

**Minutes of the
Social Welfare Advisory Committee (SWAC) Meeting**

**30 July 2024 (Tuesday) at 10:00 a.m.
Conference Room 4, G/F, Central Government Offices**

Present

Mr Lester Garson HUANG (Chairman)
Mr Frederick LAI Wing-hoi
Dr LAM James Joseph
Ms Alice LAU Oi-sze
Mr Francis NGAI Wah-sing
Dr PAN Pey-chyou
Dr Ricky SZETO Wing-fu
Dr Rizwan ULLAH
Mr John WONG Chung
Prof Frances WONG Kam-yuet
Mr Barry WONG Man-sing

In Attendance

Labour and Welfare Bureau (LWB)

Ms Alice LAU	Permanent Secretary for Labour and Welfare
Mr David LEUNG	Deputy Secretary for Labour and Welfare (Welfare) 1
Mr CHONG Wing-wun (For discussion of item 2 only)	Deputy Secretary for Labour and Welfare (Welfare) 2
Mr Tony YIP	Principal Assistant Secretary for Labour and Welfare (Welfare) 1
Ms Rachel KWONG (For discussion of item 1 only)	Acting Principal Assistant Secretary for Labour and Welfare (Children)

Ms Karen TING Assistant Secretary for Labour and Welfare
(Welfare) 1B
(Secretary to SWAC)

Mr Adams WONG Executive Officer (Welfare) 1A

Miss Sharon LAM Executive Officer (Welfare) 1B

Social Welfare Department (SWD)

Miss Charmaine LEE Director of Social Welfare

Ms Wendy CHAU Assistant Director of Social Welfare (Family
(For discussion of item 1 and Child Welfare)
only)

Ms Jenny YAN Assistant Director of Social Welfare (Elderly)
(For discussion of item 2
only)

Health Bureau (HHB)

Ms Jocelyn CHAN Assistant Secretary for Health 3C
(For discussion of item 1
only)

Education Bureau (EDB)

Ms Candy CHAN Principal Education Officer (Special
(For discussion of item 1 Education)2
only)

Absent with apologies

Prof BAI Xue

Dr CHEUNG Sze-wing

Mr Andy HO Wing-cheong

Ms Anthea LEE Shuk-wai

Dr Wingco LO Kam-wing

Prof Petrus NG Yat-nam

Ms Rebecca TSAI Ching-yu

Ms Eva WONG Ching-hung
Ms Wendy YUEN Miu-ling

Item 1: Preparation for the Implementation of the Mandatory Reporting Regime of Suspected Child Abuse Cases

At the Chairman's invitation, the Government briefed Members on the paper. The Chairman then invited Members to offer comments.

2. Members expressed appreciation for the enactment of the Mandatory Reporting of Child Abuse Ordinance (the Ordinance), which would enhance protection for children. Members made the following suggestions on the preparation for the commencement of the Ordinance in 18 months –

(a) *The Mandated Reporter Guide (the Guide) and Training*

- i. Apart from physical abuse and sexual abuse, the Guide should cover scenarios involving neglect and psychological abuse for reference of the professionals.
- ii. The Guide should provide clear illustration of the reporting timeframe “as soon as practicable”.
- iii. The Guide and training materials should make clear that it is the professionals’ personal liability to make a report under the legislation and that no internal administrative guidelines of the institutions which employ the mandated reporters should inhibit or obstruct the making of reports.
- iv. The Guide should provide guidance on the reporting obligation in scenarios where more than one mandated reporter discovered the cases.
- v. It is important to promote the training for mandated reporters working in non-governmental organisations (NGOs) not receiving Government subvention.
- vi. While Hospital Authority had more resources for providing training for their staff, healthcare professionals in private practice were usually in lack of such resources and knowledge, and hence, adequate training should be given to them.

(b) Other support measures

- i. It would be helpful for the Government to set up a dedicated hotline and online platform to answer queries, in addition to providing training for professionals.
- ii. While the two new residential child care centres would be for young children, additional service places should also be provided for older children.
- iii. Apart from mandatory reporting of child abuse cases, identification of high-risk groups, as well as provision of supportive measures to relieve the emotional distress of caregivers and prevent potential abuse cases were also essential.

3. The Government thanked Members for their views, and made the following responses –

- i. In response to the potential conflicts between codes of conduct of the professional bodies and the legislation, the Government would remind the professional bodies/ organisations to review their relevant codes of conduct and make amendments as necessary to ensure that consistency with the requirements of the new legislation, and to assist the professionals concerned in fulfilling their statutory obligations.
- ii. No one, including the supervisor of a specified professional, should wilfully inhibit or obstruct a specified professional from making a report to the Authority. Offenders would be liable to the same penalties as with the non-complying specified professionals.
- iii. In anticipation of a potential substantial increase in the demand for emergency placement of children upon the commencement of the new legislation, the Government has embarked on increasing residential child care service places as well as strengthening support and training for foster families.
- iv. SWD would develop more training modules for dissemination via Child Protection Online Training, in

collaboration with relevant government bureaux/ departments next year.

