed for over 20 years, various studies identified increasing support among the Hong Kong public for the legislation²¹. It is imperative for the HKSAR Government to strengthen legal protections against discrimination and provide clear remedies for social stigmatization of sexual minorities and send a clear message that the Hong Kong community does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity.

HKSAR Government's reservation in the Convention put the rights of children asylum-seekers at risk (Hong Kong Society for Asylum-Seekers and Refugees)

Although Hong Kong has been a signatory of the UNCRC since 1990, it has not been able to meaningfully and fully implement the Convention for the following reasons: 1) the Convention is not incorporated into local legislation; 2) the HKSAR government holds reservation to issues that relate to immigration, such that the children of asylum-seekers are not protected by the Convention.

Civil society organisations remain concerned that the reservation may undermine implementation of the non-discrimination principles contained in Article 2, clause 1, and has put the basic rights of children asylum seekers at risk in terms of health, social security, education and family unification.

The amendment of the immigration policy in 2021 and 2022 further put the asylum-seeking children at risk. Increasing detention possibilities of the asylum-seekers who fail in their application will be removed at any given time, subject to the discretion of the case officers. This could end up separating the parents from their children, causing stress and anxiety for both parties. Also, the failure to provide support for asylum-seeking families who are of different nationalities to be removed and returned as a family to either parent's country of origin results in family separation, which contravene to the spirits of the UNCRC.

²⁰ UNESCO. (2018). *International technical guidance on sexuality education*. Retrieved from <https://www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf>

²¹ Suen, Y.T., Wong, A.W.C, Barrow, A., Wong, M.Y., Mak, W.S., Choi, P.K., Lam, C.M., & Lau, T.F. (2016). *Study on legislation against discrimination on the grounds of sexual orientation, gender identity and intersex status*. Retrieved from <https://www.eoc.org.hk/eoc/upload/ResearchReport/20161251750293418312.pdf>

Best interest of the child (art. 3)

Consistent application of the best interests of the child remains a concern (Mother's Choice)

Article 3 case study – David, Martha, and Stephen

Siblings David* (4 years old) and Martha* (infant) have been placed into residential care since their birth, and their mother has continued to request family reunification but made limited progress against agreed goals, including attendance at visits and appointments. Recently, she broke off the relationship with their putative father, and has not made clear her intention on parenting her second child, neither requesting family reunion or adoption, nor not visiting the child in residential care over the past six months. The putative father is currently in prison. He insists on family reunion with both children. At age 2, a paternity test was negative for David, no DNA test has proven the paternity of Martha, and no family assessment has taken place to determine the putative father's child care capacity. He is not currently the legal guardian of the children nor has made steps to have guardianship despite support from social workers. This man also has two children from a previous relationship, one of whom, three-year-old Stephen* has also lived in residential care since birth and who has not been visited by the putative father. All children remained on family reunification plans despite limited evidence of sustained parental responsibility or progress towards reunification .

*Names have been changed to protect the identity of the child.

According to the UN Committee's 2013 Concluding Observations, the Committee recommended: "Hong Kong uphold its commitment to apply the best interests of the child and that the State party strengthen its efforts to ensure that the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects that have an impact on children"²².

Further action is needed to ensure that the best interests of the child are consistently and demonstrably applied across all policies, programmes, and projects that have an impact on children. While the Government's "Protecting Children from Maltreatment - Procedural Guide for Multi-Disciplinary Co-operation (Revised 2026) (SWD Procedural Guide) states that a child's best interests shall top the priority in any intervention for child protection compared with parents' rights²³, contributing organisations continue to encounter cases in which prolonged efforts towards family reunification may delay permanency decisions where there is limited evidence of sustained parental engagement or capacity. These cases illustrate concerns as to how the child's best interests are assessed and balanced against parental preferences and rights, as highlighted in the case study above.

We are concerned that while there is a statutory requirement for judicial officers to treat the best interests of the child as paramount (section 3 of the Guardianship of Minors Ordinance, Cap 13), there is no similar requirement for other public bodies to do so either generally or specifically in relation to matters pertaining to child welfare. For these reasons, we recommend the inclusion of the

²² UN Convention on the Rights of the Child (2013) *Concluding observations on the combined third and fourth periodic reports of China, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013)*, (CRC/C/CHN-HKG/2, para. 105) accessed at, [https://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/Concluding\(eng\).pdf](https://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/Concluding(eng).pdf)

²³ Social Welfare Department (2020) *Protection of Children from Maltreatment: A Procedural Guide for Multi-Disciplinary Cooperation*, Chapter 1, 1.9(2).

“welfare checklist” into decision-making by the court, and other public bodies (in particular the Social Welfare Department) similar to the recommendations included in the proposed legislation 2015 Children Proceedings (Parental Responsibility) Bill²⁴ in Hong Kong, and in other jurisdictions, such as the UK Children Act 1989²⁵. The proposed legislation has not progressed since the 2015 public consultation, and clarity on the way forward remains needed. Civil society organisations continue to monitor developments regarding the proposed reform and encourage clarity regarding its implementation timetable. We also recommend the welfare checklist to be incorporated and implemented as part of the code of practice of frontline professionals, government and the judicial system as soon as possible. We do note and are encouraged that a “List of Factors to be Considered in Deciding Placement Choice” is included in the SWD Procedural Guide²⁶, but we note for the list to be fully effective in Hong Kong it needs to be implemented across the care system as a whole through legislation.

In addition, we would like to see greater clarity in the form of example practice guidelines or criteria from the Government in cases when parents are unable or unwilling to exercise their parental responsibility, when the wishes of parents are inconsistent with the goals of protecting the safety of their children, and/or the parents are unable to comply with help, support, and intervention proposed by child welfare professionals. This concrete guidance, grounded in the standards and principle of the best interests of the child, could include the evidence to be collected, and timeline for decision-making, particularly if the children are in an alternative care placement. Extensive qualitative and case evidence, some of which as cited in this paper, highlights our concerns that the best interests of the parent in Hong Kong continually takes priority over the best interests of the child, even in cases where there is no evidence of parental responsibility. Delays to a child joining a safe, loving, and permanent family causes severe trauma to children, a fact that has long been recognized by the courts²⁷. The case studies presented by contributing organisations suggest that additional safeguards may be necessary to ensure timely and child-centred permanency decision-making.

Recommendations:

1. The “welfare checklist” to be adopted within the city’s child protection system including the courts, government policies and practices when considering the best interests of the child.
2. Develop statutory or administrative guidance on timely permanency planning, including assessment timelines, paternity determination where relevant, periodic case review, and child-centred decision-making standards.

Right to life, survival and development (art. 6)

Children’s health in Hong Kong and its gaps

Hong Kong is a vibrant international city with well-structuralized medical systems and advances. We are doing well in childhood survival with the infant mortality rate and under-five mortality rate being one of the lowest among the world statistics. These are achieved with the good antenatal and neonatal care as well as the advanced hospital services and wide coverage of childhood vaccination in our

²⁴ HK, Labour and Welfare Bureau (2015) *Proposed Legislation: Children Proceedings (Parental Responsibility) Bill* (Hong Kong: LWB, 2015) [Children’s Bill]
[https://www.lwb.gov.hk/en/parentalresponsibility_consult/doc/Draft_Bill_\(Eng\).pdf](https://www.lwb.gov.hk/en/parentalresponsibility_consult/doc/Draft_Bill_(Eng).pdf)

²⁵ UK Children Act 1989, Part 1.3 Available at: <http://www.legislation.gov.uk/ukpga/1989/41/section/1>

²⁶ Social Welfare Department (2020) Protection of Children from Maltreatment: A Procedural Guide for Multi-Disciplinary Cooperation, Appendix 1 to Chapter 8. Available at:
[https://www.swd.gov.hk/storage/asset/section/1447/en/Procedural_Guide_Core_Procedures_\(Revised_2020\)_Eng_12May2020.pdf](https://www.swd.gov.hk/storage/asset/section/1447/en/Procedural_Guide_Core_Procedures_(Revised_2020)_Eng_12May2020.pdf)

²⁷ *ZJ v XWN (Leave to Appeal: Child Relocation)* [2018] 3 HKLRD 644.

<http://www.bernacchichambers.com/news/details/zj-v-xwn-leave-to-appeal-child-relocation-2018-3-hklrd-644>

locality. Yet, available public health and research data indicate continuing concerns regarding child mental health, obesity, developmental outcomes, and social disparities. These have led to significant and chronic health impacts despite strong child survival indicators

The main child health concerns in Hong Kong in recent years are²⁸

- Mental health problems become more serious especially after COVID
- Student suicide remains an important health challenge with upsurges in 2016 and 2023
- Increasing Non-Communicable Diseases (NCD) in children such as childhood obesity, diabetes and myopia have resulted in significant negative health consequences
- Accidents and home safety issues have led to a number of childhood morbidities and even mortalities
- Environmental health hazards such as lead-poisoning and air pollution contribute to different childhood diseases
- Approximately 25% of children aged <14 yrs are living under poverty. Children from disadvantaged families and ethnic minorities are more vulnerable due to limited resources and access to healthcare
- Growth and developmental challenges are more intense in children with special education needs (SEN)

The SDGs outline an ambitious vision of marked improvements by 2030, clearly articulating that sustainable development is not possible without ensuring basic human rights and aligning the government's policy priorities. There are *some essential strategies to ensure children's rights and best development*:

1. Evidenced-based assessment of children's needs with Central Data Bank
2. Resources implication led by updated children's data
3. Social justice emphasizing equity issue
4. Public awareness and support to children's rights
5. Professional readiness to implement measures in ensuring the best interests of children
6. Listening to children's voice with regular engagement of children and youth
7. Putting children's interests and rights as top priorities in Government's Policy Agenda
8. Developing concrete roadmap and timeline in the implementation
9. Periodic impacts assessment and evaluation of the policy effectiveness
10. Outcome measures on child health indicators and benchmark to the international standards

Contributing organisations remain concerned that children's perspectives are not systematically incorporated into policy development processes and that child-specific impacts are not consistently assessed across government initiatives. An effective and comprehensive **Child Health Policy** under a designated Children's Commissioner and Commission on Children to lead the policy development and implementation is urgently needed because it takes at least 30 years to achieve the effects of a "Policy". "A Framework on the Child Health Policy for Hong Kong²⁹" has been submitted to the HKSAR Government in 2015 by the local child health organization but is still pending the government's response. Therefore, we urge the HKSAR government to put child health and

²⁸ Social Welfare Department. (2024). Statistics on Child Protection Registry (CPR) and the Central Information System on Spouse / Cohabitant Battering Cases and Sexual Violence Cases (CISSCBSV). SWD HKSAR, [https://www.swd.gov.hk/vs/stat/stat_tc/2024/Accumulated%20Statistics%20on%20CPR%20CISSCBSV%20\(Jan-Mar%202024\)_TC%20EN.pdf](https://www.swd.gov.hk/vs/stat/stat_tc/2024/Accumulated%20Statistics%20on%20CPR%20CISSCBSV%20(Jan-Mar%202024)_TC%20EN.pdf)

²⁹ The Hong Kong Paediatric Society, The Hong Kong Paediatric Foundation. (August 2015). *Child Health Policy for Hong Kong*, https://www.hkpf.org.hk/en/policies_chp.php

children's rights as the top priority in the policy agenda and to compose a Child Health Policy as soon as possible to achieve the goal of "Healthy Children, Better Future".

Respect for the views of the child (art. 12)

Children's voices are difficult to be heard (Hong Kong Committee on Children's Rights)

For the purpose of measuring whether Article 12 is properly exercised in Hong Kong, the Hong Kong Committee on Children's Rights commissioned a baseline study in 2018, and the report³⁰ was published in 2020.

Under the study, a survey was sent out to 31 government bureaux, departments and statutory bodies that are related to children and youth to collect their feedback. The researching team also conducted interviews with experts such as non-governmental organization workers, child-related professionals, and politicians who had moved motions for children for in-depth responses.

The study found the majority of the reported participation policies and mechanisms stated by the government bureaux, departments and statutory bodies in the survey were not child participation per se but to participation for the general public in which children were not excluded only. Children in no way were provided with any child friendly means to participate and give their views on matters related to them.

Even though some government bureaux and departments did organize several consultations targeting children, these consultative participation opportunities usually took place at the later stages of policy-making or decision making cycle. Children's participation could rarely have an impact on policy decision making.

The study also found many child participation standards listed out by the CRC General Comment No. 12 could not be met. For instance, the government bureaux and departments rarely provided any child friendly materials and means to collect children's views. There were no dedicated and trained personnel to communicate with children. Even though several children's consultations were organized by some government departments, there were no follow up actions on how children's views had been dealt with.

Of these "child participation means" collected from the government, the study found they were delivered in a fragmented and ad hoc manner. Very often, it was the government that had an agenda. However, it could not be the other way round when children wish to voice out on matters of their concern. The findings suggest that existing participation mechanisms tend to be consultation-oriented rather than child-led and frequently occur after key policy directions have already been established.

A range of issues identified by children and child-serving organisations continue to receive limited attention within formal policy processes. Issues like banning corporal punishment, overloaded homework and tutorial classes, unreasonable school rules, narrow participation space and many more are putting our children's physical and mental health at risk. Yet, children are not given the safe space to voice out on matters of their concern. Children's voices are often ignored even when they are facing a precarious state of life, such as entering the alternative care system, facing parental divorce and separation, and various arrangements according to laws and policies that they are difficult to comprehend.

³⁰ Hong Kong Committee on Children's Rights, Professor Anne Scully-Johnson. (2020), Baseline Study on the Implementation of UNCRC Article 12 in Hong Kong, <http://v2.childrenrights.org.hk/v2/archive/04concerns/BaselineStudyImplementationArticle12HK.pdf>

The civil society has been advocating for the establishment of a Children's Commission in Hong Kong in line with the Paris Principles and CRC General Comment No. 2 for decades. In mid-2018, a Commission on Children (CoC) was established by the Government. While the CoC has provided an important platform for coordination and discussion of child-related issues, contributing organisations remain concerned that it does not possess the degree of institutional independence, statutory authority, investigative functions, or dedicated complaints mechanisms envisaged by the Paris Principles and CRC General Comment No. 2.

We recommend the CoC to form a Working Group on Child Participation mandated to support and manifest children's voice in Hong Kong by:

- Establishing platforms and systems to listen to the voice of children in a sustainable manner
- Developing channels for children's participation at different levels, such as the government level, Legislative Council, District Council, judicial system, school, family and community
- Developing child-friendly means and tools in child consultation
- Developing channels to reach out to children of different backgrounds and circumstances
- Empowering children and adults on children's right to be heard
- Conducting child impact assessment on new laws and policies with children's active participation

In the long run, Hong Kong needs to set up an independent and legally mandated commission for children that has its own budget, staff and office. So, the commission could really ensure our community respects the views of the child.

CIVIL RIGHTS AND FREEDOMS

Birth registration, name and nationality (art. 7)

Risk of statelessness and missed access to necessary health care (PathFinders & Equal Justice)

Children born to foreign domestic workers are among the most deprived in Hong Kong. Once an unlawfully fired foreign domestic worker mother has overstayed her visa, her child, when born, assumes the same legal status as his or her mother – undocumented. Some children may experience actual or de facto statelessness, or prolonged uncertainty regarding their nationality and legal identity and, consequently, do not have access to documentation, healthcare, basic immunizations or welfare support. These circumstances may increase vulnerability to exclusion from healthcare, delayed immunisation, poverty, exploitation, and other protection risks.

For children born to (current or former) foreign domestic workers who are recognizance paper holders, there is an absence of rules regarding the birth registration procedure for them to obtain a birth certificate. The birth registration procedure is not consistent and usually lengthy. This causes delay or inconvenience to the child's development and access to necessary health care. For parents who possess a travel document or HK Identity Card, they can make an appointment by telephone or online with the Births Registries no more than ten days ahead. A birth certificate is typically issued on the day of the appointment.³¹ Parents are required to attend the Births Registries only once.

³¹ Immigration Department, Registration of a Birth, https://www.immd.gov.hk/eng/services/birth-death/Registration_of_a_Birth.html

However, for non-refoulement claimant babies, parents are unable to make a prior appointment for visiting the Births Registries (which is part of the Immigration Department) because they do not hold a travel document or HK Identity Card, and instead, hold just a recognizance paper. They are therefore required to attend the Births Registries at least twice to make an appointment and to attend the initial appointment. Further, at the initial appointment, the birth certificate will not be issued as in ordinary cases as the Births Registries first must obtain the parent(s)' files from other sections of the Immigration Department to ascertain the immigration status of the parent(s). In our experience, it typically takes up to 50 days before the birth certificate is issued. We, therefore, suggest the HKSAR Government develop a set of clear rules concerning the birth registration procedure for children born to recognizance paper holders, speed up the birth registration procedure, and make it unlawful for public hospitals to allow anyone who gives birth there, including recognizance paper holders, to leave the hospital without any papers to identify the birth of a child. The HKSAR Government should also actively ensure that all children born in Hong Kong are issued with a birth certificate, irrespective of the legal status of the parents and/or their ability to present residence registration papers.

Furthermore, although the Immigration Department states that birth registration is free, parents must pay HK\$140 (equivalent to US\$18; €15.4) to obtain a copy of the birth certificate. For non-refoulement claimants who are not allowed to work, HK\$140 is money that they are again unable to afford. The only free version of the birth registration (Form 3) makes no reference to the child's immigration status, and so is functionally useless for the purposes of registering for social, medical and educational support and services. Civil society organisations remain concerned that financial barriers may delay access to documentation required for health, education, and welfare services. The HKSAR Government should ensure free access to copies of birth certificates by lifting the current HK\$140 fee for parents proved to be in financial difficulties.

In addition, there are cases where migrant mothers fail to explain their situations after giving birth in public hospitals, leading to miscommunication and potential delay in obtaining documents for their newborns. Therefore, the HKSAR Government should ensure frontline immigration officers can communicate effectively in English, with some also able to speak minority languages such as Bahasa Indonesian or Tagalog, to streamline and facilitate the process of birth registration³².

To better understand the situation of children born to foreign domestic workers who are stateless and to create policies to reduce the impact of statelessness on these children, their families and the society, we urge the HKSAR Government to intensify efforts in identifying stateless persons and prevent their children from, for whatever reasons, becoming stateless. We also recommend that the HKSAR Government establish a robust surveillance system to collect data on births born to foreign domestic workers, identify the magnitude of statelessness in children born to foreign domestic workers, and make the data available to the public.

Children born to asylum-seeking parents denied the right to nationality (Hong Kong Society for Asylum-Seekers and Refugees)

A number of children have been born in Hong Kong to asylum-seeking parents. However, because of their parents' asylum-seeking status as non-Chinese citizens, these children are not entitled to the

³² Following the tragedy of a 15 years' old girl whose birth was not registered and jumped to her death in 2015, the Office of the Ombudsman released an "Investigation Report Immigration Department's Mechanism for Following up Cases of Unregistered Birth" in June 2018 (http://ofomb.ombudsman.hk/abc/files/DI391_ES_E-11_6_2018.pdf). Although a new registration mechanism has been implemented, in our experience, the immigration status of parents, fees involved and issues of communication lead to delays in registration of children born to migrant mothers.

right of abode (Immigration Department, 2012a)³³ or Chinese nationality, a policy that essentially discriminates by nationality against children of non-Chinese. Civil society organisations remain concerned that some children born to asylum-seeking parents may face prolonged uncertainty regarding nationality, legal identity, and residence status, raising concerns regarding implementation of Articles 2, 7, and 8 of the Convention. Very often, the immigration status indicated on their birth certificate will be “**Not Established.**”

Every asylum-seeking child, whether he or she is born in Hong Kong, will be issued the “recognizance paper,” a document from the Immigration Department charging them for overstay. Children are issued recognizance documentation linked to their immigration status despite bearing no responsibility for their parents' circumstances. This is a policy that exposes children to discriminatory treatment in every aspect of their lives, contradicting the “best interests of the child” principle and violating their rights.

