

PUBLIC ENGAGEMENT ON THE ESTABLISHMENT OF A COMMISSION ON CHILDREN

SUBMISSIONS

Introduction

1. The Chief Executive in her 2017 Policy Address announced that the Government plans to set up a Commission on Children in mid-2018 to amalgamate the effort made by relevant bureau/departments and child concern groups, and focus on addressing children's issues as they grow. A public engagement exercise was carried out during the period of November 2017 to February 2018 on the establishment of a Commission on Children with its preliminary proposals released for views.
2. The Law Society of Hong Kong has reviewed the preliminary proposals for the establishment of a Commission on Children and has the following comments.

Comments

3. Our view is all along that it is vital to protect our children in Hong Kong. As a party to the United Nations Convention on the Rights of the Child (UNCRC), Hong Kong needs to fulfill its obligation to protect and ensure the rights of children at both the local and international level. The establishment of a Commission on Children is long overdue.
4. We have over the past years pressed the Government for a Commission on Children, which must be an independent entity whose sole interest is that of our children, and is not vested with any third party interests, which may otherwise influence its role or cause its priority to be displaced. The Commission should have its own staff and secretariat with a full time commissioner whose job is to

ensure children's rights are addressed and protected.

5. We appreciate the Government eventually takes steps in setting up a Commission on Children in Hong Kong, though not independent from the Government. We could identify the following priorities that a Commission on Children should, as a start, focus on:

- *Raising the Awareness of Children's Rights*

Some of our children face unacceptable levels of abuse, neglect or violence. Child poverty, which forms a barrier to children development, also causes concern. A comprehensive review on the child related policies and services should be carried out with a view to protect children's holistic well-beings including physical, psychological, social and economic well-being.

- *Building a children's central databank*

It is desirable to conduct and centralise research and analysis, to include carrying out children's rights impact assessments and examining any proposed law/policy in a structured manner to determine its potential impact on children.

- *Promoting child-focused thinking*

Government or organizations working with or on behalf of children should be encouraged to be more child-focused by gathering children's views and listen to their voices. It is only with a change of mind-set, children would have a right to participate in decision that affect them. This helps making decisions that are in the best interests of the child.

6. Proposals for the establishment of a Commission on Children must seek to secure the best possible outcome to protect children and support families in Hong Kong.

7. In terms of funding, the Commission on Children should have its own office with its own budget and staff strive to monitor any actions concerning children.

8. There are approximately 1.1 million children in Hong Kong, and yet it appears that sometimes their views have not adequately been recognized when making decisions that affect them. We consider that in a long run, the Government should realize an independent Commission on Children with its own mandate as

recommended by the UNCRC; otherwise it is ineffective and it fails to achieve the purpose of an independent monitoring body enabling the voice of children to be heard.

The Law Society of Hong Kong
27 February 2018