

立法會
Legislative Council

LC Paper No. CB(2)1160/2023

(These minutes have been
seen by the Administration)

Ref : CB2/BC/4/23

Bills Committee on Mandatory Reporting of Child Abuse Bill

**Minutes of the fourth meeting
held on Saturday, 25 November 2023, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon TANG Ka-piu, BBS, JP (Chairman)
Hon Stanley LI Sai-wing, MH, JP (Deputy Chairman)
Hon SHIU Ka-fai, JP
Hon CHU Kwok-keung
Dr Hon TIK Chi-yuen, SBS, JP
Dr Hon David LAM Tzit-yuen
Hon Dennis LEUNG Tsz-wing, MH
Hon Kenneth LEUNG Yuk-wai, JP
Hon Judy CHAN Kapui, MH, JP
Hon Lillian KWOK Ling-lai
Revd Canon Hon Peter Douglas KOON Ho-ming, BBS, JP
Hon TANG Fei, MH
Hon LAI Tung-kwok, GBS, IDSM, JP
- Members absent** : Hon Elizabeth QUAT, SBS, JP
Hon Doreen KONG Yuk-foon
- Public Officers attending** : Item I
Labour and Welfare Bureau / Social Welfare Department

Mr HO Kai-ming, JP
Under Secretary for Labour and Welfare

Ms Jeanne CHENG
Principal Assistant Secretary for Labour and Welfare
(Children)

Ms Wendy CHAU Fung-mui
Assistant Director of Social Welfare (Family and Child
Welfare)

Education Bureau

Ms Mandy HO Mo-ki
Principal Assistant Secretary (Special Education)

Health Bureau

Mr Derek LEE Tung-yan
Principal Assistant Secretary for Health 3

Hospital Authority

Ms Priscilla POON
Chief Manager (Allied Health)

Dr Sara HO
Chief Manager (Patient Safety and Risk Management)

Department of Justice

Mr Wallance NG Long-ting
Senior Government Counsel
Law Drafting Division

Mr Albert HSU Ming-hon
Government Counsel
Law Drafting Division

Attendance by : Hong Kong Paediatric Society
invitation

Prof Patrick IP

Hong Kong Dental Association

Dr Irista-bianca WONG
Member

Medical Conscience

Dr PONG Chiu-fai
Member

Council of Hong Kong Academy of Medicine

Prof Gilberto LEUNG Ka-kit
President

Hong Kong Occupational Therapy Association

Ms FONG Siu-lai
Vice chairperson

The Pharmaceutical Society of Hong Kong

Mr Dick SUNG
President

Department of Health Dental Therapist Association

Mr LUK Kam-shing
Chairman

Hong Kong College of Community Health Practitioners

Dr TONG Kar-wai
Academic Convener

The Association of Hong Kong Nursing Staff

Ms HO Ka-weng
Education Officer

Hong Kong Institute of Clinical Psychologists

Dr Sandra TSANG Kit-man
Chairperson, Professional Council of Hong Kong

Sin Hua Herbalists' & Herb Dealers' Promotion Society

Miss WONG Shuk-yi
Youth Committee Member

Chiropractors Council

Ms Valerie CHU Kok-yan
Chairman

Union of Hong Kong Speech Therapists (Medical)

Miss FONG Wing-sze
Chairman

Hong Kong Institute of Speech Therapists

Dr NG Ho-ye
Chairperson

Hong Kong Clinical Psychologists Association

Dr Edwin CHIN

Hong Kong Social Association Medical Social Work Branch

Ms Karre CHUNG Ka-po
Social Work Officer

Hong Kong College of Emergency Medicine

Dr WONG Chun-yin
Council Member

College of Nursing Hong Kong

Ms Ellen KU Wai-yin
President

The School of Nursing, The Hong Kong Polytechnic
University

Dr Joyce CHUNG
Assistant Professor

The Chiropractic Doctors' Association of Hong Kong

Dr Eric CHU Chun-pu
Chairman

Tung Wah College

Prof Alex CHAN Chi-keung
Dean

Hong Kong Association of Educational Psychologists

Mr CHOI Poi-ki

The Hong Kong Academy of Nursing Limited

Ms MA Po-king
Council Member

The Society of Hospital Pharmacists of Hong Kong

Mr William CHUI Chun-ming
President

The College of Surgeons of Hong Kong

Dr CHAN Hau-yee

The Hong Kong Society of Professional Optometrist

Mr LAM Man-hoi
Vice President

Clerk in attendance : Ms Joyce KAN
Chief Council Secretary (2) 3

Staff in attendance : Ms Clara WONG
Assistant Legal Adviser 4

Ms Catherina YU
Senior Council Secretary (2) 3

Ms Ling IP
Legislative Assistant (2) 3

Mr Kent CHAN
Clerical Assistant (2) 3

Action

I. Meeting with representatives from relevant professional bodies and the Administration

[File Ref: LWB CR CoC/8-3/1, LC Paper Nos. LS 44/2023, CB(3)455/2023, CB(2)685/2023(01) to (03), CB(2)745/2023(01), CB(2)830(01) to (02) and CB(2)981(01) to (02)]