Preservation of identity (art. 8)

Government's inaction to help asylum-seeking children establish their nationality (Hong Kong Society for Asylum-Seekers and Refugees)

As a rule, the HKSAR government does not take any proactive steps to help establish the nationality, identity or legal status of children born in Hong Kong to asylum seekers. Neither does it consider itself responsible for such issues, as Hong Kong is not a signatory of the 1951 Refugee Convention and holds reservations to the UNCRC. The status of such children usually hinges by default on the country of origin of the parent to whom their cases are attached. As they are born with “not established” immigration status and their immigration status is linked to that of their parents due to breaching Hong Kong's immigration law, such children do not qualify for protection under *Article 2 under the UNCRC* because of the reservation held by the HKSAR government.

In 2013, the UN High Commissioner for Refugees launched a “Global Action Plan to End Statelessness: 2014-2024,” which aims to end statelessness within a decade and sets out the guiding framework to achieve that objective (UNHCR, 2014)³⁴. In Hong Kong, the problem of de facto statelessness could be resolved by granting the asylum-seeking and refugee children the right of abode in the territory. Representative biennial surveys conducted by the Department of Asian and Policy Studies at the Education University in 2018 (51.6%) and 2020 (61%) have shown that over half of the respondents agree that the asylum-seeking and refugee children should receive the right of abode, with a salient increase in willingness to accept these children as Hong Kong citizens (Ng et al., 2018³⁵, 2020³⁶). The issue also has broader long-term social and demographic implications that may warrant policy consideration as Hong Kong has a very low birth rate and will continue to face rapid depopulation in the coming decade.

³³ Immigration Department. (2012a). Eligibility for the Right of Abode in HKSAR. Hong Kong: Immigration Department. Retrieved from <https://www.immd.gov.hk/eng/services/roa/eligible.html>

³⁴ UNHCR. (2014). Global Action Plan to end statelessness: 2014-2024.

UNHCR. Retrieved from <https://www.unhcr.org/ibelong/global-action-plan-2014-2024/>

³⁵ Ng, I. F. S., Chan, L. S., and Wong, A. K. N. (2018). *Over half of the Hong Kong population support rights of abode for asylum-seekers and refugee children. Almost 60% urged government to improve on human rights policy; freedom of speech; asylum-seekers and refugees rights and political freedom top of their concern.* Press Conference. Hong Kong: The Education University of Hong Kong.

³⁶ Ng, I. F. S., Chan, L. S., and Wong, A. K. N. (2020). *Hong Kong people's understanding and opinion on refugees and human rights issues.* Press Conference. Hong Kong: The Education University of Hong Kong. (upcoming)

Freedom of association and of peaceful assembly (art. 15)

Limited opportunities for children and young people to participate in public discussions and community initiatives affecting their lives

Hong Kong society rarely views children as part of the public, not to mention providing space for them to voice their views. When children and youth establish something like a concern group or erect a street station on certain issues, even if they only wish to voice their appeals on the district's hygiene, transport and environmental issues, their activities are often disrupted or confronted by the public, sometimes police, for their normal and peaceful activities in a wish to improve the well-beings of the community. Indeed, a child of a child-led concern group in Tin Shui Wai³⁷ was attacked in 2021 and he had to receive hospital treatment.

From the social unrest in 2019 to the Covid pandemic in 2020-2023, children and youth were experiencing a very critical stage in their life. Society did not know children's feelings, and the difficulties and challenges that they were facing. Yet, they had no safe space to voice their views. These could escalate into developmental and mental health issues.

Youths mainly express their views and feelings through social media now, but it is different from true child participation in society. Children consulted by contributing organisations reported increased reluctance to express their views publicly on certain topics, often citing concerns regarding possible social or institutional consequences. Even if they share their thoughts through social media, they only allow their close friends to know and make sure their social media accounts are set private. Moreover, there is little room for expression, youths do not know who they can share with. Youths nowadays become worried and afraid of expressing their opinions.

Recommendations:

1. Children should be better supported to be included in public discussion, it is preferable to be started from school education. Adults including schools and community organisations should create structured opportunities for child participation in local and policy discussions.
2. More subject specific meetings for children should be held, so that the Government officials and politicians can listen to children's opinions and know more about what children think or need. For example, the Government and politicians may not realize why the discussion on Mandatory Reporting of Child Abuse Ordinance should include children. From the earlier experience of a closed-door meeting held by the Hong Kong Committee on Children's Rights between legislators and children and youth, children did have a lot of concerns on the new law that need to be addressed by the policy makers and such platforms could serve the purpose.
3. Society should change their mindset that children are always vulnerable and need to be protected. Adults should believe that children have their potential, capability, and include them in discussions and planning. As children have less opportunities to think and share now, actively providing space for children to think and speak up their mind is also important, so that they feel that they have a stake in our society.

³⁷ The Standard. (26 Jan 2021). *Noise patrol ends in attack on 11-year-old*, <https://www.thestandard.com.hk/news/article/26930/>

Access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)

Children's TV programs are not be taken seriously (Eliza Chan, children's educator and multimedia creator)

Article 17 recognises children's right to access information from diverse sources that support their social, cultural, and educational development. There is no denying that there are many children's programs available on the Internet, but many low-income families in Hong Kong still rely on free television to provide entertainment and leisure for their children, in particular the younger ones. At present, children's programs produced by Hong Kong television stations only meet the minimum licensing requirements and are not aimed at providing quality entertainment and education to children. The poor consideration of children's free TV entertainment will seriously affect children's right to access to information.

1. Broadcasting Regulations Revision cuts down children's program time

In February 2023, the government revised the Broadcasting Regulations of TV, and the minimum total airtime for children's programs per week has been reduced by 50% to 14 hours³⁸.

In June 2023, the authorities also conducted a public consultation in order to increase the number of rebroadcasts of station-produced children's programs and include advertisements in children's programs.

The latest revision of the "Television Code of Practice - Program Standards" in December 2023 has merged the two time periods of children's programs (16:00-18:00) and family's programs (18:00-20:30) into one time period (16:00-20:30). The boundaries for children to watch TV programs alone have become very blurry. After the time slots have been merged, the producers do not need to be too strict about the appropriateness of the program content because it is assumed that parents are there to guide them. It can be seen that the quality and space for maintaining Hong Kong's station-produced children's TV programs are shrinking.

2. Budget and commercial consideration decides children's entertainment

The lack of production budget for children's programs has resulted in insufficient content for children to understand Hong Kong and the world. Children's TV programs obviously lack location shooting of visiting and exploring Hong Kong, or the broadcast of outsourced international videos and documentaries. Outsourced TV programs such as cartoons are mainly purchased based on market considerations, such as the ratings of the cartoon in various places and whether Hong Kong toy agents will buy advertising time. These are purely commercial considerations.

³⁸ Legislative Council Brief. (2023). The Mid-term Review of the Domestic Free Television Programme Service Licences, https://www.legco.gov.hk/yr2023/english/brief/cedb8200101511c_20230215-e.pdf

3. Lack of child-friendly channels for expressing opinions on children programs

Children's TV programs rarely receive complaints because children do not know whether the program content is misleading or not, and they do not know the channels for expressing complaints. Hong Kong's Broadcasting Ordinance has a complaint-monitoring mechanism. If no complaints are received from viewers, the authorities will consider that the program has no problems and has been accepted by the market. Children should be provided with child-friendly channels to express their opinions or make complaints.

Recommendations:

1. Encourage the media industry to establish an easy-to-use platform for children to express their opinions.
2. Educate children to understand the government's current "complaint supervision mechanism" and how to exercise their rights.
3. It is recommended that the Communications Authority refer to the foreign broadcasting license regulations and consider setting out the local production percentage requirements for station-produced children's programs when amending the regulations, so that children can see the world and understand their own society, culture and environment.
4. Establish a Children's TV Program and Books Development Fund to encourage the creation of high-quality local children's TV programs and children's books.
5. It is recommended that the authorities set up an expert advisory group to provide professional opinions on program content, expression methods and visual screen arrangements.
6. Refer to international protective measures for children's use of online social media.
7. Children and youth workers should make good use of existing channels and mechanisms to express their opinions.

Technology-facilitated sexual violence against children (Association Concerning Sexual Violence Against Women)

Technology-facilitated sexual violence could take place in various forms, including sexual grooming, non-consensual distribution of intimate photos, online sexual harassment, sextortion, etc. While the digital world is an essential social space for many young people nowadays, the growing of technology-facilitated sexual violence is also a distressing reality that affect many underage persons. According to local research in 2022, 40% of the school students interviewed experienced unwanted online sexual content exposure, and up to 5% were pressured into doing something sexual online against their will.³⁹

While in the past, most of the focus was placed on combating online child sexual abuse materials, it is necessary for legislation, law enforcement and public to beware of the more diversified forms of cyber sexual violence towards young people nowadays. Perpetrators use electronic means to befriend with and sexually exploit young people in the virtual world. Some may eventually turn into sexual assaults and physical/psychological/financial harms in the actual world. In the latest data released by Hong Kong Police Force, cases of underage sexual abuse that involved victims meeting the perpetrator

³⁹HKU & Save the Children Hong Kong. (2022). *Hong Kong Kids Online Report*.
https://savethechildren.org.hk/wp-content/uploads/2022/05/Hong-Kong-Kids-Online-Report-English-Final.pdf?utm_source=Meal&utm_medium=report&utm_campaign=kids-online

online increased 15% in 2023 when compared with previous year.⁴⁰ Service data from RainLily between 2021-2023 also revealed that 21.6% of victims under the age of 18 met the perpetrator online, as compared to 10.6% of those above 18-year-old.⁴¹ This means underage persons are twice as likely to succumb to sexual violence perpetrated by people they meet online.

The current legal framework fails to properly address the alarming rampancy in technology-facilitated sexual violence against young people. For example, the grooming interaction – where predators use manipulative tactics to build trust and emotional connections with young people online before attempting to sexually exploit them – is still not considered illegal under current laws. This leaves the cyber space to continue to be a continuing risk environment for sexual exploitation.

Comprehensive law reform on sexual offense should keep up with societal change and technological advance. Some sexual offense laws involving children were adopted and had not been changed for decades. Such lag-behind reflected an insensitivity towards the reality young people are living in today. In 2019, the Law Reform Commission's (LRC) Review of Sexual Offences Sub-committee published the consultation report on existing laws on sexual offenses involving children and persons with mental impairment. Their final recommendations also highlighted the importance of bringing legislation in line with the digital age and social culture.⁴² Criminalization of online sexual grooming and the creation of new offenses involving children which are gender-neutral were proposed. However, there had not been much progress in the legislation since the publication of the report five years ago. We urge the Government to expedite the implementation of the LRC's recommendation to truly safeguard children from all forms of sexual exploitations.

VIOLENCE AGAINST CHILDREN

Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

The need of a comprehensive strategy and proactive child protection policy (Against Child Abuse)

Reactive responses to severe child abuse and deaths, including the delayed prioritization of mandatory reporting⁴³ until a child's death in 2018, highlight the continuing gaps in the existing laws, policies, and social support in guaranteeing children's right to protection. The Government should review child-related policies and systems, address root causes of abuse, and develop comprehensive preventive strategies and child protection policies, supported by a well-consulted Child Development Blueprint and Index to underpin children's holistic growth.

⁴⁰ Hong Kong Free Press. (2023). "More Hong Kong children fell victim to sexual abuse through online activities in 2023", <https://hongkongfp.com/2024/03/18/more-hong-kong-children-fell-victim-to-sexual-abuse-through-online-activities-in-2023/>

⁴¹ Service data of RainLily.

⁴² Law Reform Commission of Hong Kong. (2019). Review of Substantive Sexual Offences. https://www.hkreform.gov.hk/en/docs/rsubstantive_sexual_offences_e.pdf

⁴³ The Standard. (Oct 2019). Ombudsman says chances to stop child abuse are being missed. <http://www.thestandard.com.hk/breakingnews/section/3/135777/Ombudsman>

Need to address systemic or institutional child abuse (Against Child Abuse)

In the 2021 child abuse scandal in a child residential home, 34 staff members were arrested and charged for abusing 40 children.^{44 45} Remedial actions and service reviews were undertaken.^{46 47} The incident underscored the urgent need for robust Organizational Child Protection Policies to prevent institutional abuse.

Need to promote Organizational Child Protection/ Safeguarding Policy (Against Child Abuse)

Children have been abused by trusted individuals in settings where they should feel safe.⁴⁸ The Procedural Guide (2026) addresses allegations against staff and volunteers, hence emphasis should be placed on the formulation of Organizational Child Protection/Safeguarding Policies. The Government should proactively promote and support child-related organizations (schools, care services, churches, sports associations, tutorial centers, etc.) in developing policies appropriate to their context. This is an achievable task, not an insurmountable one.

Mandatory Reporting of Child Abuse (Against Child Abuse)

Severe child abuse cases continue to rise. Persistent gaps in identification, reporting, and case handling led to the gazettal of the Mandatory Reporting of Child Abuse Ordinance on 19 July 2024 and implementation on 20 January 2026. Stakeholders have strengthened service infrastructure, placements, manpower, reporting guidance, and professional training. However, cross-sectoral collaboration remains a challenge and must be adequately resourced. The Guide for Mandate Reporters⁴⁹ should be regularly reviewed for user-friendliness. Evaluation should extend beyond operations to assess impact on child and family wellbeing. As the mechanism matures, the reporting obligation should be considered for expansion beyond the current 25 professional categories.

Review of the Child Fatality Review mechanism (Against Child Abuse)

Given that the Child Fatality Review Panel is not an independent statutory body, its recommendations are advisory and non-binding on government departments, highlighting an urgent need to reform the mechanism to better prevent avoidable child deaths.

Need a review mechanism for serious child abuse (Against Child Abuse)

Despite calls for a serious child abuse case review mechanism, the Government has not yet established one to ensure timely responses and preventive action.

⁴⁴ SCMP. (18 Sep 2023). Scandal-hit Hong Kong children's charity gets renewed government funding, despite string of staff convictions for abuse of youngsters in its care.

<https://www.scmp.com/news/hong-kong/society/article/3234956/scandal-hit-childrens-home-gets-renewed-government-funding-despite-string-staff-convictions-abuse>

⁴⁵ Chan CKK. Why does not the mass child maltreatment incident in Hong Kong transform the policy into legislation to practice? PECERA-HK Celebration of 25th Anniversary of HKSAR Establishment cum 22nd PECERA Annual Conference, Hong Kong, China. Jul 2022.

<https://repository.eduhk.hk/en/publications/why-does-not-the-mass-child-maltreatment-incident-in-hong-kong-tr>

⁴⁶ Committee on Review of Residential Child Care and Related Services. (Sep 2022). Report of First Phase Review of Residential Child Care and Related Services,

[https://www.coc.gov.hk/files/Report_of_the_First_Phase_Review_of_RCC_and_Related_Services_\(finaleng\).pdf](https://www.coc.gov.hk/files/Report_of_the_First_Phase_Review_of_RCC_and_Related_Services_(finaleng).pdf)

⁴⁷ Committee on Review of Residential Child Care and Related Services. (Mar 2023). Report of Second Phase Review of Residential Child Care and Related Services,

https://www.coc.gov.hk/files/Report_of_the_Second_Phase_Review_of_RCC_&_Related_Services_final_EN.pdf

⁴⁸ Hongkonger gets 52 months in jail for molesting two boys while working as private tutor, SCMP, 28 May 2020

<https://www.scmp.com/news/hong-kong/law-and-crime/article/3086577/hongkonger-gets-52-months-jail-molesting-two-boys>

⁴⁹ Social Welfare Department. Guide for Mandated Reporters. <https://www.childprotectiontraining.hk/resource-corner>

Much needed child central database (Against Child Abuse)

To drive policy, services, and resource allocation, a comprehensive and reliable central child database must be urgently established, a stated goal of the Commission on Children that has yet to be realized.

Need to address psychological abuse (Against Child Abuse)

Child psychological abuse and emotional neglect remain overlooked and difficult to prove, resulting in alarmingly few recognized cases. Section 27 of the Offences Against the Person Ordinance (Cap. 212) is outdated and ill-equipped, focusing narrowly on physical assault while leaving psychological harm undefined and unaddressed. The UK amended its child protection law in 2015 to explicitly criminalize psychological suffering. Consideration should be given to reviewing whether likewise legislation could be introduced in HK to address psychological abuse and emotional harm of children. Furthermore, while the 2026 Procedural Guide⁵⁰ briefly references domestic violence, it fails to underscore the profound psychological harm on children who witness it. Stronger professional training and public education on this issue are urgently needed.

Child and adolescent mental health is a concern (Against Child Abuse)

Child mental health services are overwhelmed: under-18 psychiatric patients rose from 28,810 to 40,350, new cases hit 12,245, and waiting times stretched from 65 to 79 weeks—yet demand keeps rising. Despite ongoing preventive and collaborative initiatives, demand for services continues to outpace available capacity. A dedicated child and adolescent mental health policy is urgently needed to address capacity gaps, multi-sectoral coordination, and public literacy.^{51 52 53}

The neglected Child Neglect (Against Child Abuse)

Child neglect cases among children under 2 have risen sharply, exposing a hidden⁵⁴ and largely unquantified problem within drug- and alcohol-abusing families. Although frontline professionals have identified this vulnerable group, significant gaps remain in understanding its scale and the long-term outcomes for affected children. Strengthening inter-professional collaboration is urgent, yet it continues to be a major challenge.

Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult Offence (Against Child Abuse)

The ‘Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult’ offence was first deliberated by the Law Reform Commission in 2006, with a final report issued in 2021. It addresses a critical gap in child protection, by holding those with a duty of care accountable for failing to prevent serious harm or death, particularly in cases where young children cannot speak for themselves. Importantly, it promotes early prevention and intervention, not just punishment.⁵⁵ Riding on recent public awareness of child protection, the Government should proceed with its timely enactment.

⁵⁰Social Welfare Department. Protecting Children from Maltreatment Procedural Guide for Multi-disciplinary Co-operation. (Revised 2026). Chapter 2.

⁵¹ LCQ18. (2021 Mar 24). : Mental Health of students.

<https://www.info.gov.hk/gia/general/202103/24/P2021032400314.htm>

⁵² LCQ 12. (2022 Oct 26). : Provision of mental health services for children and adolescents.

<https://www.info.gov.hk/gia/general/202210/26/P2022102600475.htm>

⁵³ LCQ 19. (2023 Dec 6). : Mental health of students.

<https://www.info.gov.hk/gia/general/202312/06/P2023120600278.htm?fontSize=1>

⁵⁴ SCMP. (Sep 2018). Hong Kong must wake up to the role of drugs in child abuse and neglect.

<http://www.scmp.com/comment/letters/article/2164288/hong-kong-must-wake-role-drugs-child-abuse-and-neglect>

⁵⁵ The Law Reform Commission of Hong Kong. (Sep 2021). Report on Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult. https://www.hkreform.gov.hk/en/docs/rcadcva_se.pdf

Strengthen monitoring system to ensure proper rehabilitation of abused children (Against Child Abuse)

Child abuse severely affects physical, psychological, and social development, yet critical post Multi-disciplinary Case Conference on Child Abuse data, including re-abuse rates, placement stability, and therapy adherence, remain largely unmonitored, a knowledge gap weakening protection. To address this, the Government should establish a mandatory monitoring system and a centralized child database to track MDCC recommendations, enabling regular reviews to guide policy and resource allocation, and shifting child protection from reactive crisis response to proactive, accountable prevention.

More resources for early preventive services (Against Child Abuse)

According to the Social Welfare Department Child Protection Registry, most perpetrators are parents with inadequate parenting skills, emotional problems and undesirable habits. However, early prevention services are unevenly available. Evidence based home visitation programs for at-risk families have not been a mainstream service. These programs provide emotional support, equipping parents with knowledge and skills in parenting and is an effective strategy to prevent child abuse.

