

**WOMEN'S COMMISSION**  
**Notes of the Meeting held on 15 August 2019**

<u>Present:</u>	Ms CHAN Yuen-han Miss Leonia TAI	(Chairperson) Permanent Secretary for Labour and Welfare (Acting) /Deputy Secretary for Labour and Welfare (1)/Labour and Welfare Bureau (LWB)
	Professor Cecilia CHAN Ms Susanna CHIU Ms Angelina KWAN Mrs Emily LAM HO Ms Melaine LEE Ms Elaine LO Ms Scarlett PONG Dr Loletta SO Ms WONG Siu-wah Mrs Viola WONG HO Ms PANG Kit-ling	Representative of the Director of Social Welfare / Assistant Director (Family & Child Welfare), Social Welfare Department
<u>Absent with Apologies:</u>	Ms Mary HUEN Professor Shirley HUNG Dr Kevin LAU Miss Yolanda NG Ms Melissa PANG Ms Rigam RAI Ms Michelle TANG Miss Sherry TSAI Mr Walter TSUI Ms Yvonne YEUNG	

	Ms Judy CHUNG	Principal Secretary (Constitutional & Mainland Affairs)5, Constitutional & Mainland Affairs Bureau
<u>In attendance</u>	Miss Agnes CHEUNG	Principal Secretary (Welfare) 2/LWB
	Mr Huggin TANG	Assistant Secretary (Welfare) 2A (Secretary)/LWB
	Mr Edwin CHAU	Assistant Secretary (Welfare) 2C/LWB
	Mrs Annie CHAN	Chief Executive Officer (Welfare)2/LWB
For Agenda Item 1	Mr Stephen HUNG	Member of Sub-committee on Causing or Allowing the Death of a Child or Vulnerable Adult, Law Reform Commission
	Dr Philip BEH	Member of Sub-committee on Causing or Allowing the Death of a Child or Vulnerable Adult, Law Reform Commission
	Ms Louisa NG	Senior Government Council, Law Reform Commission
For Agenda Item 2	Mr Daniel FONG	Principal Secretary (Manpower)/LWB
	Ms Cecilia CHAN	Senior Statistician (Manpower)/LWB
	Mr Eric LEE	Principal Economist, Office of the Government Economist of the Financial Secretary's Office
	Mr Jonathan NG	Senior Statistician (Household and Income Statistics), Census and Statistics Department

For Agenda Ms Karen SHING  
Item 3

Principal Assistant  
Secretary (Welfare) 1  
(Acting)/LWB

## **Confirmation of the notes of last meeting**

1.1 The Chairperson and Members confirmed the draft notes of last meeting held on 15 May 2019 without any amendment.

### **Item 1: Consultation Paper: Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult (WoC 09/19)**

1.2 With the aid of a powerpoint presentation, Mr Stephen HUNG and Dr Philip SL BEH, members of the Law Reform Commission's (LRC) Sub-committee on Causing or Allowing the Death of a Child or Vulnerable Adult (the Subcommittee), briefed Members on LRC's consultation paper. The consultation paper proposed the introduction of a new type of "culpable bystander" offence of failure to protect a child or vulnerable person where the child's or vulnerable person's death or serious harm was resulted from an unlawful act or neglect. The meeting noted that while there might be the view that the proposed offence could potentially undermine the bystander's right of silence, it aimed to strike a proper balance between protecting children / vulnerable persons and safeguarding the relevant legal right.

1.3 A few Members were concerned about the liability imposed under the proposed offence on the staff who had a duty of care to the victim in an institution, e.g. a school or a residential care home for the elderly. A Member asked whether

reporting the risk of serious harm to a supervisor in the institution who did not have duty of care to the victim would be regarded as taking reasonable step hence a defense in law. A Member opined that what constituted a reasonable step to be taken by a frontline staff should take into account his/her position in the management hierarchy of the institution. The meeting noted that under the proposed offence, it would be a matter for the prosecutor to prove beyond reasonable doubt that the defendant failed to take steps that could reasonably be expected to have been taken by him/her in the circumstances to protect the victim. In the case where a child or a vulnerable person was seriously injured by an unlawful act, the prosecutor would have to prove that the person who had duty of care to the victim willfully neglected the risk of harm/death. Accident was outside the scope of the proposed new law. While some situations faced by a female defendant in her household, e.g. she was a victim of domestic violence, might not be regarded as a defense in law, these might be considered by the court as mitigating factors. The Subcommittee was invited to take into account in its final report the gender perspective in considering the proposed offence given the often unequal power dynamic within a household, and the unique situation of women who are themselves often the victims of domestic violence.

1.4 Some Members were concerned about the scope covered by the proposed offence. On this, the meeting noted that an adult victim of domestic violence or a student bullied by his/her fellow student(s) would not be regarded as victims under the proposed offence, and a volunteer helper in an institution who

did not have duty of care would not be caught by the proposed offence.

1.5 The meeting noted that under the proposed offence a child meant a person under 16 years of age. There were currently different definitions of a child in terms of age limit in the laws of Hong Kong. The Subcommittee welcomed views on the legal age limit of a child under the proposed offence.

1.6 The meeting noted that the three-month consultation period of LRC's proposals would end on 16 August 2019. In view of the complexity and wide impact of the proposed offence, the Chairperson suggested that the Subcommittee consider extending the consultation period to allow more time for members of the public to study and discuss LRC's proposals.

## **Item 2: Key Findings of Manpower Projection to 2027 (WoC 10/19)**

2.1 With the aid of a powerpoint presentation, Miss Leonia TAI, Deputy Secretary for Labour and Welfare (1)/LWB (DS(1)), briefed Members on the key findings of Manpower Projection to 2027 (MP2027).