- v. The legislation was passed after extensive and thorough discussion with the relevant stakeholders in the social welfare, education and healthcare sectors. The policy objective is to cast a wide protective web for children through collaboration with the professionals who have frequent contacts with children, and to send a strong deterrent to potential perpetrators as their abusive behaviour would be easily exposed.
- vi. There would be an 18-month transitional period between enactment and commencement of the legislation. During this period, the Government would make all the necessary preparations, including providing training for professionals to enhance their knowledge and skills in handling suspected child abuse incidents, and taking forward promotional campaigns on child protection to enhance public awareness.
- vii. Taking the opportunity of the commencement of the legislation, the Government would encourage NGOs and relevant professional bodies to review and update their internal administrative guidelines and professional codes of conduct as necessary.
- viii. To prevent child abuse, the Government would also embark on education on positive parenting to help foster a healthy parent-child relationship.
- ix. The Guide was expected to be ready in the 2nd half of 2025 and briefing sessions would be conducted for specified professionals to facilitate their understanding of the legislation and the use of the Guide before the implementation of the Ordinance.

4. The Chairman remarked that the new legislation would be drive a change of attitude towards reporting of child abuses in the society. He believed that the smooth implementation of supporting measures, including training, public education, prompt follow-up action by the Authority, would be keys to success in achieving the objective of enhancing protection for children.

Item 2: Special Scheme to Import Care Workers for Residential Care Homes

5. At the Chairman's invitation, the Government briefed Members on the Government's arrangements for providing additional quotas under the Special Scheme to Import Care Workers for Residential Care Homes (the Special Scheme). The Chairman then invited Members to offer comments.

6. Members generally agreed that providing additional quotas under the Special Scheme could help alleviate the manpower shortage at residential care homes (RCHs). They raised the following questions/suggestions –

(a) Staff training and protection

- i. Some local RCH staff reflected that imported care workers (CWs) were not familiar with the work routine and practices of local RCHs. NGOs might need to arrange additional training courses for them. A Member enquired whether the Government would monitor such training courses to ensure their quality.
- ii. Members appreciated that there were support measures to assist imported CWs in understanding their labour rights in Hong Kong, and that a pilot support scheme had been launched to assist them in adapting to the new environment. A Member expressed concern over whether there was any mechanism to protect the rights of imported CWs in case their employers violated labour laws or mistreated them.
- iii. A Member also enquired whether the resignation arrangement of imported CWs would be the same as that of local CWs.

(b) Protecting local employment

- i. A Member enquired about the employment ratio between local, overseas and Mainland CWs.
- ii. It was understood that the utilisation of new quotas would depend on actual needs of the RCH sector.

- iii. Some Members expressed concerns that the continuous importation of CWs would affect the employment opportunities of local CWs. The Government should pay attention to the quotas of imported CWs and closely monitor RCHs to ensure that they could only import non-local CWs when local recruitments had been conducted but were unsuccessful in filling the vacancies.

(c) Retaining staff

- i. The Government should conduct surveys to understand why RCHs could not attract local staff to join, so as to have a more comprehensive understanding of how to retain staff in the RCH sector.
- ii. Some Members considered that the tedious and obnoxious job nature, the less favourable work environment as well as heavy workload held young local workers back from joining the RCH sector, and even if they joined, it was difficult to retain them despite on-going incentives such as bonuses and voluntary contract renewals after retirement age.
- iii. The Government should assist in setting out standard job descriptions of RCHs employees at different levels with a view to facilitating RCHs' manpower planning and employment.

(d) Others

- i. Apart from demand analysis, a Member enquired about the estimated number of CWs joining the RCH sector.
- ii. Some Members enquired if any reviews had been conducted on the previous rounds of applications under the Special Scheme.
- iii. The Government should also consider setting up dedicated surveys for both local and imported CWs to appraise each other in terms of performance and work attitude with a view to encouraging them to achieve better teamwork and co-operation in the workplace.

7. The Government thanked Members' views and suggestions, and made the following responses –

- i. Manpower shortage was seen in different sectors, and there was competition among sectors to attract and retain talents. The nature of the RCH sector made it less appealing in attracting new blood. Therefore, there was an urgent need to import CWs so as to alleviate the pressure of local RCHs.
- ii. When projecting the future demand for CWs, the Government had taken into consideration the existing vacancies of CWs and information collected in a new round of manpower projection. The Government would make timely adjustments to the overall quota, as well as the allocation of quota in each batch to respond flexibly and swiftly to changes in the supply of and demand for CWs in the RCH sector.
- iii. The Special Scheme upheld the principle of safeguarding the employment opportunity of local CWs, while imported CWs would only serve as a supplement to the sector. It was noted that the importation of CWs could relieve the work pressure of local CWs and help retain the latter.
- iv. The Government had long been attaching great importance to attracting local new blood to work in the RCH sector. There were different employment support schemes, trainings and job fairs which aimed at encouraging the youth to join the sector. The Government was also reviewing the promotion prospects of RCH staff so as to render such jobs more attractive and competitive to young locals.
- v. The Government had always been and would continue to keep a watchful eye on the RCHs seeking to import CWs under the Special Scheme in order to apprehend the latest employment situations of imported CWs.

8. The Chairman thanked Members for their views, and invited the Government to consider Members' comments.

SWAC Secretariat
August 2024