Comprehensive Child Development Service targets high risk children, aiming to facilitate optimal physical health and development achievement, preventing child abuse. Professionals working in cross disciplines and sectoral services have challenging career pathways. Review for its overall governance, manpower planning, service model, user coverage, program infrastructure and outcomes evaluation is needed. Of note is the positive outcome of early intervention in a community collaborative project resulting in standing service provision.⁵⁶

Strengthen alternative care and placement provisions (Against Child Abuse)

When returning home is assessed as inappropriate for safety, abused children have a long wait for alternative care like foster care or residential placement.⁵⁷ The impact and effectiveness of recent financial subsidy increase for foster carers needs to be evaluated. There is no policy on perpetrator's access to children, additional review and resources may be required to reduce risks of continual harm.

Cultivating a caring and non-violent community (Against Child Abuse)

Publicity and effort to increase community awareness on child protection have been sporadic. Only when the society views child protection as a shared responsibility can we cultivate a caring and non-violent environment for children's development.

Measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (art. 24(3))

Recognising and addressing forced marriage as a form of child abuse (Professor Puja KAPAI, Associate Professor of Law, Convenor of Women's Studies Research Centre, Director of Social Justice Summer Internship Programme, Faculty of Law, The University of Hong Kong)

⁵⁶ Cheng AWF, et al. The physical and developmental outcomes of children whose mothers are substance abusers: Analysis of associated factors and the impact of early intervention. *Front Pediatr.* 2022 Oct 20;10:1004890. doi: 10.3389/fped.2022.1004890. PMID: 36340731; PMCID: PMC9631827

⁵⁷ SCMP. (March 2016). Hong Kong foster system on brink of collapse.

<https://www.scmp.com/news/hong-kong/education-community/article/1924019/hong-kong-foster-system-brink-collapse>

Forced marriage is often overlooked in discussions of children's rights, leaving the most vulnerable children invisible and unprotected.

Children at risk of forced marriage often experience profound emotional, psychological and physical harm. The act of forcing a child into marriage not only deprives them of their autonomy but also imposes significant burdens that exceed their developmental capacities. This is often due to childhood betrothals or familial expectations about an impending marriage, leading to premature unions that expose children to severe risks, including gender-based violence, honour-based abuse, marital rape, early pregnancies, and complications during childbirth, causing significant physical, psychological, and emotional trauma.

Equally damaging is the systematic grooming process that precedes such a marriage. Young girls (but the risks also extend to boys in some contexts) are 'groomed' to accept they lack agency over their lives, major life decisions such as education, career and sometimes, even their bodies. They are conditioned to take pride in self-sacrifice, martyrdom and filial piety and obedience, normalise subservience and patriarchal expectations to safeguard family honour and comply with their family's wishes over and above their own. The persistent reinforcement of these messages effectively traps girls and women (and some boys and men) within a cycle of oppression. Not only are they isolated, and cut off from resources and networks that empower them to take steps to exit harmful and oppressive conditions, they learn to second-guess themselves, routinely undermining their own comfort to preserve the family peace and honour at great expense. These grooming processes ultimately erode their self-esteem and limit their understanding of their own desires as distinct from their elders' wishes and encroach severely on their potential to pursue (further) education and personal aspirations as well as life partners and careers. Although not as prevalent among boys and young men, the risks are still rife with potential honour-based abuse or violence if the boy or young man becomes involved with a girl or young woman who has been engaged or whose marriage has been forcibly fixed with someone other than said boy or male.

Victims of forced marriage and members of the family or community who try to assist them are often subjected to significant violence, threats, and coercion to ensure their compliance. This includes threats to their nobility, possessions or family and friends, isolation, physical assault, and severe restrictions on their autonomy, such as confiscating passports, other identification documents or degree certifications or diplomas, stalking, surveillance, or monitoring any communications including online activity. Forced marriage is fundamentally a violation of children's rights.

To address forced marriage effectively requires understanding the patterns that most commonly lie beneath known instances of forced marriage, developing a robust risk assessment and response framework that is informed by a centralised child data repository which captures relevant indicators of precursors to impending forced marriage, and legislative reforms initiated by the HKSAR government to ensure adequate safeguarding, resources to render timely support and remedies to children and other individuals at risk for of forced marriage and honour-based abuse which often co-occur in connection with such marriages. Therefore, forced marriage, honour-based abuse and coercive control should be explicitly characterised as offences under the law with concomitant

penalties to reflect the gravity of these offences. At the same time, they should also include civil and criminal standards to allow for different tracks to ensure protection rather than escalation of such delicate matters.

The motivations behind forced marriages are complex and often rooted in sociocultural and economic factors and familial honour. At the same time, there are also harmful and distorted interpretations of religious and cultural values and the purported obligations that arise from these for family members. The impact of these harmful notions on children as a result, is the gravest. Hong Kong-based research into forced marriage has consistently revealed that in such instances, the preservation of familial honour and reputation tends to outweigh children's wellbeing and rights, making forced marriage, and the coercive and controlling behaviour applied in the lead-up to it including honour-based abuse and related threats, a serious child protection issue and a significant violation of international child protection as well as gender equality laws. These circumstances and even the threat of such a potential marriage on the horizon deeply impacts children's capacity to thrive and exercise their human rights fully.

Misconceptions on the part of frontline responders surrounding cultural or religious justifications underlying parental decisions blur the line between characterising red flags as risk factors warranting urgent intervention versus private matters that parents have due authority over. Moreover, a lack of appreciation of the different phases in the lead up to the 'at risk' event means a crucial protection gap is exposed where the child could have been protected against forced marriage or other harms to secure their compliance. These misguided views or uninformed and untrained frontline line professionals may miss a critical opportunity for intervention, with frontline responders fearing accusations of bias or racism, being seen as intrusive, or that they lack the necessary competencies to address complicated family matters which are presented as intrafamilial feuds but routinely mask underlying forced marriage arrangements. Moreover, forced marriage is often perceived as falling beyond the reach of the law due to the absence of express legal provisions prohibiting or criminalising it, further complicating enforcement efforts, which currently rely on piecemeal provisions split across different ordinances. This makes it challenging to deliver a coordinated response that is aligned with the child's best interests. Moreover, frontline responders and partner agencies' hesitancy due to a lack of express legal mandate exacerbates (risk of) harm and leaves children unsupported at critical moments along the spectrum of acts leading up to forced marriage, including childhood engagements.

Hong Kong needs a multifaceted and interdisciplinary approach to address the intersecting social, cultural, legal, gendered and economic factors that contribute to the prevalence of forced marriage, while also ensuring adequate support systems for affected individuals and communities so that those who do break free in time to prevent or extricate themselves from such situations are not left without any recourse for independent or autonomous survival, or with a future plan for reintegration into society.

Recommendations:

- Develop and deliver specialised, culturally responsive training to enhance the competencies of frontline responders (including educators, social workers, shelters, healthcare professionals, and law enforcement) in identifying early signs of forced marriage, honour-based abuse and handling disclosures sensitively while navigating cultural dynamics without perpetuating biases and instead, acting in alignment with child protection and the best interests of the child principle.
- Foster collaboration across government departments, social services, law enforcement, educational institutions, and community organisations to create a comprehensive and unified framework for risk assessment, detection, and safe intervention strategies for honour-based abuse, forced marriage and supporting at-risk children.
- Develop practical resources, such as checklists and protocols, to help frontline responders assess and respond effectively, including in ways that incorporate the often-transnational aspects that are invariably part of the matrix.
- Introduce mechanisms for frontline responders to proactively identify and report forced marriage and related child and honour-based abuse and related concerns decisively under the new Mandatory Reporting of Child Abuse Ordinance, which came into force in January 2026 (i.e. by ensuring child marriages and gendered grooming for marriage or betrothals are understood as forms of child and domestic abuse and incorporate these as statutory definitions of relevant offences in guidance and training manuals.
- Increase the availability of (long-term) trauma-informed counselling, shelters and legal aid for survivors, ensuring children and young adults at-risk have access to justice, education, vocational training, safe housing and pathways to independence.
- Extend resources that are currently in place to support victims of family or domestic abuse to cover the unique predicament of forced marriage survivors to allow for stays in shelters beyond the 3-month limit and to expand the provision of more ‘permanency-oriented’ solutions for children in these circumstances to guard against the long-term psychological impacts of uprooting from family and community life and the traumas of a revolving foster care system that remains inadequate in its support for minority children.
- Establish a centralised child data repository to monitor at-risk children to pre-empt and intervene in forced marriage incidents effectively and by using the repository to identify emerging trends, to inform and develop evidence-based early and proactive interventions.
- Conduct carefully crafted and informed campaigns to educate communities about forced marriage and its harmful effects and to empower children to understand and assert their rights safely, yet steadfastly, with the support of people they can trust.
- Engage with parents and community leaders to shift cultural norms that perpetuate forced marriages and promote alternative pathways for resolving familial and social pressures and reform patriarchal norms.
- The HKSAR government ought to enact specific laws prohibiting forced marriage and betrothals, whether conducted in Hong Kong or overseas or online, including through traditional or religious ceremonies including but not limited to the following:
 - The Marriage Ordinance should be amended to prohibit all marriages involving individuals under 18, regardless of parental consent, closing the loophole that allows

child marriages. Pending such reform, where the law denotes that those between 16 and 21 may marry with parental or their guardian's consent, the law ought to be updated to require more than a simple signature on a piece of paper without more. This is especially considering that consent of the parent or guardian itself may be the source of pressure towards marriage with an unwanted partner or at a time not of their choosing.

- Introduce laws against controlling or coercive behaviour and honour-based abuse to cover acts that exert pressure, duress, or abusive control over children or constitute sexual, gendered or marriage grooming.
- Ensure that existing legal protections are interpreted flexibly and holistically to render the necessary interventions from courts and frontline professionals through wardship and other orders to safeguard the best interests of the child in any such circumstances.

Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37(a) and 28(2))

Corporal punishment of children is still allowed by law (Save the Children Hong Kong)

Corporal punishment is still a common method used to discipline children amongst parents in Hong Kong due to its deeply ingrained and widely accepted culture. A recent survey⁵⁸ showed a decrease in the percentage of parents using corporal punishment compared to the years 2019 to 2024, showing that the cultural norm of corporal punishment is changing. More than 60% of adult respondents support banning corporal punishment in all settings in Save the Children Hong Kong (SCHK)'s survey in 2023⁵⁹. However, recent SCHK surveys find that corporal punishment is still a common experience for children in Hong Kong. SCHK's Heart-to-Heart positive parenting programme intake survey in 2023 showed that over 55% of child participants aged 6 to 11 had experienced corporal punishment in the past month⁶⁰. Another SCHK study conducted in December 2023 revealed that more than 80% of child respondents had witnessed adults practising corporal punishment on children⁶¹.

SCHK's 2023 survey also recorded that more than 20% of respondents felt sad and upset; 15% felt scared, fearful and worried; 10% felt angry, and 8% felt helpless⁶². Another recent study⁶³ found that children have more significant error-related negativity, which describes the potential in which a child will make fast but inaccurate choices when under stress (such as a controlling parent). These characteristics are indicative of hypervigilance, which is a precursor to general anxiety. The forceful nature of corporal punishment not only triggers harmful psychological and physiological responses in children, but also causes children to associate corporal punishment with an act of hatred from their parents.

⁵⁸ Survey Results on Corporal Punishment of Children 2024, Against Child Abuse, March 2024, https://www.aca.org.hk/image/catalog/survey/20240327_survey_chi.pdf

⁵⁹ Views on Physical and Humiliating Punishment of Children in Hong Kong, Save the Children Hong Kong, July 2023, https://savethechildren.org.hk/wp-content/uploads/2023/07/Polling-Report_eng_0726_web_final.pdf

⁶⁰ Heart-to-Heart Parent-Child Programme Intake Survey 2023, Save the Children Hong Kong, 2023, savethechildren.org.hk

⁶¹ *ibid*

⁶² *ibid*

⁶³ Cuartas J, Weissman DG, Sheridan MA, Lengua L, McLaughlin KA. (2021 May) Corporal Punishment and Elevated Neural Response to Threat in Children. *Child Dev.* 92(3):821-832. doi: 10.1111/cdev.13565

Findings from the child survey showed, children hope for others to interfere when corporal punishment takes place. SCHK's public polling shows that only 23% of respondents acted upon witnessing other adults beating, slapping or verbally humiliating their children on the street. Some of the reasons why most respondents did not attempt to help the child include being reluctant to intervene in other families' matters (54.5%), believing that the incident is not severe enough to warrant intervention (30.7%), and being uncertain about whether the situation constitutes as child abuse (30.4%).

In Hong Kong, the law prohibiting corporal punishment has only been adopted in schools, penal institutions, and childcare centres, but remains unregulated in homes and alternative care settings. In 2018, the Legislative Council's Subcommittee on Children's Rights recommended the abolition of corporal punishment in homes to "deliver a strong message that physical punishment is a form of violence, not parenting"⁶⁴. Yet, children in Hong Kong are still experiencing corporal punishment without a law prohibiting it at home.

Besides, Hong Kong still deems the common law defence of "reasonable chastisement" as legal, which permits "moderate and reasonable" punishment when disciplining a child. In contrast, other countries have banned "reasonable chastisement" and other laws that provide an exception for corporal punishment in family settings.

Recommendations:

Save the Children and many child rights partners in Hong Kong, have been advocating for a total ban on corporal punishment. This will encourage more bystanders to have the confidence to protect children from corporal punishment, and send a clear message that hitting and hurting a child, for whatever reason, is wrong.

While public education efforts are essential in preventing violence against children, evidence from recent cases shows that these preventive efforts need to be reinforced by a clear legal and protection framework. Strong legal and protection frameworks are required for setting clear societal norms and enabling timely intervention.

Corporal punishment of children is prevalent (Against Child Abuse)

Corporal punishment remains prevalent⁶⁵ in families, schools, and tutorial centres, and accounts for 50%⁶⁶ of child abuse cases, sometimes escalating into tragedies. Despite general comments in the Procedural Guide⁶⁷, the Government has yet to clearly define corporal punishment or align with UNCRC standards—with no progress since the 2013 CRC Concluding Observations. Community

⁶⁴ Legislative Council of the Hong Kong Special Administrative Region. *Subcommittee on Children's Rights Report*. (May 2018). Part XI — Recommendations para 20. available at <https://www.legco.gov.hk/yr17-18/english/hc/papers/hc20180525cb4-1118-a-e.pdf>

⁶⁵ Survey Report on Corporal Punishment of Children, Against Child Abuse, March 2024, https://www.aca.org.hk/image/catalog/survey/20240327_survey_chi.pdf

⁶⁶ Statistics on Child Abuse Cases captured by the Child Protection Registry of the Social Welfare Department. http://www.swd.gov.hk/vs/index_e.html

⁶⁷ Protecting Children from Maltreatment Procedural Guide for Multi-disciplinary Co-operation (revised 2026) https://www.swd.gov.hk/storage/asset/section/652/en/Procedural_Guide_Core_Procedures_Eng_2026.pdf

attitudes have shifted: surveys in 2019 and 2024 found over 70% of children and parents recognise its negative effects and support non-violent discipline, with 72.9% agreeing to a complete legal ban, including in the home.⁶⁸ The Offences Against the Person Ordinance is insufficient, as a judge has called for reform, particularly to the 10-year maximum sentence.⁶⁹ The Government must send a clear message through legislation that corporal punishment is unacceptable, backed by resources to support positive parenting and caregiver education.

Sexual exploitation and sexual abuse (art. 34)

Child protection response to social changes in terms of law, policy and mechanism (Against Child Abuse)

Over a third of all abuse cases (2009–2025) in the Child Protection Registry are new sexual abuse reports, with over 80% involving girls aged 12–14. Offenders are predominantly friends or strangers; 3–6% are school staff, tutors, or coaches. Sex crimes remain seriously underreported.⁷⁰

The COVID-19 pandemic has intensified cybercrime. Official data on online child sexual exploitation and abuse remain scarce, yet surveys indicate high exposure among children: 40% encountered unwanted sexual content, 5.6% shared naked photos, 7% engaged in naked chats, 23.8% were invited out, and 3% experienced sexual harassment or assault.^{71 72 73} Although the Child Protection Registry records cybersex, pornographic images, acquaintance with perpetrator through internet or mobile phone software, these data are not sufficiently analyzed or shared with stakeholders. The 2022 LRC Consultation Paper on Cybercrime, while covering five key offences, fails to adopt a child-centric approach, limiting its protective impact.⁷⁴

Although the Security Bureau, in consultation with the Commerce and Economic Development Bureau, the Labour and Welfare Bureau and the Police had addressed the Legislative Council in May 2023, on “Combating online sexual harassment of teenagers” by referring to the various laws in Hong Kong (the Control of Obscene and Indecent Articles Ordinance, the Prevention of Child Pornography Ordinance and the Crimes Ordinance), with enforcement figures and work by individual Government departments,⁷⁵ further follow-up actions on policy, laws, and various mechanisms are wanting.

Modernize Sex Offences Law (Against Child Abuse)

As Hong Kong society evolves, public awareness has increasingly exposed the inadequacies and

⁶⁸ Survey Report on the Experience of Corporal Punishment in Children and Parents, Against Child Abuse, April 2019 <http://www.aca.org.hk/top-a-survey-en.htm>

⁶⁹ SCMP June 29, 2018. Hong Kong woman jailed for 15 years for starving seven-year-old daughter in ‘grotesquely shocking’ child abuse case

⁷⁰ Chan KL. Association between childhood sexual abuse and adult sexual victimization in a representative sample in Hong Kong Chinese. *Child Abuse Negl.* 2011;35(3):220-9.

⁷¹ 2023 Against Child Abuse Survey https://aca.org.hk/image/catalog/survey/20230331_Survey_chi-only.pdf

⁷² 2022 Save the Children, https://savethechildren.org.hk/wp-content/uploads/2022/05/Hong-Kong-Kids-Online-Report-English-Final.pdf?utm_source=Meal&utm_medium=report&utm_campaign=kids-online

⁷³ 2021 Hong Kong Family Planning Association Survey <https://www.famplan.org.hk/en/media-centre/press-releases/detail/report-on-youth-sexuality-study-2021-secondary-school-survey>

⁷⁴ The Law Reform Commission of Hong Kong. Consultation paper - Cyber-dependent crimes and jurisdictional issues. https://www.hkreform.gov.hk/en/docs/cybercrime_e.pdf

⁷⁵ Legislative Council LCQ 19: Combating online sexual harassment of teenagers <https://www.info.gov.hk/gia/general/202305/31/P2023053100409.htm>

outdated provisions of the Crimes Ordinance (Cap. 200). In June 2026, the Security Bureau issued a consultation paper⁷⁶ proposing reforms aligned with Law Reform Commission recommendations from the past two decades. The proposals introduce 37 new offences, including those addressing child sexual abuse and offences involving persons with mental impairment (PMIs). While the proposed changes are commendable in tackling legal flaws and lenient penalties, several other areas still require further attention.

Persistent Child Sexual Abuse Offence (PCSA) (Against Child Abuse)

PCSA is needed to address cases involving delayed disclosure and repeated abuse over time. Though discussed for over two decades⁷⁷ and examined by the Department of Justice,⁷⁸ the 2026 consultation paper does not include such an offence. While defendants' rights such as particularity in indictments and pleas of *autrefois* must be respected, justice for child victims requires legal provisions that account for the inherent features of PCSA: lack of witnesses or physical evidence, repetitive victimization, delayed disclosure, and trauma-induced ambiguities in testimony. The introduction of a PCSA offence should remain a priority, alongside the eight other child sexual offences in the current package. The Government should seize this opportunity to strengthen victim protection and modernize sexual offence laws in line with societal expectations.

Age of consent (16) and Age 16 to 18 (Against Child Abuse)

The United Nations Convention on the Rights of the Child (UNCRC) is a legally binding international instrument ratified by 194 state parties. It has been in force since 1994 in Hong Kong. The UNCRC's definition of a child (under the age of 18) serves to confer a range of rights including the right to protection regardless of the age of consent for sexual activity.