2.2 A Member asked if MP2027 took into account the gender pay gap and the longer longevity of women. DS(1) replied that Manpower Projection (MP) was a periodic exercise at the macro level with a view to assessing the broad trends of Hong Kong's future manpower supply and requirements for the medium term.

Sex disaggregated statistics that reflected the situation of women and men in major economic and social spheres, including employment earnings, demographic characteristics, and education and training characteristics, were compiled by the Census and Statistics Department (C&SD) on an annual basis. The Government bureaux and departments might also conduct thematic studies to look into specific issues, such as the consultancy study to be conducted by LWB on considerations and difficulties of women in choosing whether or not to work.

2.3 A Member opined that MP in the future should also project the manpower requirements of domestic helpers in view of their roles in unleashing employment potential of local women who would otherwise have to stay home for family obligations. In response to a Member's enquiry on the methodology in projecting the training/retraining needs, Ms Cecilia CHAN, Senior Statistician (Manpower)/LWB, explained that the sources of information included a MP-related Establishment Survey involving 5,900 establishments of various economic sectors to collect employers' views on their current and future manpower needs and a territory-wide Household Survey on the need of job-related training/retraining as expressed by the employees themselves.

2.4 In view of the fast-changing economic landscape and keen competition from other cities, the Chairperson and several Members were concerned with the Government's policy planning in attracting talents, providing education and training,

and releasing potential labour force. They opined that the Government should take a proactive role in developing several industries such as innovation and technology industries and cultural and creative industries. DS(1) and Mr Daniel FONG, Principal Assistant Secretary for Labour and Welfare (Manpower)/LWB, replied that MP2027 had particularly projected the manpower requirements of selected industries with good potential for further driving the development of Hong Kong's economy, and most of such industries were projected to grow at a rate faster than that of the whole economy. A high-level Human Resources Planning Commission (the Commission) under the chairmanship of the Chief Secretary for Administration had been set up to formulate co-ordinated human resources strategies for developing Hong Kong further into a high value-added and more diversified economy. One of the Government initiatives was to attract high quality talents through the introduction of the Talent List of Hong Kong.

**Item 3: Suggestions on the Agenda and Priorities of Family, Child and Youth Welfare Services for 2020 -21 (WoC 11/19)**

3.1 With the aid of a powerpoint presentation, Ms Pang Kit-ling, Assistant Director (Family and Child Welfare), Social Welfare Department (AD(FCW)), briefed Members on the suggestions on the agenda and priorities of family, child and youth welfare services for 2020-21.



3.2 Noting that the Government was going to launch “the Assistance Programme to Improve the Living Environment of Low-income Subdivided Unit Households” (the Programme) through the Community Care Fund, a Member opined that the application procedures should be streamlined as much as possible. AD(FCW) responded that the Hong Kong Council of Social Service would help coordinate the applications under the Programme, and the Government would use existing data platforms, such as that of the Comprehensive Social Security Assistance, to verify the eligibility of the applicants with a view to expediting the processing procedures. Another Member commented that many tenants of subdivided units were paying higher electricity bills than those charged by the electricity companies. She suggested that the Government consider restricting the landlords from charging higher electricity fees than what was required by the electricity companies by legislative means.

3.3 A Member was concerned if the manpower supply of registered social workers would be adequate to support various Government initiatives. She mentioned the recent difficulties faced by individual organisations in recruiting experienced social workers. AD(FCW) responded that the Government had been keeping close contact with academic institutions in forecasting the overall manpower demand of registered social workers. There was enough supply of registered social workers to fill new posts created by various Government initiatives. The difficulties of recruitment might be partly due to the availability of more job choices.

3.4. Noting the Government's initiatives in enhancing the service quality of Neighbourhood Support Child Care Project (the Project) and encouraging more volunteers to serve as child carers, the Chairperson and another Member opined that the provision of child care services in the community was still far from enough. The Government should endeavour to increase the provision by various means such as land use planning and land sale conditions. Child carers who were employed rather than as volunteers received higher remuneration and were better protected by insurance coverage. AD(FCW) responded that the aim of the Project was to supplement in a flexible manner the provision of child care services in the neighborhood in addition to the services provided by child care centres. Under the Project, all volunteers received training and were supervised by non-governmental organisations (NGOs). Their service quality was closely monitored and regularly evaluated. The Government would not lose sight of the need of long term planning of the provision of child care services.

3.5 A Member suggested that the Government consider increasing resources to Integrated Family Services Centres operated by subvented NGOs to create more supervisory posts. A Member suggested that the Government solicit support in donation and volunteers from business sectors and international NGOs for helping the vulnerable population. A Member pointed out that there was resistance from some of the parents of students with special educational needs in receiving rehabilitation services in school setting as the parents might be

worried about the labelling effect on their children. AD(FCW) noted Members' views.

**Item 4: Labour and Welfare Bureau's Consultation on Women Issues for the 2019 Policy Address (WoC 12/19)**

4.1 After discussion, the Chairperson and Members in general supported the proposed arrangement of the three consultations sessions on women issues for the 2019 Policy Address to be conducted by LWB as set out in WoC 12/19.

**Item 5: Secretary's Report (WoC 13/19)**

5.1 The Secretary reported that LWB had issued invitations of consultancy proposals on studying the considerations and difficulties of specific groups of women in choosing whether or not to work and the incentives that could attract them to join the labour force. Members were also notified and encouraged to attend the meeting with the Secretary for Food and Health to be held on 22 August 2019.

**Item 6: Any Other Business**

6.1 The next meeting would be held on 15 November 2019 tentatively. There being no other business, the meeting was adjourned at 5:30 p.m.

**Women's Commission Secretariat  
October 2019**