We agree that Hong Kong should retain a uniform age of consent of 16, which is well established in society. However, this should not be confused with the age definition of a child under the UNCRC (age 18), nor should it imply that children aged 16 to 18 possess full capacity to consent to sexual acts.

As drafted, the consultation paper may create a false impression that engaging in sexual acts with this age group carries no legal liability. Any such perception should be firmly dispelled, and deterrence must be directed at those who might exploit this ambiguity, particularly where sexual exploitation by a person in a position of trust is involved. A distinct legal provision is needed to address sexual acts with this age group, with the parameters clearly set out in law.

Furthermore, as a matter of principle, children aged 16 to 18 remain entitled to protection under the UNCRC. Hence, the prosecutorial discretion under Recommendation 8 should apply not only when both are between 13 and 16, but also when one of them is slightly older at an age of 16 to 18.

Finally, the public must also be clearly informed that the proposed age of consent does not apply to persons with mental impairment (PMIs).

⁷⁶ Security Bureau. Public Consultation on "Improving the Laws on Sexual Offences in Hong Kong", <https://www.sb.gov.hk/eng/pub/consultation/loso.html>

⁷⁷ Association Concerning Sexual Violence Against Women. Establishing a new offence against persistent child sexual abuse. <https://rainlily.org.hk/publication/2026/06/pcsa>

⁷⁸ Department of Justice. (2000) "Information Paper on the proposed creation of the offence of 'persistent sexual abuse of a child'". Legal Policy Division. November 2000.

Online child sexual exploitation and abuse (OCSEA) (Against Child Abuse)

Legislation on sexual offences must keep pace with evolving threats, yet the current consultation paper addresses OCSEA only narrowly, focusing on images, communications, and grooming, while ignoring the broader spectrum of online harm, including child sexual abuse material (CSAM) production (e.g., generative or extended reality content), Dark Web access, cloud storage, livestreaming, and coerced self-generated material. A proactive, multi-stakeholder approach is needed, with the Commission on Children as a suitable platform. Government regulation of ISPs and social media must mandate timely detection, reporting, and removal of CSAM, alongside responsible industry practices like safety-by-design and innovative technology, to effectively combat online child sexual exploitation.

Awareness and Deterrence (Against Child Abuse)

To safeguard children, targeted education on protection rights and available support should reach professionals, parents, and children. Publicity must also inform potential offenders of stricter legal boundaries and heavier penalties for previously overlooked behaviours. Such awareness across all levels can significantly reduce exploitation and foster a stronger culture of prevention and accountability.

Existing guidelines (Against Child Abuse)

The Procedural Guide⁷⁹ and the Guide for Mandated Reporters⁸⁰ should be updated in view of the new legislations and for aligning with the Mandatory Reporting of Child Abuse Ordinance. It helps professionals in the identification, assessment and subsequent handling of suspected child abuse situations. Decisions based on reporting thresholds based on improved sexual offences laws helps consistency in reporting as well as fulfilling statutory duties under the reporting regime.

A comprehensive and systematic sex education in schools (Against Child Abuse)

Sex education in primary and secondary schools remains uneven and inadequate. Teachers lack training, and the current integration approach is poorly monitored, failing to equip children with essential self-protection and boundary-setting skills—especially online. To better protect young people, sex education must be significantly strengthened. We recommend adopting UNESCO's *International Technical Guidance on Sexuality Education* and introducing a dedicated, life-skills-based subject tailored to developmental stages. In parallel, structured parent education should replace piecemeal talks, enabling families to support children's healthy development and protection more effectively.

Enhance training of professionals dealing with child sexual abuse (Against Child Abuse)

Professional training in the handling child sexual abuse should be enhanced. This covers the journey of child-centered care, from abuse identification, handling of disclosure, timeliness in documenting such disclosure (Video Recorded Interviews by law enforcers/psychologists/social workers), collaborative work amongst hospital paediatricians and government forensic teams in physical assessment, appropriate child support e.g. child life specialists, family support and so on. Reducing secondary trauma should be the core.

⁷⁹ Social Welfare Department. Protecting Children from Maltreatment – Procedural Guide for Multi-disciplinary Co-operation (Revised 2026). https://www.swd.gov.hk/en/pubsvc/family/fcw_info/fcwprocedure/fcwp_mdco/

⁸⁰ Social Welfare Department. Guide for Mandated Reporters. <https://www.childprotectiontraining.hk/resource-corner>

Augment Sexual Conviction Record Check (SCRC) (Against Child Abuse)

The SCRC has been in operation since December 2011, covering professionals working with children. However, it remains voluntary and has yet to extend to existing employees. Spent convictions and offences committed overseas are areas of concern. Parents are included in the scope of verifiable persons and should be encouraged to use the scheme when hiring private tutors, coaches, or caregivers. An evaluation of the scheme's effectiveness is important to enhance awareness among both professionals and the general public.

Treatment services for sex offenders (Against Child Abuse)

Although the Social Welfare Department, NGOs, and Correctional Services provide treatment for perpetrators, service providers reported that the participation rates remain low partly because it is voluntary. The Government should consider imposing rehabilitation conditions as part of sentencing, particularly for sex offenders, to reduce recidivism.

Lack of legislative response to persistent child sexual abuse (Association Concerning Sexual Violence Against Women)

RainLily, the first sexual violence crisis centre in Hong Kong, launched a major report, 'The living evidence of sexual violence against women in Hong Kong: A retrospective study of RainLily's crisis services (2000-2018)'⁸¹ ('the report') in the year 2019. RainLily handled over 14,000 request-for-assistance regarding sexual violence from 2000-2018, the report studied and analysed 3,611 of the cases that RainLily provided in-depth counselling and follow-up services to deliver more detailed figures.

The report found that over 20% of cases involved a victim that was under the age of 16 years old when the assault happened, with the youngest victim to be only 1 year old. In terms of relationship with the perpetrator, 45.1% of under 16-year-old cases involved a perpetrator that is a family member or a relative. This relationship takes up only 5.8% for cases that involved a 16-year-old or above victim. Additionally, nearly 30% of under 16-year-old cases were living with the perpetrator when the assault happened. This takes up merely 10% for victims above the age of 16.

The report also highlights that victims under the age of 16 in average delay their reporting for assistance for 4,814 days (approx. 13.2 years), the duration is ten times the average for victims above 16 years old (444 days, or approx. 1.2 years). These worrying figures show child sexual abuse is often not disclosed until a considerable time has passed, and it is not uncommon for the cases to be persistent by nature perpetrated by a trusted or depended adult.

Current law in Hong Kong, however, failed to response properly to the persistent nature of such child sexual abuse case. The requirement of current law can only process distinguishable sexual assault incident, but not the general pattern of repetitive abuse. Artificial compartmentalization of a pattern of continuous abuse also easily leads to more inconsistencies and inaccuracies in the victim's testimony. The eventual sentencing, if there is fortunate enough to have a conviction, based on a few "cherry-picked" crimes, is also unable to fully reflect the criminality and gravity of the offence. All these together demonstrated the ineffectiveness of the criminal justice response in Hong Kong toward persistent child sexual abuse (PCSA).

Noticeably, this is not a unique situation faced by Hong Kong. Other jurisdictions using separate charges on individual acts in PCSA faced similar challenges. Many jurisdictions abroad have

⁸¹ RainLily, 2019, *The Living evidence of sexual violence against women in Hong Kong: A retrospective study of RainLily's crisis services*. Available at: <https://rainlily.org.hk/publication/2018/retrospective>

implemented different legal reforms, either by establishing a specific offence or by amending indictment rules, to respond to the unique nature of PCSA. Despite the existence of such prominent problems in the legal response to child sexual abuse, the Government did not mention any relevant proposals in its recent consultation paper on sexual offence reform. **We urge the government to establishing a new offence of “persistent sexual abuse to a child”**, which emphasizes on existence of the continuous pattern of abuse relationship between the adult and the child. Recognizing the distinctive features of PCSA would encourage victims help-seeking and enhance protection for vulnerable children.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Family environment and parental guidance in a manner consistent with the evolving capacities of the child (art. 5)

Children under the care of parents with mental issues (Baptist Oi Kwan Social Service)

Parent’s emotions greatly affect the development of their children. Research conducted in 2016, by Baptist Oi Kwan Social Service and The Education University of Hong Kong showed that when parents experience higher levels of anxiety, they are more likely to result in harsh and critical parenting. These children tend to have lower abilities in areas including academic competencies; social interaction; self-control; an increase in emotional problems and symptoms of ADHD. Social workers have observed that parents who are experiencing psychological distress may not be able to perform their parental role as well. Research and service experience suggest that parental psychological distress may affect children's wellbeing, development, family relationships, and educational participation in diverse ways. Some children would have taken up the caring responsibilities they might assume of their parents, resulting in conflict with participating in activities that are age-appropriate towards the child. Where others experience reduced development of important self-care and social skills.

When children show signs of psychological distress or behavioral problems in schools, most social workers or teachers would primarily set their sight on the child alone. However, this often results in the neglect of other mediating factors, including the mental health of their parents. Contributing organisations remain concerned that interventions frequently focus primarily on the presenting difficulties of the child rather than assessing broader family circumstances, including parental mental health and caregiving capacity.

Apart from being at home, children are spending most of their time at school, therefore it is the best place for spotting children and families that might need extra help. Schools should be provided with resources to partner up with local social services like Integrated Community Centre for Mental Wellness (ICCMW), so that ICCMW could provide early intervention for school children and their families who might be experiencing psychological distress. Schools should also be encouraged to promote local resources to families in need.

Separation from parents (art. 9)

More efforts needed for actualizing continuous parental responsibility for children in divorced families (Hong Kong Family Welfare Society)

A public consultation on the Proposed Legislation – Children Proceedings (Parental Responsibility) Bill to implement the recommendations of the Law Reform Commission Report on Child Custody and Access was conducted from November 2015 to March 2016 in Hong Kong. The Government

didn't introduce the proposed legislation into the Legislative Council in the end in view of diverse views collected from stakeholders. One of the greatest concerns is over the inadequate support services to facilitate workable relationships between separated/divorced parents, and to protect families with violent backgrounds from ongoing contact with the abusive members, etc.

To address public concern and voices from cross sectors for more resources to support separated and divorced families, the Government appointed the Hong Kong Family Welfare Society (HKFWS) to trial run the Pilot Project on Children Contact Service. The project in the form of a child-focused Children Contact Centre started the trial operation from September 2016 to September 2019 with an aim to develop an indigenous model in providing a safe environment with social workers' support to facilitate children contact arrangement with the non-residing parent after parental separation / divorce. After the completion of the pilot period, five Co-parenting Support Centres subvented by the Government but operated by NGOs have been set up in five districts over the territory to provide specialised co-parenting and children contact services in October 2019. The pilot Children Contact Centre was also regularized and has been transformed to be one of the aforementioned five Centres. Besides, resources have been injected to increase manpower resources for Integrated Family Service Centres and Family and Child Protective Service Units under the Social Welfare Department.

Contributing organisations welcome the Government's efforts to address identified service gaps through the establishment of specialised co-parenting support services:

1. The recognition of specialized service to serve complicated needs of separated / divorced families and set up service centres in district levels to provide co-parenting and children contact service aims to shield child(ren) from parental conflicts and ensure them maintaining healthy connection with both parents after parental separation / divorce.
2. More manpower injected to local family service units under the Social Welfare Department to strengthen collaborations among social service units in promoting parental responsibility.

However, more effort and commitment are still required and expected in order to make the paradigm shift possible if we commit to create a friendly environment for children from separated / divorced families.

Recommendations:

1. To expand the roles and functions of the district Co-parenting Support Centres by supporting different tiers of intervention work, i.e. including professional parenting coordination service, family mediation, divorce counselling, children assessment and clinical work, etc.; and strengthen in-house manpower ratio to allow effective odd hour operation and implement unique safety plan for those needy families.
2. To strengthen professional support for Co-parenting Support Centres by including specialised expertise such as Accredited Parenting Coordinator, Family Mediator and Child Psychologist / expertise, etc.
3. To promote a child-focused understanding of parental responsibility across the legal, welfare, education, and judicial sectors.
4. To examine and evaluate the progress and effectiveness of current service implementation and continuous assessment of pop-up demand on new service needs to support children from separated / divorced / remarried / blended families.
5. To restart research on the suitability, feasibility and possibility to put 'parental responsibility' into effect by legislative means.

Family reunification (art. 10)

CRC is not legally enforceable in Hong Kong to protect marginal children (PathFinders & Equal Justice)

Hong Kong courts adopt a strict interpretation as to whether international conventions have been domesticated. Regrettably, ICCPR is the only international convention which the HKSAR Government has directly incorporated into domestic legislation. Since the CRC is not legally enforceable in Hong Kong, the best interests of the child principle cannot be applied as a substantive right, as a fundamental interpretative legal principle or as a rule of procedure.

In *Comilang & Others*,⁸² two former Filipino foreign domestic workers were forced to part with their children in Hong Kong after the Court dismissed their appeal against a government decision denying their right to stay in the city, despite the fact that all four children are SAR residents and two of them have permanent residency.

The courts' decisions regarding the applicability of the CRC in *Comilang & Others* arguably only concerns the right of a non-resident parent of a Hong Kong Permanent Resident child to remain in Hong Kong. Contributing organisations remain concerned that immigration considerations may at times outweigh explicit consideration of children's best interests in family reunification cases.

The case illustrates the limitations of relying on CRC principles in circumstances where Convention protections have not been incorporated into domestic legislation.

Asylum-seeking children traumatized by family separation (PathFinders & Equal Justice)

Contributing organisations report that family members may have separate immigration and non-refoulement claims processed independently, creating risks of family separation and uncertainty regarding children's future care arrangements. In cases such as this, the family will be broken up if their non-refoulement cases are finalized and sent to different countries, with the result that a child could be left alone in a country with no parents to take care of them. Maria's (pseudonym) mother arrived in Hong Kong from Indonesia, and later her mother married her father from Pakistan. Maria's non-refoulement case is attached to her mother's case, whence the non-refoulement claim of Maria and her mother will be reviewed separately from that of her father. However, Maria's younger sisters are a separate case, attached to neither the mother's nor the father's case. Consequently, if Maria and her mother's non-refoulement claim is processed and finalized, she and her mother could be repatriated to Indonesia, and if her father's case is also settled, he could be repatriated to Pakistan, while her siblings might leave for Indonesia with their mother or remain in Hong Kong because their cases are still under review. Based on case records maintained by the contributing organisation, approximately 30-35 out of every 50 families assisted experienced concerns relating to potential family separation.

Further, under the Hong Kong judicial system, even if these cases were combined and reviewed together, family members would still be split up and sent back to their respective countries according to their nationality. There have never been special diplomatic arrangements to facilitate family union. More importantly, if Maria and her sisters leave Hong Kong with their mother, they may face discrimination or persecution having been born out of wedlock. These circumstances may adversely affect children's rights to family unity, development, and long-term wellbeing.

⁸² *Comilang, Luis, Demele v Director of Immigration* CACV 59/2016, CACV 60/2016 & CACV 149/2016, 26 March 2018, paras 128-130.

https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=114344&QS=%2B&TP=JU&ILAN=en

In addition, non-refoulement applications filed by a family often have other undesired outcomes. There are some single-parent asylum-seeking families, in which the children are HKSAR citizens and the mother or father are asylum-seekers. If an asylum-seeking parent applies for the Dependent Visa to remain in Hong Kong for the purpose of family unification but is denied the visa, this results in family separation, raising concerns regarding the child's right to maintain family relationships and identity.

Apart from asylum seeking children, single-parent children who have Hong Kong citizenship are also deprived of their rights. These children face the situation of their asylum-seeking parents being deported to their home country or sent to other countries once their cases are finalized. The children are not eligible to apply to join their parents for residence in Hong Kong by Dependant Visa because they do not fulfil the minimum requirements⁸³. Crystal (pseudonym) is a Hong Kong citizen because her father holds a Hong Kong passport while her mother is a non-refoulement claimant/asylum-seeker from the Philippines. However, Crystal's parents separated before her father applied for a Dependant Visa for Crystal's mother. Even though our NGO helped Crystal's family in applying for a Dependant Visa for her mother to stay in Hong Kong, the officer from Immigration Department responded that "There's no any kind of visa for parents that can be applied to an abode in Hong Kong since their children are too young and cannot support their mother living." Therefore, Crystal's mother was not eligible to apply for the Dependant Visa.

Another prominent case features asylum-seeking Filipina mother Luis (*Case number: FACV No. 10 of 2018*), a single mother who has three children with Hong Kong citizenship who suffer from health conditions that require regular medical monitoring (Benitez, 2018⁸⁴). Luis was granted an extension of stay to take care of her children, which ended in 2012, after the Immigration Department concluded that the children could depend on their father. The mother was refused an application for an extension of stay in Hong Kong on compassionate grounds even though her children have health problems.

Once the parent's non-refoulement case is concluded, they will be repatriated to their home country or sent to other countries which will cause: 1) the breakup of the single-parent family, undermining the children's right to be taken care of by their parents and barring these single-parent families from reunification; 2) those children who are Hong Kong citizens will be deprived of their rights to stay in Hong Kong if they leave Hong Kong with their parents.

Parents' common responsibilities, assistance to parents and the provision of childcare services (art. 18)

The Children Proceedings (Parental Responsibility) Bill (Hong Kong Family Law Association)
Hong Kong falls behind other common-law jurisdictions for failing to provide a "one-stop shop" children's legislation. However, the imperative for a comprehensive update has been long recognized.

⁸³ According to the Immigration Department (2012b), children intend to apply for a Dependant Visa for their parents to allow them to reside in the HKSAR need to meet the following criteria: 1) the parent is aged 60 or above and 2) the sponsor (i.e. the child) is able to support the dependant's (i.e. the parent) living at a standard well above the subsistence level and provide the dependent with suitable accommodation in the HKSAR. Retrieved from <https://www.statistics.gov.hk/pub/B10100062020AN20B0100.pdf>

⁸⁴ Benitez, M. A. (2018, November 4). Two Filipino mothers pin last hopes on final appeal to stay in Hong Kong as separation from families loom. *South China Morning Post*, Retrieved from <https://www.scmp.com/news/hong-kong/law-and-crime/article/2171536/two-filipino-mothers-pin-last-hopes-final-appeal-stay>

As early as April 1995, a few years after the Children Act 1989 was brought into effect in England and Wales, the Law Reform Commission was requested to consider the law relating to children. The final report of its 4-part series relating to guardianship and custody of children, was published on 7 March 2005 titled *Child Custody and Access*.

After a 10-year delay, the Government proposed the *Children Proceedings (Parental Responsibility) Bill* in 2015, implementing the recommendations made in the report, and invited public consultation. However, despite much public response, the Government announced in 2018 that it would delay implementation of this draft bill.

Therefore, Hong Kong's law on guardianship and custody remains outdated, retaining a model dating back to the late 1970s.

The most notable proposal in the draft bill was the shifting of focus from parents' rights and authorities to parental responsibility and the rights of the child. This widely accepted change follows in the footsteps of its common-law counterparts, to reflect modern views of the parent-child relationship, to comply with international obligations in relation to the rights of a child, and to emphasise both parents' continued involvement in their children's lives even after divorce.

Second, the draft bill highlights the importance of the views of the child in question, echoing Article 12 of the UNCRC. It specifies that the child's views must be taken into consideration when the Court determines what is in the best interest of the child, and explains how the child's views should be ascertained by the Court (part 6 of the draft bill).

Third, the bill provides much more clarity in the law, which is laudable given the stressful context this operates in. It provides a comprehensive definition of "parental responsibility" (clause 5 of the draft bill), identifies the parties that would have parental responsibility (clause 4 of the draft bill), and finally gives legislative codification of the best-interests criteria (clause 3(2) of the draft bill).

The draft bill further proposes updated powers for the court to enforce maintenance orders and regulate the matters of the child through "child arrangement orders".

Despite a general consensus to the proposals, the Government announced in 2018 that it would delay implementation of this draft bill. Civil society organisations remain concerned about the continued delay in implementing the proposed reforms. Having suffered a 10-year delay since the LRC's Report for the Administration to introduce a draft bill, further clarity regarding the Government's plans for future reform would be welcomed.

Specialised Co-parenting Support Centres (Hong Kong Family Law Association)

Specialised Co-parenting Support Centres (SCSCs) are designed to promote parental responsibility and child-focused co-parenting support services for separated/ divorcing/ divorced parents and their children with a view to strengthening/ maintaining the parent-child relationship whilst providing support to children affected by the breakdown in their parent's relationship.

When parents have difficulty in cooperating with each other and/or reaching agreement in respect of their children's care arrangements, they can utilise the services of the SCSCs to arrange access and

perhaps also for the children to receive counselling.

Unfortunately there are only five SCSCs at present with limited sessions per week and they are closed on public holidays. Many more SCSCs are required. There are many children whose access to their parents is restricted whilst they are on the waiting list for a time slot at the centres (which accommodates their and their parents availability) and who can only enjoy extremely limited weekly access.

Children deprived of family environment (art. 20)

Ensuring family-based care and timely permanency for children unable to live with their birth families (Mother's Choice)

Article 20 case study – Bonnie and Ben

Bonnie* was placed in a residential care home at birth as a Multi-Disciplinary Case Conference established child abuse due to in-utero substance exposure, highlighted by a positive urine test. Bonnie's mother insists on family reunion, frequently visits, and has built a good relationship with her child. However, she has refused to attend substance abuse treatment and have mandatory urine tests, despite her family reunion plan being dependent on this. The mother became pregnant again and insisted that she was not using substances, yet, the newborn infant's urine also tested positive. As Bonnie was nearing the age where she would need to leave the residential baby facility, a family-based care placement was offered to support Bonnie's development, allow her to have a full-time primary caregiver and attachment figure, with opportunity for the mother to visit and be mentored by the foster family. However, instead, both Bonnie and the new baby, Ben* were then moved to live in another institution without suitable transition planning. The mother has demonstrated no intention or documented efforts to modify her lifestyle and retains a preference to visit her children in institutional care, despite it not being in the best interests of the child. At each Case Review Meeting, the children's permanency plan remains as family reunion.

*Names have been changed to protect the identity of the child.

This case illustrates concerns regarding prolonged reliance on residential care, repeated placement transitions, and the absence of timely permanency planning despite ongoing concerns regarding parental capacity. Contributing organisations remain concerned that children should not spend extended periods in temporary care arrangements without a timely and clearly defined pathway towards reunification, guardianship, foster care, adoption, or other permanent family-based solutions.

HKSAR's previous report to the Convention on the Rights of the Child states that "*the underlying principle of residential care services is that a family setting is preferred to an institutional one. This is particularly true in the case of younger children.*"⁸⁵ However, according to data from the Social Welfare Department (SWD)⁸⁶, there were over 4,000 children in residential child care services for the year 2025, where around 1,000 children were in foster care, 1,000 in Small Group Homes and around 2,000 children in residential homes. International child development research consistently

⁸⁵ HKSAR (2013) The Government of the HKSAR's Response to the List of Issues raised by the United Nations Committee on the Rights of the Child on 10 May 2013 (September 2013)

⁸⁶ HKSAR Social Welfare Department (2025) Estimates of Expenditure, Social Welfare Department. Available Online: [https://www.swd.gov.hk/storage/asset/section/17/en/2025-2026%20SWD%20Estimates%20of%20Expenditure%20\(ENG\).pdf](https://www.swd.gov.hk/storage/asset/section/17/en/2025-2026%20SWD%20Estimates%20of%20Expenditure%20(ENG).pdf)

demonstrates the importance of stable family-based care and highlights the developmental risks associated with prolonged institutional care, particularly for younger children. Decades of global research shows that vulnerable children who have spent time in out-of-home care are at greater risk of experiencing physical and mental health challenges and developmental delays⁸⁷, are more likely to engage in criminal behavior, substance misuse, and face a teenage crisis pregnancy⁸⁸. Isolated families are more likely to face repeated crisis pregnancies, and place their children into the residential care system, perpetuating a generational cycle that feeds our child protection crisis in Hong Kong.

In 2020, the Hong Kong Government announced additional placements for children would be achieved primarily through an expansion of Small Group Home placements for children, while the number of placements in family-based care would remain unchanged⁸⁹. Subsequent policy developments have reaffirmed the Government's preference for care arrangements such as foster care and Small Group Homes, particularly for younger children, and have been accompanied by increases in both foster care and residential child care capacity⁹⁰.

While the Government classifies Small Group Homes as “Non-Institutional Care” and tend to provide a more family-like setting than larger residential institutions, they remain residential care services in which children live in groups of eight, with paid staff who operate on shifts, which we believe differs fundamentally from a family-based environment such as foster care, which provides safe, loving, and short-term stable family-based, individualised care for children, as well as greater continuity of relationships. This distinction is important from a child's rights and permanency planning perspective.

We recommend an alternative classification to better distinguish between family based and non-family based residential care service in these placements, with a focus on permanency planning and periodic review of cases (See Article 25). We observe instances in which infants who are placed in Residential Child Care Centres from age 0-3 are then moved to another residential care placement around age 3 without a strategic, time-bound plan for achieving permanency. In a number of these instances, children were moved from one institutional placement to another without being given the opportunity to be in a family-based placement as consent from the birth parents was not given. Thus, these infants face life in institutional care for the remainder of their childhoods. Currently, local data on outcomes for children who have spent time in the care system in Hong Kong is for the most part unknown. We recommend the need for research and data to be collected on children and youth in the care system, including data on the number of moves within residential care, outcomes of their well-being including psycho-social health, educational outcomes, and their life trajectory.

We recommend considerations in investing further in increasing and building the capacity of birth and temporary foster families and provide them dedicated staff and peer support so that they are equipped to support the unique needs of children who require trauma-informed, therapeutic care. Research suggests that foster parents who were involved in trainings reported fewer child behaviour

⁸⁷ Middlebrooks JS, Audage NC, The Effects of Childhood Stress on Health across the Lifespan, Atlanta (GA) <https://stacks.cdc.gov/view/cdc/6978>

⁸⁸ Lopez, P et al., Addressing the health needs of adolescents transitioning out of foster care, PEDIATRIC NURSING 33(4) (2007), 345– 55 http://www.medscape.com/viewarticle/563202_1.

⁸⁹ HKSAR Social Welfare Department (2024) Estimates of Expenditure, Social Welfare Department. Available Online: <https://www.swd.gov.hk/storage/asset/section/17/en/2024-25%20SWD%20Estimates%20of%20Expenditure%20%28English%20Version%29.pdf>

⁹⁰ Ibid.

problems than those who did not receive any training⁹¹. This suggests the need for implementing data-informed recruitment and retention efforts, which we are open to work with the government on and review the requirements and assessment procedures of foster families to consider previously untapped demographics of families as potential high-quality foster families.

Recommendations:

1. Family foster placements (including kinship placements) are prioritised for all children, especially infants and young children
2. Consider the change in the classification of Small Group Homes to provide clarity on its vision and scope of services
3. Build capacity of foster families to care for children with experiences of trauma and substance exposure by increased training in trauma-informed care
4. Explore with Foster Care Agencies the implementation of data-informed recruitment and retention of foster families, review and update assessment procedures to recruit, assess, and train quality foster families, and evaluate placement disruptions to identify and respond to the factors associated with placement breakdown
5. Consult and implement a system in bringing data together from different sources to provide better understanding on the needs of vulnerable children and young people including data on the educational and life outcomes for children who spend time in or leave care to inform government strategies on prevention, intervention and support

Children are not fully informed of decision on out-of-home care arrangement

The voice of children is always not seriously considered and catered for when professionals decide to arrange children for residential placement. Many children were not clearly informed the reasons for the arrangement for residential placement, and thus perceived incorrectly that their own behaviours, instead of family difficulties, are the reasons for the placement and feeling ashamed of themselves.

Residential placements for children are not enough and not evenly distributed in different districts of Hong Kong. As a result, children often need to cross districts for a residential placement if they need an out-of-home care arrangement, thus they may need to change schooling and be separated physically far away from their own family also. This creates further anxiety to children about the transition.

Additional support needed for children with special needs

In view of existing types of residential services in Hong Kong, carers of foster care services, small group homes and children's homes are non-trained staff but around 50% of children are with special needs. As a result, the special assistance needed could not be provided properly. It is important to develop therapeutic type of care (such as therapeutic foster care) and to provide more intensive professional supervision and support for caring personnel so that caring personnel can understand the emotional and behavioural issues of children in care from a trauma-informed perspective and can take care of themselves in nurturing children with trauma. Furthermore, specialised support for children with special needs in the caring system should be developed in order to provide the needed special protection and assistance for children in care.

Lack of transparent data on children in placement

The government has never publicly shared statistics of children in placement in the care system. The society has no information about the duration of stay of children in the care system. The background

⁹¹ Solomon D. T. & et al, The impact of foster parent training on parenting skills and child disruptive behavior: A Meta-Analysis, Sage Journal, 30 November 2016. ([Abstract](#))

information of children's families utilizing out of home care is unclear, and there is no information about the change of children in various aspects (such as education, health, social, etc.) when they grow up in the caring system. The society as a result, cannot evaluate the whole out-of-home care system for children of Hong Kong and cannot make meaningful recommendations on service development. It is necessary for the government to reveal service statistics of residential services for children in Hong Kong so that suitable measures to protect the rights of children in care can be designed rationally.

Adoption, national and inter-country (art. 21)

The right for adopted and foster children to have care and protection (Mother's Choice)

Since the Committee's 2013 Concluding Observations that the State Party extended the application of 1993 Hague Convention to the HKSAR, the Adoption Ordinance CAP 290 has been amended to improve local adoption arrangements to give effect to the Hague Convention. The Adoption Unit of the Social Welfare Department has accredited three Adoption Bodies to support local and intercountry adoption.

An increasing number of children who are being placed for adoption come from complex backgrounds involving but not limited to family breakdown, abuse and neglect, in-utero substance exposure, leading to disrupted development, behavioural challenges, and attachment difficulties. For these reasons, both Prospective Adoptive Parents (PAPs), and adoptive families must have comprehensive information, training, and support to prepare for and handle challenges if and when they arise.

We recommend the Social Welfare Department initiates discussions with related stakeholders including accredited NGOs providing adoption services, to collect specific data on the outcomes of children who have spent part or all of their childhoods in alternative care, in order to understand how their past experiences impact their lifelong journey. This may include data on the educational and academic outcomes of children who have been adopted or who are in foster care, as well quantitative and qualitative data on number and type of adoption disruptions and adoption dissolutions in order to provide targeted support for families in crisis.

This data and recommendations would better equip professionals working with adopted children and their families to drive needs-assessment and tailor interventions to meet the identified needs of these children. Support may include programs such as the UK's Adoption and Special Guardianship Support Fund⁹², which allows for eligible adoptive families to pay for essential therapeutic services including assessment and therapy, or school admission guidelines, such as those introduced in the UK, which give priority admission to children in care and those who were in care and subsequently adopted.⁹³ This also includes governmental and non-governmental access to student finance, and scholarships to support the ongoing education of children who have spent time in the care system⁹⁴.

⁹² UK Government Adoption and Special Guardianship Support Fund, available at: <https://www.gov.uk/guidance/adoption-support-fund-asf>

⁹³ UK Government Department for Education (2021) Schools Admissions Code, Statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels, Available at: <https://www.gov.uk/government/publications/school-admissions-code--2>

⁹⁴ Complete University Guide, Applying to university as a care leaver, Available at: <https://www.thecompleteuniversityguide.co.uk/student-advice/applying-to-uni/applying-to-university-as-a-care-leaver>

In addition, we recommend greater training for multi-disciplinary professionals working with children requiring out-of-home care, as well as support to extended family members who are caring for a child, or who have the potential to care for a child, including grandparents and other relatives. We believe, particularly seeing increasing involvement of grandparents in families, kinship care can be explored as another form of alternative care. The options of having a more formalised system of kinship care, which may include regular allowance such as the foster care allowance, as well as ongoing support for essential therapeutic services including assessment and therapy, can also be explored.

Recommendations:

1. Collect and initiate discussions with related agencies, to report data on outcomes for children who have spent time in care, as well as data on adoption disruption and adoption dissolution.
2. Review and make available a list of statutory and community sources of support for adopted children and their families, and propose additional sources of support.
3. Multi-disciplinary training in adoption for professionals including social workers, educators, medical professionals, and the judiciary.

Periodic review of placement (art. 25)

Periodic Review of Treatment and Circumstances in Care (Mother's Choice)

Article 25 case study – Kit

Five-year-old Kit* was placed into residential care at birth due to instability of his parents living situation and a positive test for in-utero substance exposure. Kit has three elder half-siblings, including two elder half-siblings who live with their birth father, and an elder full-blood sibling who spent some time living in the care of the mother, but then was placed in a residential care facility after an established case of child abuse. Kit's Putative Father is not the Legal Husband of his mother. When Kit was 10 months old, the birth mother completed relinquishment procedures by signing the General Consent of Parent to the Adoption of an Infant and the Statutory Declaration. Kit was made a ward of the Director of Social Welfare the next day.

Public tracing to locate the Legal Husband to obtain his views toward the child's adoption arrangement took **two years** until it was determined that the efforts were in vain. Advice was sought from the Department of Justice, who advised that a declaration was needed from the mother to state her relationship with the Putative Father and Legal Husband, who then advised that public tracing was needed to locate the Putative Father. Public tracing again was completed without finding the Putative Father. The Department of Justice then advised that it was not necessary to apply for an order dispensing consent of the Legal Husband. However, after the signing off, the mother expressed her intention on and off to resume the care of Kit, without making any progress to show any care, and the child's file was never referred to the Adoption Unit for arrangement. When Kit was 4 years old, a case of child abuse was established regarding his elder sibling, and the birth mother finally withdrew her idea to resume care of Kit. The Department of Justice advised that public tracing was deemed necessary to conduct again, and again efforts to locate both the Legal Husband and Putative Father were in vain. The Birth Mother completed relinquishment when the child was 5 years old, despite having made no steps to care for him.

*Names have been changed to protect the identity of the child.

We acknowledge the great effort paid by the Social Welfare Department and many other stakeholders to revise and update the Protecting Children from Maltreatment: A Procedural Guide for Multi-Disciplinary Cooperation (2020), which was revised in 2026 to complement the implementation of the Mandatory Reporting of Child Abuse Ordinance CA. 65, which includes a dedicated section on permanency planning, including a clear definition: “*Permanency planning*” for a child under out-of-home care is a systematic, goal-directed and timely approach of care planning to maintain the child with his/her family of origin or live in safe and permanent environment, aiming at securing stability and continuity of nurturing relationships for the child⁹⁵”. The Procedural Guide also includes a list of factors to be considered in deciding placement choice in the best interests of the child. This is a very encouraging development and we hope that it will allow for great progress to be made in permanency planning for children, highlighting the priority for children to remain with their biological family, be placed in a homelike environment. It highlights the possibility of finding the child a permanent home through legal adoption should be considered when a home restoration plan is not possible, allowing for greater consideration of options for pathways to family.

In Hong Kong, while the Government continues to emphasise family reunification and long-term welfare planning, recent study suggests that achieving permanence remains challenging for many children in alternative care. The Report of the Second Phase Review of Residential Child Care and Related Services⁹⁶ found that for the three years before the publication of the report in March 2023, approximately 21% of children leaving institutional care and 32% of children leaving foster care were transferred to another residential care service, indicating that many children experience multiple placements rather than a permanent family-based outcome. The Report further noted that some children remain in residential care for prolonged periods under more than one type of service and that around 30% of discharged children had spent more than five years in residential care. Moreover, although approximately 70% of children leaving institutional care were reunited with their families or moved to independent living, most continued to require follow-up and support services after discharge. From 2016 to the first quarter of 2025, 65% of children in the care of Mother’s Choice were adopted below four years, whereas children above four years who were successfully matched with families decreased drastically to 6%. Together, these findings suggest that placement stability and permanency remain significant challenges within the child welfare system.

While there are review procedures to consider the child’s permanency plan, we observe that there is minimal proactive approach to explore concurrent pathways to permanency, an approach that seeks to eliminate delays in attaining permanent families for children by exploring both family reunion and adoption options for children⁹⁷. While there is legislation outlined by the Adoption Ordinance CAP 290 to give clear directive for termination of parental rights, it would be helpful to have more guidance on when and how a child’s social worker may request this decision from the High Court, particularly in cases where a child has been abandoned, with a missing birth parent, or when tracing birth parents cannot be completed. We recommend the Social Welfare Department to publish detailed practice guidance to support child welfare professionals to proceed to the High Court for

⁹⁵ Social Welfare Department (2026) Protecting Children from Maltreatment: A Procedural Guide for Multi-Disciplinary Cooperation, Chapter 8 Appendix 1.

https://www.swd.gov.hk/storage/asset/section/652/en/Procedural_Guide_Core_Procedures_Eng_updated_final_2026_r.p df

⁹⁶ Committee on Review of Residential Child Care and Related Services March. (2023). The Report of the Second Phase Review of Residential Child Care and Related Services, https://www.swd.gov.hk/storage/asset/section/1246/en/report_of_the_second_phase_review_of_rcc_and_related_services_final_en.pdf

⁹⁷ CORAM (2012) Concurrent Planning Study: Interim Report. https://www.coram.org.uk/sites/default/files/resource_files/Concurrent%20Planning%20Study%202012.pdf

court dispensation of parental rights under the Adoption Ordinance CAP 290, including clear timeframes.

Recommendations:

1. Regular court oversight and review of child permanency plans where a child has been a Ward of the Director of Social Welfare or has been placed in a subvented residential or foster home for more than 9 months of a 12-month period.
2. Greater practice guidance to support Adoption Ordinance CAP 290 on cases to proceed to High Court for court dispensation of parental rights (see Article 25).
3. Investing resources in equipping parents with the necessary practical and social resources, skills in parenthood as well as a strong community support network in achieving a successful family reunion.
4. When family reunification is not possible, clear practice guidance on when a child's case may be presented to the High Court to terminate parental rights, in cases that are considered to meet the legal requirements.
5. Understanding "permanency planning" is a goal-directed and timely approach of care planning, we propose to explore data-informed practices through working with referral workers and residential care agencies to collect and discuss data on the number of children who have remained on a family reunion plan and the number of children whose Legal Guardian is the Social Welfare Department and been in out-of-home care for 12 months or more.
6. Explore the implementation of a common and standardised assessment tool across professionals to evaluate and generate evidence for permanency planning, such as Child Strengths and Needs Assessment (CANS).⁹⁸

Need more authoritative review system for children's permanency plan

According to the current practice, case review meetings have to be conducted every 6 months for all children in care in Hong Kong. However, no one has the legal authority to require natural parents/guardians to attend these meetings. Reunion plans of children cannot be discussed in a meaningful way without the presence of parents/ guardians. Furthermore, there is no clear guideline for professionals to design and monitor the development of permanency plans of children in Hong Kong. As a result, some children are stuck in the caring system for a very long period of time, i.e., more than 10 years in some cases.

The government should establish a higher-level review system to closely monitor the implementation of welfare plans yearly for very young children (i.e. 0 – 3 years old) as well as children in the care system for over 2 years in order to prevent overstay. Case review meetings in this higher-level review system should include supervisory personnel of the residential setting, as well as supervisory personnel of the referring social worker. Clear service protocol should be developed for the design, implementation and monitoring of permanency plans. A clear trajectory for freeing children from parents/ guardians who cannot pick up the parental responsibility continuously, for adoption, should be developed.

⁹⁸ The Child and Adolescent Needs and Strengths (CANS) is a multi-purpose tool developed for children's services to support decision making, including level of care and service planning, to facilitate quality improvement initiatives, and to allow for the monitoring of outcomes of services. CANS for ages 0-6 has been contextualised and introduced for the Hong Kong social welfare context in 2019 and the Youth CANS (ages 7-18) will be developed in 2020 by Mother's Choice.

Government lacks a periodic review of Care Plans for children placed in care (PathFinders & Equal Justice)

According to the Social Welfare Department, Hong Kong sees a 12 per cent increase in the number of child abuse cases from 2017⁹⁹ to 2018.¹⁰⁰ Once placed in the care system, these children face an uncertain and insecure future due to the current ordinance that fails to stipulate clear timelines for the submission and regular review of Care Plans.

The early years of a child's life (0-8 years) are critical. It is during this time that the brain rapidly develops and has a high capacity for change, laying the foundations for health and wellbeing throughout life. Extensive evidence demonstrates that bonds formed by a child with their primary caregivers play a vital role in their physical and psychosocial development.¹⁰¹

Furthermore, child development is time-sensitive and children are deeply affected by even short periods of instability and insecurity.¹⁰² Placing a child into a safe, permanent environment as soon as possible is critical to acting in the best interests of the child and enabling them to realize their full development potential. Nevertheless, once placed in care, children in Hong Kong are often left forgotten and robbed of this potential.

We therefore suggest that a Care Plan be submitted to the court and reviewed within one month for all children under the care of the Director of Social Welfare for more than nine months. The HKSAR Government should review the Care Plan every six months until the child reaches 18 years or is no longer under the care of the Director of Social Welfare. The Government should introduce a legal definition of "child abuse" and consider whether siblings and child household members are also at risk of abuse. In addition, to ensure efficiency of the review process, the Government should establish effective communication channels between the appropriate government departments, the Adoption Unit, child welfare organizations and the home country Consulates to monitor the progress of cases of marginalized and undocumented children within the care system.

Recovery of maintenance for the child (art. 27(4))

Hardship in the recovery of maintenance for the child (Hong Kong Federation of Women's Centres)

Poverty among single-headed households is common. In 2022, the number of single-parent cases under the Comprehensive Social Security Assistance (CSSA) Scheme was 22,172.¹⁰³ Failure to receive maintenance payment is one of the reasons that lead to poverty and mental distress of both adults and children in single-headed households as the process of recovering it can be humiliating and confrontational. Making outstanding maintenance claims is a legal procedure, which is complicated, time-consuming and expensive. In 2024, while nearly 40% of the maintenance payees (near 25,800 persons) failed to collect their maintenance payments¹⁰⁴, 95.3% of them did not take

⁹⁹ Social Welfare Department (2018) Newly Reported Child Abuse Cases.

https://www.swd.gov.hk/vs/stat/stat_en/201701-12/stat-en.pdf

¹⁰⁰ Social Welfare Department (2019) Newly Reported Child Abuse Cases.

https://www.swd.gov.hk/vs/stat/stat_en/201801-12/stat_en.pdf

¹⁰¹ Winston, R., & Chicot, R. (2016). The importance of early bonding on the long-term mental health and resilience of children. *London journal of primary care*, 8(1), 12-14.

¹⁰² Ibid.

¹⁰³ WRITTEN ANSWERS TO QUESTIONS, LCQ20: Default on maintenance payments,

<https://www.info.gov.hk/gia/general/202302/22/P2023022200216.htm?fontSize=2>

¹⁰⁴ Thematic Household Survey Report - Report No. 83 - Enforcement of maintenance orders, Page.5.

<https://www.censtatd.gov.hk/en/wbr.html?ecode=B11302012025XX03&scode=400>

legal actions¹⁰⁵ to recover the arrears and live by social security or borrowing money. A survey conducted by Hong Kong Federation of Women's Centres in 2017 found that more than 60% of female maintenance recipients encountered difficulties in collecting the payment, in which more than 90% encountered overdue payments, followed by "being scolded or humiliated" (44%), "ex-husband went missing" (21%), and some cases of women and children were even subjected to violent treatment and intimidation¹⁰⁶. Penalties of failing to pay maintenance payment were rare and toothless. In 2022, among 593 judgement summonses, only 5 attachment of income orders were issued.¹⁰⁷

Recommendations:

1. We suggest establishing an intermediary body to collect the outstanding maintenance payment from the payer and distribute it to the payee so as to reduce conflicts between them. It should also have the power to offer maintenance payment to the recipients so as to avoid putting them under economic hardships, and possess statutory investigation and punishment power for deterrence. This intermediary body should also coordinate different departments involved in the process and conduct relevant public education. Such an intermediary body could simplify the process and reduce possible conflicts and tensions among divorced couples as well as harm brought to them and their children.
2. We also recommend setting up an emergency fund for families in crisis to deal with crisis situations, including but not limited to arrears of maintenance, domestic violence, and financial difficulties caused by accidents such as imprisonment and work injury of family members. The fund could itself be a form of assistance. It could also be a means to reach appropriate services for transitioning from crisis, giving a more com

DISABILITY, BASIC HEALTH AND WELFARE

Measures taken to ensure dignity, self-reliance and active participation in the community for children with disabilities (art. 23)

Hurdles of social inclusion and community participation for children with disabilities (TREATS)
Non-governmental organization TREATS has been advocating for children's social inclusion in Hong Kong for decades. TREATS conducted various surveys over the past 10 years to explore the social inclusion and community participation levels of children with disabilities. These studies included: Research on the Impact of Sports for ALL Projects on Social Inclusion (2023), The Study of Participation in Sports for the Mentally Challenged in Hong Kong (2021), Community Participation of People with Autism Spectrum Disorder (2019), Inclusion of SEN Secondary Students in Hong Kong (2015), etc.

Findings of these studies consistently showed that the community participation and social inclusion levels of children with disabilities were unsatisfactory. Regarding leisure participation, the surveys revealed that most community activities were not suitable for children with disabilities. Their choices were limited, and coaches often lacked the necessary knowledge and skills to effectively teach children with disabilities. In terms of social inclusion, the surveys indicated that children with

¹⁰⁵ ditto

¹⁰⁶ Survey on Alimony, Hong Kong Federation of Women's Centres 2017, https://womencentre.org.hk/En/Newsroom/Event/legal_seminar_2017/

¹⁰⁷ Written Answers to Questions, LCQ20: Default on maintenance payments, <https://www.info.gov.hk/gia/general/202302/22/P2023022200216.htm?fontSize=2>

disabilities lacked a social support network and friends. They often found it difficult to seek assistance in the community. Children with disabilities and their parents faced varying levels of exclusion and discrimination within the community.

There are numerous factors that can contribute to the community disengagement of children with disabilities. However, one key issue that has consistently hindered their participation is the widespread lack of awareness, misunderstanding, and prejudice among the general public. The public has very limited first-hand interaction and contact with these children, and the persistent misconceptions and biases held by many in the community have directly fueled discrimination and social exclusion. Addressing these deeply rooted prejudices and fostering greater inclusion are essential to ensuring that children with disabilities can fully participate in and belong to their local communities.

Recommendations:

Social inclusion programs provide a powerful and practical approach to facilitate community engagement for children with disabilities. They achieve this by fostering personal growth, maximizing equal social participation, and driving positive social change. These three key factors work together to create a more inclusive and welcoming environment for children with disabilities. To design effective social inclusion programs, the following five critical elements should be taken into consideration.

1. **Inclusive and tailor-made program design** - by considering the participants' unique characteristics, abilities, and interests in the program design to ensure equal participation opportunities for children with diverse abilities and backgrounds.
2. **Adequate preparation of participants** - by equipping both mainstream participants and children with disabilities with a better understanding of social inclusion, and the skills needed for effective communication with people of diverse abilities.
3. **Buddy and small group approach** - by supporting evidence-informed inclusion programmes that facilitate sustained interaction between children with and without disabilities, including buddy schemes and small-group activities.
4. **Cross-sectoral collaborations** - by building multidisciplinary partnership of a wider range of professional expertise and resources to create a greater impact catered to the needs of children with disabilities.
5. **Community connection** - by empowering children with disabilities to explore and engage with their local communities, and by providing valuable opportunities for the general public to interact with people of differing abilities. Such direct exposure helps reduce negative perceptions and discrimination against individuals with disabilities, ultimately contributing to the building of a more equal and inclusive community.

Health and health services, in particular primary health care (art. 24)

Breastfeeding

Breastfeeding is a fundamental child right closely linked to the highest attainable standard of health under Article 24 of the CRC. While Hong Kong continues to achieve a high breastfeeding initiation rate, sustained and exclusive breastfeeding remains a challenge^{108 109 110}.

¹⁰⁸ Department of Health, Hong Kong SAR. Breastfeeding Survey 2023.

https://www.fhs.gov.hk/english/reports/files/BF_survey_2023.pdf Accessed July 2026.

¹⁰⁹ World Health Organization. Global nutrition targets 2030: topical briefs on maternal, infant and young child nutrition. 2025. <https://www.who.int/publications/i/item/B09485> Accessed July 2026.

¹¹⁰ WHO and UNICEF. Global Targets 2030: To improve maternal, infant and young child nutrition. 2025. <https://www.who.int/teams/nutrition-and-food-safety/global-targets-2030> Accessed July 2026.

According to the Department of Health Breastfeeding Survey 2023, the breastfeeding rate at hospital discharge was 84.7%, and the exclusive breastfeeding rate at discharge was 15.4%. At six months, only 42.3% of infants were receiving any breastmilk and 18.2% were exclusively breastfed, remaining substantially below the WHO and UNICEF global target of 70% exclusive breastfeeding by 2030 ¹¹¹.

Progress has been made in implementing the Baby-Friendly Hospital Initiative (BFHI). Since the previous CRC review, all eight public hospitals and one private hospital providing maternity services have achieved Baby-Friendly Hospital designation, and most have completed revalidation exercises. Twenty Maternal and Child Health Centres have also been designated Baby-Friendly, while additional centres are progressing through the programme ^{112 113}.

The Hong Kong Code of Marketing of Formula Milk and Related Products remains voluntary and lacks statutory enforcement mechanisms. There are no legal sanctions for non-compliance, and concerns persist regarding indirect marketing practices and health and nutrition claims that may undermine informed infant-feeding decisions. Comprehensive legislation implementing the International Code of Marketing of Breast-milk Substitutes has yet to be enacted ¹¹⁴.

Although maternity leave was extended to 14 weeks and legal protection against breastfeeding discrimination has been introduced, Hong Kong still lacks statutory breastfeeding breaks, mandatory workplace lactation facilities and other employment protections that facilitate continued breastfeeding after mothers return to work. Local research published in 2026 continues to identify return-to-work challenges as a major barrier to exclusive breastfeeding ¹¹⁵.

Recommendations

1. Enact legislation to fully implement and enforce the International Code of Marketing of Breast-milk Substitutes.
2. Develop a government-led strategy for universal and sustainable implementation of BFHI standards in all public and private maternity services.
3. Introduce statutory paid breastfeeding breaks, workplace lactation facilities and family-friendly employment measures.
4. Establish measurable breastfeeding targets aligned with WHO and UNICEF recommendations.
5. Expand community-based breastfeeding support services, particularly for working mothers and vulnerable families.

Need of one-stop crisis support centres for victims of sexual abuse (Association Concerning Sexual Violence Against Women)

Today in Hong Kong, sexual violence victims have to travel around different departments after assaults, including hospital, police station, forensic doctor's office, to seek for medico-legal

¹¹¹ Ibid

¹¹² Baby Friendly Hospital Initiative Hong Kong Association. World Breastfeeding Week Annual Survey 2025. https://www.babyfriendly.org.hk/wp-content/uploads/2025/08/2025-WBW-Annual-Survey_E.pdf Accessed July 2026.

¹¹³ Baby Friendly Hospital Initiative Hong Kong Association. Healthcare Facilities – Baby-Friendly Hospital Designation in Hong Kong. <https://www.babyfriendly.org.hk/en/healthcare-facilities/> Accessed July 2026.

¹¹⁴ Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants and Young Children. <https://hkcode.gov.hk/en/> Accessed July 2026.

¹¹⁵ Chow KM et al. Factors associated with exclusive breastfeeding at 6 months postpartum: a prospective mixed-method cohort study. *Pediatric Research*. Published online 2026. <https://research.cuhk.edu.hk/en/publications/factors-associated-with-exclusive-breastfeeding-at-6-months-postp/> Accessed July 2026.

assistance. It is far from the international requirement that ‘in the interest of avoiding multiple examinations and further distress for the patient, the medical examination and forensic evidence collection should, when possible, occur simultaneously’ (World Health Organization, 2003, p. 30).¹¹⁶ Without a crisis centre providing all-round medico-legal services for sexual violence victims and having to travel around departments, it discourages victims from coming forward and seeking help and thus, the problems of delayed reporting or delayed presentation become serious.

Delayed presentation may result in delay in prescription of sexually transmitted disease (STD) prophylaxis, and a missed chance for emergency contraception. It is also found that a high percentage of 75% of victims presented with symptoms; the most common were pelvic or genitourinary symptoms such as lower abdominal pain, vaginal discharge and urinary problems (Chiu et al., 2016).¹¹⁷

The data in Chu and Tung’s study (2005) also points out the common phenomenon of ‘late presentations’: A total of 48% of patients presented within 3 days of the incident; 7.3% presented more than 2 months after the alleged rape. Four were pregnant, with gestational age ranging from 10 to 22 weeks. Chu and Tung suggests that ‘efforts should be made to improve the availability and accessibility of medical services that provide medical evaluation, counselling, postcoital contraception, pregnancy termination services or appropriate prenatal care as desired after rape.’ (2005, p. 396).¹¹⁸

Contributing organisations recommend that the Government consider establishing three crisis support centres in public hospitals, respectively in the New Territories, on Hong Kong Island and in Kowloon to provide sexual violence victims and abused children with 24-hour one-stop services, in accordance with the Guidelines for medico-legal care for victims of sexual violence issued by the World Health Organization.

The crisis centre allows victims to receive treatment and follow-up services and undergo necessary procedures, including medical treatment, forensic examinations, reporting to the police, statement taking, receiving support and counselling from social workers, in the same place. It could encourage victims to report the case and alleviate the problem of delayed reporting and delayed presentation. If victims report earlier and thus, receive treatments at an earlier stage, it prevents deterioration of their well-being, physically and psychologically.

Social security and childcare services and facilities (arts. 26 and 18(3))

Barrier to use quality child care service (Hong Kong Society for the Protection of Children)

In many developed countries, professional child care services do more than just support women’s workforce participation, they also serve as a critical first line of defense for safeguarding early childhood development and well-being. In Hong Kong, however, the safeguarding and development role of child care services remains severely underdeveloped. Subvented child care centers providing professional care for infants and toddlers aged 0 to 2 are extremely limited. Across the territory, only about 1,000 subvented places are available for approximately 100,000 children in this age group, a

¹¹⁶ World Health Organization(2003). *Guidelines for medico-legal care for patients of sexual violence*. Retrieved from: https://www.who.int/violence_injury_prevention/publications/violence/med_leg_guidelines/en/

¹¹⁷ Chiu, W. K., Lam, W. C., Chu, N. H., Mok, C. K., Tung, W. K., Leung, F. Y., & Ting, S. M. (2016). Sexual violence cases in a hospital setting in Hong Kong: Victims’ demographic, event characteristics, and management. *Hong Kong Medical Journal*, 22(6), 576-581

¹¹⁸ Chu, L.C. and Tung, W.K (2005). The clinical outcome of 137 rape victims in Hong Kong. *Hong Kong Medical Journal*, 11(5), 391-6.

coverage rate of merely 1%. As a result, the vast majority of young children are left without access to professional care and support.

Although the HKSAR Government accepted the final report of the Consultancy Study on the Long-term Development of Child Care Services in November 2018 and subsequently set a target to establish 100 new child care centers resulting in a modest increase in the numbers of facilities in recent years, persistent safety and quality gaps remain from a child safeguarding and well-being perspective:

- **Lack of unified safeguarding standards for environment and services:** The government has yet to introduce comprehensive, enforceable safety regulations governing operators' experience and the physical setup of child care environments.
- **Gaps in professional care training:** Tertiary early childhood education programs generally lack specialized training curricula focused on the care of infants and toddlers aged 0 to 2, leaving practitioners inadequately equipped to address the distinct physiological and psychological developmental needs of this age group.
- **Absence of comprehensive staff supervision and quality assurance:** A robust framework for ongoing staff monitoring, teaching quality oversight, and systematic child safeguarding mechanisms is still notably absent.

While increasing service places is essential, access to a service does not, in itself, guarantee safety and quality. Without rigorous environmental standards, specialized professional training, and robust supervisory frameworks, the health, safety, and well-being of children cannot be genuinely safeguarded. The government must therefore establish regulatory standards firmly grounded in the "best interests of the child" ensuring that every young child grows up in a safe, high-quality, and professionally protected environment.

We acknowledge the government's efforts to expand quality child care places. However, to comprehensively protect child rights and family well-being, the underlying issue of service affordability must be confronted directly. To date, the government has yet to present a concrete blueprint for addressing the high cost of child care. For subvented services catering to children aged 0 to 3, operating costs remain heavily dependent on parental fees, which covers 60% or more of total expenditure. Even after accounting for government subsidies to centers and a monthly parental allowance of HKD 1,000, the median monthly fee for a subvented place still ranges from HKD 5,238 to HKD 5,537, a prohibitively heavy financial burden for working-class and middle-income families earning a median income.

Professional child care should not be a privilege reserved for a select few, but rather a vital defense safeguard for preserving family stability and ensuring the healthy development of every child.

Heavy child care expenses directly strain household budgets, crowding out essential spending on pediatric healthcare, nutrition, and early development resources. This intensifies financial pressure and elevates the risk of domestic tension and conflict.

Faced with prohibitive fees, many families in need are compelled to turn to unregulated or unstable informal care arrangements. Such alternatives not only compromises optimal early childhood development, but also exposes young children to potential neglect and safety hazards.

Supporting families is a prerequisite for safeguarding children: The government must develop concrete financial assistance measures to substantially increase direct subsidy ratios for subvented 0–3 child care services. Lowering fee barriers will transform high-quality child care into an affordable public benefit, relieving parental burdens at the source and creating a safe, stable growth environment for children.

In Hong Kong, the Kindergarten and Child Care Centre Fee Remission Scheme provides financial assistance to low-income families using full-day child care services at centers registered under the Education Bureau (EDB) or Social Welfare Department (SWD). The scheme is means-tested, requiring parents to prove social needs (e.g., dual-income parents meeting minimum weekly working hours, or children whose parents have chronic illnesses or disabilities) to qualify for monthly subsidies. Remission is offered at three tiers: 50%, 75%, or 100% of actual fees or the fee remission ceiling, whichever is lower.

However, from a child safeguarding and family support perspective, the current eligibility thresholds are overly restrictive, effectively excluding middle-income and "sandwiched" working families from the safety net. Based on the median household income for Q4 2025, a three-person family earning over HKD 37,000 per month, or a four-person family earning over HKD 50,900 per month, is ineligible for any assistance. When comparing median household incomes, these caps stand at only 86% of the median income for a three-person family and 83% for a four-person family. As a result, a significant number of average families earning at median income level receive no fee relief.

This policy gap directly jeopardizes child development and family safety:

- Compounded by high rental costs and steep child care fees, many ineligible parents who cannot bear the financial strain are deterred from seeking professional services. This forces families into informal, unsupervised, or unstable care arrangements, significantly elevating the risk of child neglect.
- Inflexible and prohibitive fee structures add burden to essential household spending on healthcare, balanced nutrition, and early education resources. The resulting financial strain imposes immense psychological pressure on dual-income parents, indirectly undermining parent-child relationships and eroding overall family resilience.
- Access to affordable, high-quality childcare services is an important component of supporting children's development and family wellbeing. Early childhood care should be recognized as a fundamental entitlement for early development rather than a narrow welfare charity.

The government should reassess and relax the income caps of the Fee Remission Scheme, extending eligibility to cover families earning at or below median income levels. Making quality child care genuinely affordable will establish a robust social support network and build a protective foundation for children's safe and holistic growth.

Policy gaps in child care services for children under 6 (Hong Kong Society for the Protection of Children)

Since the 2005 harmonization of pre-primary services for children under six registered under the Education Bureau (EDB) and the Social Welfare Department (SWD), policy gaps concerning services for children aged 2 to 6 have remained widespread. At that time, harmonization aligned qualifications and training requirements for child care workers and kindergarten teachers, statutory

regulations on staff ratios and spatial standards, and administrative and subsidy frameworks for non-profit kindergartens and subvented child care centers. The Joint Office for Pre-primary Services was also established under the EDB to execute the unified policy.

However, from the perspective of child safeguarding the best interests of the child, administrative integration alone without a coherent policy centered on holistic development from birth to age 6 has proven insufficient to secure children's safety and developmental rights.

Siloed care and education disrupts child development: Following harmonization, the SWD has focused solely on the "care" needs of infants and children under 3, while the EDB has overseen only the "educational" needs of children aged 3 to 6. This dual-track system artificially divorces education from care, ignoring the fundamental reality that, in early childhood, care and learning are intrinsically inseparable.

Policy void and safeguarding risks for ages 3 to 5: The EDB's Free Quality Kindergarten Education Policy primarily targets half-day or standard pre-primary education, creating a significant policy gap for dual-income families requiring extended-hour care for children aged 3 to 5. At the same time, nursery schools that provide both care and educational services for children aged 2 to 5 are forced to operate under two conflicting subvention models, regulatory frameworks, and departmental authorities leading to operational inefficiencies and compromised service quality.

Inconsistent regulations and resources compromise child wellbeing: Disparities in resource allocation, regulatory standards, and child safeguarding requirements between centers serving newborns to 3-year-olds and those serving 2-to-5-year-olds cause widespread confusion for both operators and parents. These inconsistencies in standards and oversight could undermine child safety.

A child's growth and protection must never be fragmented by departmental boundaries. The SAR Government should consider establishing a unified, cross-departmental policy framework guided by the overarching principle of the "best interests of the child." By dismantling the institutional silos between the SWD and EDB, Hong Kong can create an integrated, one-stop "care and education" standard and safeguarding mechanism for children aged 0 to 6 ensuring every child develops in a coherent, safe, and high-quality environment.

Standard of living and measures, including material assistance and support programmes with regard to nutrition, clothing and housing, to ensure the child's physical, mental, spiritual, moral and social development and reduce poverty and inequality (art. 27, paras. 1–3)

Social Security fails to support children in poverty

The UN Committee on the Rights of the Child urged Hong Kong adopt multidimensional approach to assess and address child poverty and take all necessary measures to eliminate disparity of children's standard of living. Although an official poverty line and supporting services for needy children have been introduced, civil society organisations remain concerned that current social assistance levels may not adequately meet the needs of children experiencing poverty.

1. Rate of CSSA below decent standard leading to support children in poverty

Comprehensive Social Security Assistance (CSSA) is the safety net for all people in HK, but the scheme has not been thoroughly reviewed for more than 25 years; 37,080 children below 15 years old are living on CSSA. Poor household's quality of life is still not satisfied and the CSSA rates

cannot cover the necessities for the growth of poor children.

According to the survey conducted by SoCO in July 2019, 86.5% of these children living under deprivation could not have their basic needs met with the inapt welfare support. Survey findings suggest that a significant proportion of recipient families continue to experience material deprivation despite receiving CSSA support, over 35% expressed their family cannot afford 3 meals per day while 67.6% indicated they have to reduce food expenses. In the 2024 survey, it was slightly improved to 23.5%. Yet, 57.5% respondents reflected that they do not have enough clothes to keep them warm.

The Government employed a basic needs approach with reference to annual household expenditure survey for rate adjustment. It is an absolute poverty approach, which does not take into account the general residents' daily living needs. Social welfare academics have proposed since 1994 to employ a "basic budgetary approach" to set and adjust the social welfare rate in accordance with basic needs and daily living habits.

2. Deduction of CSSA standard rate and wrong rate adjustment mechanism

Children's CSSA amount was deducted in 1999 and 2003. The standard rate, study subsidy, rent allowance were cut from 7% – 15.8% respectively. The Government merely granted one extra month from year to year during the financial year with high surplus in public revenue, while reluctant to adjust the standard rate for welfare recipients in the long run.

3. High deprivation rate for CSSA children and their carers living at private rental housing

The deprivation rate reflects the unreasonable low CSSA level. The rate of children coming from families living on CSSA and at private rental housing are the most serious as the rent is high and the CSSA rent allowances cannot afford to rent decent housing in the private market and it takes many years to wait for public housing.

Most of the average CSSA rate for each household size is lower than the poverty line. It is lower than 25th percentile of monthly household expenditure, meaning that welfare recipients can only live on subsistence level of living.

4. Inadequate childcare services and facilities for working parents and poor families

Research about long-term development of childcare services in HK was conducted.¹¹⁹ The findings highlighted the lack of universal childcare support to all families, low public expenditure on pre-school education and childcare support, and a higher manpower ratio of qualified child carers to young children is needed. Existing provision appears insufficient to meet identified demand, particularly among low-income households and working parents. The total child population is 101,400 (below 2)(15,700 poor) and 204,300 (3-6)(41,400 poor) according to Census and Statistics Department in 2023, while there are only 954 and 39,975 quotas for the respective age groups.

¹¹⁹ Paul, S.F. YIP, et. al, (2018) *Consultancy report on the Long-Term Development of Child Care Services*, The University of Hong Kong, [https://www.swd.gov.hk/storage/asset/section/656/tc/Final_Report_updated_version_eng_\(W3C\).pdf](https://www.swd.gov.hk/storage/asset/section/656/tc/Final_Report_updated_version_eng_(W3C).pdf)

57.6% of poor families did not have sufficient financial resources to allow their children to participate in after-school learning/ recreational activities.

44.3% of these families expressed that subsidized home-based and center-based childcare services quotas are insufficient and difficult to apply for a waiver. There are only around 40,000 quotas for after-school childcare for around 157,900 poor children under 12.

The opening hours for the after-school care program only operate on weekdays accommodating children aged 6 or above from 3:00-7:00/7:30 pm which cannot serve many parents' working hours. The Government implemented a new scheme" School-based After School Care Service Scheme" in Primary school for children aged 6 to 12, it is helpful to the families and children in 2023, however, there are limited quota, the families call for more quota.

Recommendations for realizing the right to social security for the deprived children

1. Undertake an independent review of CSSA adequacy, including its effectiveness in reducing child deprivation and supporting healthy child development.
2. Resume the "projection model" to adjust and ensure CSSA that can sufficiently tackle inflation with recipients' purchasing power. The Government should periodically review CSSA items and respective rates with reference to Household Expenditure Survey and Rebasing of Consumer Price Indices conducted every 5 years to ensure a reasonable CSSA level.
3. Resume long-term supplements for non-elderly welfare recipients and introduce after-school subsidy
4. Review maximum rent allowance adjustment mechanism to ensure the rent amount provided could cover the actual rent rate of CSSA recipients
5. Increase childcare services supply that integrates care and learning elements. "School-based After School Care Service Scheme" should be reformed to provide enough quotas, extend service hours, and render support (during weekends, long school holidays, summer holidays) to ensure equal opportunities for children.

Inadequate standard of living for children in poverty

215,000 children under 18 are living under the poverty line. The grassroots' wage level is low, while rich group income keeps going up. Income disparity between rich and poor is getting wider. Gini-coefficient, a measurement tool of income disparity, climbed to the highest. Children in poverty suffer most in the wealth gap.¹²⁰

1. High deprivation rate for children and their care givers living on welfare and living at private rental housing

According to the survey conducted by SoCO in 2025, the top concern of the underprivileged children, the 1st is the public medical services are not enough, the waiting is too long. The 2nd concern is the subsidy for education is not enough, the 3rd concern is housing problems, around 50,000 children live in poor condition of subdivided flats. The 4th concern is that social security

¹²⁰ Census and Statistics Department. (2016). Population By-census, Thematic Report: Household income distribution in Hong Kong. https://www.bycensus2016.gov.hk/data/16BC_Income_Report.pdf

- Gini-coefficient based on per capita monthly household income in HK (1971 to 2016)

*No data could be retrieved in 2021 as the Government did not disclose the above information

assistance is not enough.

2. Working family allowance cannot effectively assist children with working poor families

Over 107,850 children aged below 18 and 71,900 non-CSSA working households are living in poverty.¹²¹ The Government set up Low-Income Family Allowance to support living conditions of working-poor households. The scheme only reduced a few percentage of poverty rate for working-poor households with children.¹²²

The low application rate is due to complicated application procedures, low allowance offered, stringent rules on monthly working hours, and rigid income level requirements. Working-poor households work in but reside outside of HK are not eligible. 79% of respondents whose families receive Low-Income Family Allowance use them on learning activities and after-school homework tuition; 70.7% of private rental housing households spent on rent.¹²³

3. Around 50,000 children continue to experience barriers in accessing adequate housing

According to the “Thematic Report: Persons Living in Subdivided Units of the 2021 Population Census”, 107,371 households live in subdivided units, with 34,002 households having children below the age of 15, comprising 4.5% of HK children population. And an estimated nearly 50,000 children under 18 years old are living in inadequate housing. The Government has recently introduced measures to advance public rental housing allocation for families with newborns, reducing their waiting time by one year.

4. Poor housing conditions deteriorate the growth and development of children

Children living in inadequate housing do not have appropriate environments to learn and grow. Organisations report that these children live in cramped spaces, study, play or even eat on beds leading to spinal health issues. They use shared toilets, shower facilities and kitchens with other residents with poor hygiene, ventilation and dim light due to electricity charges. A study found 93.6% of children in these flats are diagnosed with spinal problems which are related to the unfavorable living environment.¹²⁴

5. Unfair residency rules delayed children’s right to adequate housing

Contributing organisations are concerned that existing eligibility requirements may have unintended impacts on some newly arrived families with children.¹²⁵ It required that at least half of the family members included in the application must have lived for seven years and are still

¹²¹ The Government of Hong Kong Special Administrative Region. (23 December 2020). Poverty Situation in Hong Kong 2019. https://www.povertyrelief.gov.hk/eng/pdf/Hong_Kong_Poverty_Situation_Report_2019.pdf

¹²² Ibid (Remark: The Government did not release any update report on the topic concerned afterwards)

¹²³ Society for Community Organization, Children’s Rights Association. (19 November 2017). Survey on the impact of Low Income Family Allowance on poverty eradication for children in poverty. https://soco.org.hk/wp-content/uploads/2014/10/review-LIFA_2017_11_19.pdf

¹²⁴ Society for Community Organization, Children’s Rights Association, Hong Kong College of Chiropractors Foundation. (November 2024). Survey Report on Housing Environment and Spinal Health of Children and Adolescents in Inadequate Housing. https://soco.org.hk/wp-content/uploads/2014/10/SoCO-survey-report-on-the-living-condition-and-spinal-health-of-the-in-adequately-housed-children-and-youth_17-Nov-2024.pdf

¹²⁵ Hong Kong Housing Authority (2023). General Eligibility Criteria for Public Rental Housing for Ordinary Families. <https://www.housingauthority.gov.hk/en/flat-application/application-guide/ordinary-families/index.html>

living in Hong Kong. At the end of June 2022, the Housing Authority froze around 8,800 public housing applications as they had not fulfilled the seven-year residency rule.

They have to dwell in private housing cubicles with an average living space per person less than 30 square feet, the smallest was 10 square feet. They have poor hygiene, unsafe vicinity, heavily polluted environment.

6. Rehousing for the children from cross-border families under the Basic Housing Unit Ordinance

The government introduced a new law: The Basic Housing Unit Ordinance to set the standard of basic housing and get rid of poor condition housing. However, those children whose parents have no Hong Kong Identity Card, will have no adult to help them apply for rehousing. Contributing organisations report cases in which families were unable to access rehousing support because existing eligibility criteria could not be met. Many of these children are in challenging conditions: Hong Kong parents passed away or divorced, or never officially get married, a Mainland parent holding a visiting document to Hong Kong to take care of them only, or both parents have no Hong Kong Identity Card..., etc. These parents cannot work in Hong Kong, and it is difficult for them to apply for welfare, so these children always live in absolute poverty and they can only afford to reside in places with very poor living conditions.

Recommendations for realizing the right to a decent standard of living for deprived children

1. The Government should introduce an official poverty line to monitor poverty situations and formulate relative poverty alleviation policies and measures.
2. A comprehensive review should be conducted to examine child poverty followed by poverty indicators and anti-child poverty formulation.
3. The public housing provision should be increased
4. Cash Allowance Trial Scheme should be regularized to provide continuous financial support for low-income households while waiting for public rental housing
5. Priority scheme for public housing allocation should extend
6. The supply of transitional housing and light public housing should be increased and should provide more units in urban areas.
7. There should be a rehousing policy for the children from cross border families under the Basic Housing Unit Ordinance.

Measures to protect children from substance abuse (art. 33)

Drug trend among youth

Available data indicate ongoing concerns regarding youth drug use, particularly in relation to cannabis. According to the 2017/2018 Survey of Drug Use among Students 2017-2018¹²⁶, there was an increase in the prevalence of lifetime drug taking students. The lifetime prevalence rate of drug taking among students was 2.5% and the number was estimated to be 17,800. Moreover, statistics from the Central Registry of Drug Abuse of Narcotics Division (2019)¹²⁷ showed that there was a

¹²⁶ Narcotics Division, Security Bureau, The Government of The Hong Kong Special Administrative Region, 2019, nd.gov.hk/en/survey_of_drug_use_17-18.htm

¹²⁷ Narcotics Division, Security Bureau, The Government of The Hong Kong Special Administrative Region, 2019,

substantial increase in the number of cannabis abuse, especially among young people aged under 21.

Since some overseas countries have legalized the recreational use of cannabis, some young people have been arguing that cannabis is not harmful. The traditional publicity and anti-drug messages which only emphasized the harm of cannabis was not convincing. The government's anti-drug publicity strategies should be reviewed on how to target the new generation and conduct effective prevention education.

Responding to the student drug problem, the school-based drug testing scheme has been launched since 2011. The scheme was controversial and had been seriously criticized during its consultation period. As a result, the Government renamed it as "Healthy School Programme with a Drug Testing Component" and students were voluntary to join the drug test. Since 2011, no student was found to have abused drugs under the scheme. Given that no positive cases have reportedly been identified through the programme since implementation, an independent evaluation of effectiveness may be warranted. Besides, the Government should put more other efforts in education to prevent students from taking drugs.

Parental substance abuse

In the past few years, some serious child maltreatment and child death cases as a result of parental substance abuse occurred in Hong Kong.¹²⁸ The issue has attracted much public attention and there has been an increase of recognition of the harms caused to children by parental substance abuse.

The "Procedural Guide for Handling Child Abuse Cases" was recently revised in 2020 and more attention has been paid on the risk of parental substance abuse. However, how to enhance child protection should not merely rely on the procedural manual.

The Comprehensive Child Development Service (CCDS) is aimed to identify varied needs of at risk pregnant women, children and families at an early stage. However, from the revelation of some drug cases' reports, substance use of pregnant women may remain unidentified in some cases. Contributing organisations observe that workforce pressures of midwives may limit opportunities for comprehensive assessment of psychosocial risk factors during antenatal care. In order to achieve the aim of early identification, it is important to enhance the screening ability of midwives and strengthen the manpower of CCDS. Moreover, at an antenatal period, intensive support through home visits by experienced midwives could produce significant benefits for the child and parents.

Conventional drug treatment services with limited programme approaches and modes of delivery were unable to address the diverse and complex needs of those families with substance abuse behaviours. There were some special projects funded by Beat Drug Fund to provide various support programs for these families. However, they were all time-bound projects which lasted for only a few years. A long term specialized drug treatment service with vision should be set up to provide comprehensive support to these high risk families.

When children are found to be unsuitable in the care of their parents with substance abuse behaviours, they will require out-of-home care services. Very often they have to wait for a long time due to the insufficient provision of child placement. The child placement should be increased to

https://www.nd.gov.hk/en/crda_main_charts_and_tables.htm

¹²⁸ "Disabled boy died after mother and boyfriend smoked Ice while feeding him milk, Hong Kong inquest hears", South China Morning Post, 24 February 2017, <https://www.scmp.com/news/hong-kong/law-crime/article/1916189/disabled-boy-died-after-mother-and-boyfriend-smoked-ice>

safeguard the safety of those children in vulnerable situations.

There was no specific data collection on parental substance abuse in Hong Kong. We could not understand the situation in a holistic view. Without clear data, it is difficult to formulate a suitable service plan to tackle the problem and then to protect the high risk children. Different reporting systems should contribute their data. First and foremost, the item regarding the number of children under the care of people with substance abuse behaviours should be added into the Central Registry of Drug Abuse system of the Narcotics Division. CCDS and Child Abuse Registry System should also report the number of parents with substance abuse behaviours identified and the number of child abuse cases related to parental substance abuse.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Rest, play, leisure, recreation and cultural and artistic activities (art. 31)

Children in Hong Kong lack of sleep and rest (The Boys' and Girls' Clubs Association of Hong Kong)

According to recommendations from the National Sleep Foundation, children aged 3-5 need 10-13 hours of sleep, those aged 6-13 require 9-11 hours, and teenagers aged 14-17 should get 8-10 hours. A survey conducted by The Boys' & Girls' Clubs Association of Hong Kong in March 2017, which interviewed 1,499 individuals, revealed that among children aged 6-17, only 27% got 8-9 hours of sleep each night, while 19.5% got 7-8 hours. On average, children aged 15-17 slept only 6.72 hours per day, significantly below the recommended levels. Overall, children in Hong Kong generally do not get enough sleep, typically lacking 1 to 2 hours, with adolescents facing even more severe deficits. The survey also indicated that less sleep correlates with lower happiness levels. On a scale of 10, children who slept less than 6 hours a night had a happiness index of only 5.99, while those who slept 11-12 hours had a happiness level of 8.05—a difference of 2.06 points.

The 2022 Active Healthy Kids Hong Kong Report indicates that less than half (42%) of children and adolescents in Hong Kong, averaging 12.3 years old, meet the recommended sleep duration. This evidence highlights the urgent need to address sleep deprivation, which adversely affects children's happiness and development.

Despite the recognized importance of rest and leisure, many children in Hong Kong face significant barriers that impede their rights. Research indicates that over 50% of children from low-income families study in bed, lacking adequate space for play and learning. This lack of a child-friendly environment is a significant concern.

In economically challenging circumstances, parents often prioritize their children's academic success. Research and practitioner observations suggest that academic pressures may contribute to reduced opportunities for rest, leisure, and recreation. Many parents may feel compelled to emphasize academics over leisure, potentially limiting time available for rest and leisure. This can lead to burnout in children, who may experience overwhelming stress and anxiety.

Recommendations:

1. Expand public and parent education regarding children's need for sleep, play, and leisure.
2. Promote balanced development approaches within schools.
3. Increase community access to safe and child-friendly recreation spaces.
4. Integrate wellbeing indicators into child-development policy.

SPECIAL PROTECTION MEASURES

Children outside their country of origin seeking refugee protection, unaccompanied asylum-seeking children, internally displaced children, migrant children and children affected by migration (art. 22)

Transition to adulthood: Support for children aging out of childhood legal and social welfare protections (Equal Justice)

Children especially those experiencing poverty, those suffering from neglect or abuse, those with care obligations, those whose immigration status - both their national status, if any, and their HKSAR visa status - is precarious, those unaccompanied and/or asylum-seeking children whose claims suddenly transition from family claims into individual adult claims, internally displaced children, migrant children and children affected by migration, collectively ‘**Vulnerable Children**’ (art.22).

For Vulnerable Children, the sudden loss of child-focused protections without a corresponding transition plan or pathway can lead to being excluded from tertiary education, employment, and housing; and, fundamentally being excluded from reaching their potential. There is a real risk of them facing increased risks of social exclusion, unemployment, housing insecurity, and interrupted education.

No Formal Transition-to-Adulthood Framework: Hong Kong does not have a dedicated policy or statutory framework to support Vulnerable Children as they approach adulthood. Upon turning 18, young people generally lose access to child-focused services and enter the adult claimant system without a structured transition or support plan. **Recommendations:** Establish formal transition frameworks and support for Vulnerable Children approaching 18 years of age. Require individualized transition planning to begin at least 18 months before a young person reaches adulthood. Ensure transition plans address education, housing, legal status, healthcare, psychosocial wellbeing, and future livelihood opportunities.

Limited Access to Higher Education and Vocational Pathways: While Vulnerable Children generally can, and do, access primary and secondary education, there is no comprehensive framework guaranteeing access to tertiary education, vocational training, scholarships, or career pathways beyond secondary school. Young people find themselves alone and often rely on NGOs and charitable initiatives to help navigate these barriers. **Recommendations:** Remove the information and administrative barriers that can conspire to prevent certain Vulnerable Children from accessing post-secondary education. Create dedicated scholarship, bursary, and vocational training programmes for young people transitioning to adulthood. Ensure equal access to careers guidance, apprenticeships, and skills-development opportunities from age 16 onwards.

Lack of Housing and Independent-Living Support: There is no dedicated housing pathway or independent-living support scheme for Vulnerable Children approaching adulthood. Many remain

reliant on limited humanitarian assistance or NGO support. **Recommendations:** Introduce supported accommodation and/or transitional housing programmes for Vulnerable Children leaving child-focused services. Ensure no young person becomes homeless or destitute as a result of turning 18. Provide independent-living skills programmes, including financial literacy, tenancy support, and access to essential services.

Absence of a Right to Work and/or Pathways to Self-Sufficiency: Most non-refoulement claimants are prohibited from working, even after reaching adulthood, which significantly restricts their ability to become productive members of society. For those who arrived in HKSAR as babies or young children, this makes their life difficult since they need to, often alone, suddenly navigate student visa and scholarship applications in the only place they have ever lived. **Recommendations:** Consider pathways that support young adults who have spent substantial portions of their childhood in Hong Kong to pursue education, training, and lawful livelihood opportunities. Expand access to internships, vocational placements, and employment-readiness programmes. Ensure that young people are not trapped in prolonged dependency due to immigration-related restrictions.

Inadequate Access to Independent Legal Advice During Legal Status Transition: Although legal assistance is available through the Duty Lawyer Service and a few NGOs, there is no dedicated legal-transition service for children approaching adulthood. Vulnerable Children often require advice on immigration status, education, housing, documentation, and future options. **Recommendations:** Guarantee access to independent legal advice for all asylum-seeking and non-refoulement-claimant youth before and after turning 18. Provide age-appropriate legal information and adulthood transition counselling. Ensure legal representation is available for matters affecting education, housing, work authorization, and immigration status.

We invite the Committee to recommend that Hong Kong SAR establish a comprehensive ‘transition-to-adulthood framework’ for vulnerable children approaching adulthood ensuring they understand their new rights and duties in relation to their access to tertiary education, vocational training, housing, healthcare, independent legal advice and pathways to self-sufficiency beyond the age of 18, in accordance with the best interests of the child and the evolving capacities of young people.

Administrative barriers affecting asylum-seeking children’s access to rights (Hong Kong Society for Asylum-Seekers and Refugees)

According to the Immigration Department, there are around 900 asylum-seekers/non-refoulement claimants who are under the age of 18 in Hong Kong as of February 2020 (personal communication, February 3, 2020)¹²⁹.

Article 22 states that the government has the duty to protect children seeking asylum. However, people seeking asylum in Hong Kong are not permitted to lodge non-refoulement claims for as long as their visas are valid. Current procedures may result in individuals remaining in Hong Kong beyond the expiry of their visas before they are able to pursue protection claims. (Loper 2013¹³⁰; Ng, 2019¹³¹). This way of placing non-refoulement claimants in an irregular immigration status allows the HKSAR government to create barriers to the exercise of certain rights and services.

¹²⁹ Our NGO sent an email to the Immigration Department to request for statistics on non-refoulement claims and received a reply on February 3, 2020.

¹³⁰ Loper, K. (2013). Prospects for refugee rights in Hong Kong: Towards the legalization and expansion of protection from refoulement. In A. Francis & R. Maguire (Eds.), *Protection of refugees and displaced persons in the Asia Pacific Region* (pp. 75–93). Surrey and Burlington: Ashgate.

¹³¹ Ng, I. (2019). Criminalizing the innocents: social exclusion of asylum-seekers and refugees in Hong Kong. *Journal of Asian Public Policy*, 1-14.

With respect to Article 22, the following will show that the HKSAR government has put in place administrative obstacles that prevent asylum-seeking children from enjoying the rights the UNCRC endows them with. Stakeholders have expressed concerns regarding coordination between relevant agencies - between the government and NGOs and between the various departments within the government. Moreover, NGO requests for meetings with the competent authorities have occasionally been rejected.

Education

Children with asylum-seeker status, regardless of whether they were born in Hong Kong, must obtain a **“no objection letter”** from the Education Bureau, which will check with the Immigration Department about the residential status of the children, before they or their caretakers can start applying to primary schools or kindergartens.

In essence, the current system in Hong Kong ironically requires asylum-seeking children to seek the approval of the HKSAR government to enjoy a right they are entitled to according to the UNCRC. Given the high demand for places at renowned schools, such unjustifiable administrative delays put these children at a social and educational disadvantage right from the outset—that is, if they even manage to obtain a “no objection letter” in the first place.

Children are most prone to having their right to enter schools withheld from them if their parents are caught in administrative limbo. Our NGO has handled several such cases, including that of an Indian asylum-seeker in 2019 who had applied to return home two years earlier. On these grounds, the Immigration Department had initially refused to allow his child of four to go to school in Hong Kong, only granting their approval after two years of negotiation.

Another case is Alia (pseudonym), who is attending kindergarten (K3) in Hong Kong and whose non-refoulement case is attached to her mother’s case. They have undergone all the legal procedures and their case has been concluded. Thus, according to their case officer at the Immigration Department, they no longer have a case in Hong Kong. Her younger sister Bonnie (pseudonym) has a separate non-refoulement case which is not attached to her mother’s case. The Immigration Department rejected Bonnie’s non-refoulement case, so her mother applied for judicial review for Bonnie. A few months later, Alia would need to move on to primary school. However, the case officer told her mother that she had to add Alia’s name into Bonnie’s judicial review application because Alia would not have a case otherwise, preventing her from applying to primary school in Hong Kong, even though every child is entitled to receive free education in Hong Kong. Alia’s name was later added to Bonnie’s judicial review application and she was given approval by the Immigration Department to be admitted to primary school in Hong Kong.

This red tape and legally abetted indifference to children’s right to education applies equally to disabled children. Take Louise and Luis (pseudonym), a pair of twins diagnosed with global developmental delay who needed specialised therapy and training in speech and other skills from an early age. They were barred from receiving this training, however, for as long as a “no objection letter” from the Immigration Department was not forthcoming, this despite repeated queries on the case by the family, social workers, and our NGO. Our NGO later raised this issue at the Legislative Council public hearing attended by government officials from the Immigration Department and Social Welfare Department, and the letter was only issued after over six months—a great deal of precious time lost from the perspective of child development and growth, which goes against the principle of the best interest of the child.

Even after enrolling in school, further hurdles await these children. Most notably, because of their asylum-seeker status, they are required to **report to the Immigration Centre** during their operating hours on a weekly or monthly basis; the dates are pre-determined and non-negotiable. A school-going asylum-seeker like Jenny (pseudonym) has to sign in every Tuesday. She is forced to skip classes to do this, as the Immigration Centre closes for the day by the time school ends at 5 p.m. Aside from constituting discrimination that may compromise the self-esteem of asylum-seeking children, this legal stipulation ignores their learning needs and significantly disrupts their participation at school.

Obtaining access to higher education at universities, community colleges or through diploma courses is likewise a problem. Asylum-seekers in local tertiary education are considered international students by default, even if they may have been born in Hong Kong. Alex (pseudonym) is now 17 and preparing for his school-leaving examinations (Hong Kong Diploma of Secondary Education Examination (HKDSE)). However, his prospects are bleak at best. Even if he receives outstanding scores in all his subjects, he will not be able to afford a university education unless he secures a scholarship or sponsorship, as annual tuition fees for asylum-seeking students can amount to a staggering HK\$100,000. Not only will this mean less potential talent for Hong Kong's workforce, but such deliberate social and economic marginalisation of asylum-seekers and their children, some of whom have long assimilated into local society, may drive them into poverty and even crime.

Livelihood

The HKSAR government legally does not provide this right for children with asylum-seeker status who have received early education in Hong Kong. *According to the Immigration Ordinance Article 38AA outlined in Hong Kong legislation, non-refoulement claimants in Hong Kong - subjects of a removal order - are prohibited from their right to employment.* For the majority, children achieve this status because of their parents' legal status. Given that the child seeking asylum is not the child of a parent with Hong Kong citizenship, the child can be at risk of statelessness, and their rights are hence violated from birth by Hong Kong's legislation. Though a child may have lived all his life in Hong Kong, he or she would be deprived of the right to work, a basic necessity for social and financial independence and civic participation. From all assessable aspects, this vicious cycle deprives these children of an adequate livelihood.

This is true for Alex (pseudonym) (as mentioned above), a 17-year-old boy who will soon graduate from high school in Hong Kong. Through Hong Kong's legislation on employment for those subject to a removal order (*Immigration Ordinance Article 38AA*), Alex is not allowed to look for employment nor join any businesses [nor is he able to receive college education once he graduates from high school due to exceedingly high costs (discussed in the Education section)], regardless of whether he is paid or unpaid. Not only do these restrictions hinder Alex's potential for the workforce, but they also eliminate most opportunities for Alex to achieve a livelihood like those of his school peers.

Recommendations:

- The Government should lift the reservation in the UNCRC on matters relating to immigration issues at the soonest so that asylum-seeking and refugee children can enjoy the same protection as a child who holds established status in the legal sense in Hong Kong.
- The UNCRC should be incorporated into the domestic legislation of Hong Kong without delay. (i.e. This was a recommendation raised in the 5th Universal Periodic Review and the recommendation has been accepted by the HKSAR government.)
- Asylum-seeking children (i.e. like Alex) should be entitled to employment once they reach the legal working age to allow them unleash their potential and improve their livelihoods.

The use of children in drug trafficking in Hong Kong

In Hong Kong, children involved in the drug trade have often been labeled as criminals or mules, overlooking their status as *victims* of systemic exploitation, human and drug trafficking by professional criminals who groom them for their drug trade.

1. Drug sentencing stance in Hong Kong disproportionately affects children

Drug sentencing under Hong Kong's Cap. 134 Dangerous Drug Ordinance reflects a zero-tolerance stance towards narcotics and drug-related activities¹³². This policy means that the personal circumstances of those who are arrested, including the question of intent, or whether they are children, matter little when deciding on culpability. Statistics indicate that the incidence of serious drug offenses has remained alarmingly high, with 853 cases reported in 2023^{133 134}. The zero-tolerance stance disproportionately impacts children, some as young as 14 years old, who tend to be least informed, least able to afford legal protection, and with arguably the most to lose.

2. Children are easy targets for the drug trade

Young individuals are often drawn into drug trafficking, through offers of free drugs which can lead to active addiction and a cycle of exploitation within the drug trafficking chain. The systematic targeting of the most vulnerable populations (notably children but also refugees, illegal immigrants, and members of poorer social classes) forces them into two detrimental situations: first, by binding them to the drug trade, and second, by rendering them vulnerable to further exploitation and/or imprisonment.

3. Minors' lack of consent in drug trade constitutes human trafficking

The involvement of minors in drug activities might qualify as human trafficking, a crime recognised internationally. The Palermo Protocol provides a comprehensive and multilayered definition of it in Article 3¹³⁵. The involvement of minors in drug trafficking thus raises critical concerns regarding consent and the potential classification of drug-related quick money schemes as human trafficking. Such a scenario prompts the question: *Do children possess abilities to escape these traps?*

¹³² The Government of the Hong Kong Special Administrative Region. (30 November 2021). Government has zero tolerance policy towards dangerous drugs. Press Releases. <https://www.info.gov.hk/gia/general/202111/30/P2021113000550.htm>

¹³³ Hong Kong Police Force. (n.d.). *Crime statistics comparison*. Crime Statistics Comparison | Hong Kong Police Force. https://www.police.gov.hk/ppp_en/09_statistics/csc.html

¹³⁴ Ibid.

¹³⁵ OHCHR (n.d.-a). Protocol to prevent, Suppress and Punish Trafficking in Persons Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime | OHCHR. [ohchr.https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons](https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons)

Inherent vulnerability of children to drug trade: a socioeconomic perspective

Children exposed to the drug trade face a significant vulnerability, as they often lack the ability to make informed decisions and assess the risks involved. Individual stories of child victims attest to the role of socioeconomic background in critically drawing them into the drug trade, often rooted in unstable environments marked by poverty, familial drug abuse, and a history of substance use¹³⁶. Governmental data from 2016 supports this claim further, showing higher rates of narcotic use in economically disadvantaged areas like Sham Shui Po, Kwun Tong, and Yau Tsim Mong¹³⁷. Exposure to drug consumption thus not only contributes to the desensitization to the risks associated with drug consumption and possession, but it may push children further into drug trafficking – an environment where they will be exposed to high-risk situations at the lowest level work¹³⁸. Additionally, law enforcement reports from Hong Kong for 2021-2022 indicate that 64% of arrests involving minors were made under serious drug offenses charges – 15% higher than the arrest ratio for adults¹³⁹. By 2023, statistics on the proportion of young drug trafficking arrests to all drug offense arrests showed a higher likelihood of children to be arrested on trafficking and possession claims, rather than manufacturing or consumption¹⁴⁰, effectively confirming the role of children as mere *tools*, and thus, *victims* of the drug trade.

The reproduction of inequality¹⁴¹ for children involved in the drug trade highlights the need for a deeper understanding of their status, which could extend to that of victims of human trafficking – as per the Palermo Protocol. It's crucial to recognize that these children are not merely making poor choices; they are navigating an environment fraught with challenges that is designed to cloud their judgment and coerce them into exploitation.

Child scapegoats victims of drug trade chains

To address the broader issue of the drug trade, it is important to highlight that drug trafficking in Hong Kong poses significant risks, with severe legal consequences even for mere possession. For instance, trafficking of 3 kilograms of cocaine often results in a prison sentence of 24 to 30 years¹⁴² – a penalty

¹³⁶ Gietel-basten, S.A., & Liu, Tong. (2019). A Multilevel Analysis of the Demography of Drug Abuse in Hong Kong. https://www.nd.gov.hk/pdf/BDF/170062_Full_Report_en.pdf

¹³⁷ Ibid.

¹³⁸ Bruce D. Johnson, Joseph A. Kotarba, & Jennifer L. Fackler. (25 May 2010). *Journal of Ethnicity in Substance Abuse*. Macro-Level Social Forces and Micro-Level Consequences: Poverty, Alternate Occupations, and Drug Dealing. <https://www.tandfonline.com/doi/abs/10.1080/15332641003772611>

¹³⁹ Jacobs, J. (5 July 2023). *Youth drug abuse: Serious drug offences in Hong Kong*. Pacific Prime Hong Kong's Blog. <https://www.pacificprime.hk/blog/drug-abuse-youth-hong-kong/>

¹⁴⁰ Number of young people aged under 21 committing drug offences and the proportion of them among all arrested for drug offences in past decade. (n.d.-b).

https://gia.info.gov.hk/general/202401/31/P2024013100482_447264_1_1706686312422.pdf

¹⁴¹ Nunn, A., & Tepe-Belfrage, D. (2019). Social reproduction strategies: Understanding compound inequality in the intergenerational transfer of capital, assets and resources. *Capital & class*, 43(4), 617-635.

¹⁴² Community Legal Information Centre (CLIC). (n.d.). *Sentencing guidelines for trafficking in cocaine*. Trafficking in cocaine. https://www.clic.org.hk/en/topics/offences_related_to_dangerous_drugs/trafficking_in_dangerous_drugs/what_are_possible_punishments/trafficking_in_cocaine

more stringent than that for manslaughter¹⁴³. In 2022, the penitentiary population of Hong Kong reflected this stark reality, with 55% of inmates being drug-related offenders, followed by 30% convicted of murder or manslaughter, and the remaining 15% involved in other serious offenses¹⁴⁴. The high incidence of drug-related convictions¹⁴⁵ fostered dangerous dynamics within correctional facilities, where the means to secure early release often at the expense of the most vulnerable individuals. Children are misled and coerced into becoming scapegoats for professional drug traffickers, while enabling traffickers high up in the drug-chain to mitigate their own sentences by strategically providing “tip-offs” with the police.

This situation highlights a critical tension between viewing children as criminals or as victims. Without the capacity to choose, comprehend, or consent, children fall victims of both drug and human trafficking.

Recommendations

1. **Education and awareness:** Implement programs in schools to educate youth about the dangers of drug trafficking and the tactics used by traffickers;
2. **Law enforcement training:** Train law enforcement on recognizing signs of youth exploitation and trafficking, ensuring they can effectively intervene;
3. **Support services:** Provide accessible mental health and counseling services for at-risk youth to address underlying issues such as poverty and trauma;
4. **Policy and legislation:** Enact legislation to criminalize human trafficking and consider specific provisions for protecting minors in drug-related crimes, such as giving them a defense that they were exploited.

CONCLUSION

Hong Kong has made important progress in advancing children's wellbeing since the last review cycle. Positive developments highlighted in this report include the establishment of the Commission on Children, the implementation of the Mandatory Reporting of Child Abuse Ordinance, expansion of specialised family support and co-parenting services, continued improvements in healthcare and breastfeeding promotion, and growing efforts to create more inclusive educational, recreational, and community environments for children.

At the same time, the evidence submitted by participating organisations, informed by research, professional practice, casework experience, and the views of children and young people, indicates that significant implementation challenges remain. Across diverse policy areas, contributors

¹⁴³ HKSAR v Sin Kwai-ching (2004) HKCU (1292) (CACC 176/2004, 2 November 2004, unreported): 15 years' imprisonment as the starting point for a case 'close to the borderline between murder and manslaughter'

¹⁴⁴ Correctional Services Department. (23 February 2023). *Press release*. Correctional Services Department Annual Review 2022. https://www.csd.gov.hk/english/news/news_pr/20230223.html

¹⁴⁵ Hong Kong Police Force. (November 2024). *Census and Statistics Department*. Table 940-92031 : Persons arrested for crime by type of offence, age group and sex. https://www.censtatd.gov.hk/en/web_table.html?id=940-92031

identified recurring concerns regarding the consistent application of the best interests of the child, unequal access to opportunities and services, barriers faced by vulnerable groups of children, gaps in early intervention and prevention measures, and the need for stronger mechanisms to ensure that children's views are meaningfully considered in decisions that affect them.

Several cross-cutting priorities emerge from this report. First, there remains a need to strengthen the integration of children's rights principles across legislation, policy development, administrative decision-making, and service delivery. Second, children would benefit from more systematic opportunities to participate in shaping the policies, programmes, and environments that affect their lives. Third, greater attention is required to addressing disparities experienced by children living in poverty, children with disabilities, children in alternative care, and children whose immigration or residency circumstances create additional vulnerabilities. Finally, improved collection, coordination, and use of child-focused data would support evidence-based policymaking and more effective monitoring of outcomes for children.

The organisations contributing to this report recognise the efforts already undertaken by the HKSAR Government, public institutions, schools, professionals, communities, and families to improve children's wellbeing. We believe that continued dialogue and collaboration among government, civil society, professionals, parents, and children themselves will be essential in advancing implementation of the Convention.

This report is submitted in that spirit. It seeks to contribute constructively to Hong Kong's ongoing efforts to realise the rights of all children and to support the development of laws, policies, services, and practices that enable every child to survive, develop, participate, and thrive. We respectfully invite the Committee to consider the evidence and recommendations presented and to support further progress towards the full implementation of the Convention on the Rights of the Child in Hong Kong.

~ End of report ~