The Chairman welcomed representatives of the Administration and the deputations attending the meeting to provide their views on the Mandatory Reporting of Child Abuse Bill (“the Bill”). He reminded all deputations that their written submissions to the Bills Committee and their views presented at the meeting would not be covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

2. The Bills Committee deliberated (index of proceedings attached at **Appendix**).

3. The Bills Committee received oral representations on the Bill from 25 deputations and received 11 written submissions from deputations regarding the Bill.

II. Any other business

4. There being no other business, the meeting ended at 11:29 am.

(Post-meeting note: The next meeting of the Bills Committee would be held on Friday, 1 December 2023 from 9:00 am to 11:00 am.)

Council Business Division 2
Legislative Council Secretariat
19 December 2023

**Proceedings of the fourth meeting of the
Bills Committee on Mandatory Reporting of Child Abuse Bill
held on Saturday, 25 November 2023, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
Agenda item I - Meeting with representatives from relevant professional bodies and the Administration			
<u>000342</u> - <u>000628</u>	Chairman	Opening remarks	
<u>000629</u> - <u>001043</u>	Administration	Briefing on the Mandatory Reporting of Child Abuse Bill (“the Bill”) by the Administration.	
<u>001044</u> - <u>001402</u>	Hong Kong Paediatric Society	Presentation of views	
<u>001403</u> - <u>001702</u>	Hong Kong Dental Association	Presentation of views [LC Paper No. CB(2)1064/2023(02)]	
<u>001703</u> - <u>002010</u>	Medical Conscience	Presentation of views [LC Paper No. CB(2)1074/2023(01)]	
<u>002011</u> - <u>002335</u>	Council of Hong Kong Academy of Medicine	Presentation of views	
<u>002336</u> - <u>002640</u>	Hong Kong Occupational Therapy Association	Presentation of views [LC Paper No. CB(2)1058/2023(01)]	
<u>002641</u> - <u>002951</u>	The Pharmaceutical Society of Hong Kong	Presentation of views	
<u>002952</u> - <u>003326</u>	Department of Health Dental Therapist Association	Presentation of views [LC Paper No. CB(2)1066/2023(02)]	
<u>003327</u> - <u>003648</u>	Hong Kong College of Community Health Practitioners	Presentation of views [LC Paper No. CB(2)1064/2023(01)]	
<u>003649</u> - <u>004007</u>	The Association of Hong Kong Nursing Staff	Presentation of views [LC Paper No. CB(2)868/2023(01)]	
<u>004008</u> - <u>004338</u>	Hong Kong Institute of Clinical Psychologists	Presentation of views	

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<u>004339</u> - <u>004446</u>	Sin Hua Herbalists' & Herb Dealers' Promotion Society	Presentation of views	
<u>004447</u> - <u>004652</u>	Chiropractors Council	Presentation of views	
<u>004653</u> - <u>004926</u>	Union of Hong Kong Speech Therapists (Medical)	Presentation of views	
<u>004927</u> - <u>005250</u>	Hong Kong Institute of Speech Therapists	Presentation of views [LC Paper No. CB(2)1058/2023(02)]	
<u>005251</u> - <u>005553</u>	Hong Kong Clinical Psychologists Association	Presentation of views	
<u>005554</u> - <u>005927</u>	Hong Kong Social Association Medical Social Work Branch	Presentation of views [LC Paper No. CB(2)1074/2023(02)]	
<u>005928</u> - <u>010113</u>	Hong Kong College of Emergency Medicine	Presentation of views	
<u>010114</u> - <u>010345</u>	College of Nursing Hong Kong	Presentation of views	
<u>010346</u> - <u>010522</u>	The School of Nursing, The Hong Kong Polytechnic University	Presentation of views	
<u>010523</u> - <u>010834</u>	The Chiropractic Doctors' Association of Hong Kong	Presentation of views	
<u>010835</u> - <u>011057</u>	Hong Kong Association of Educational Psychologists	Presentation of views	
<u>011058</u> - <u>011328</u>	The Hong Kong Academy of Nursing Limited	Presentation of views	
<u>011329</u> - <u>011611</u>	The Society of Hospital Pharmacists of Hong Kong	Presentation of views	

Time marker	Speaker	Subject(s)/Discussion	Action Required
<u>011612</u> - <u>011923</u>	The College of Surgeons of Hong Kong	Presentation of views	
<u>011924</u> - <u>012308</u>	The Hong Kong Society of Professional Optometrist	Presentation of views [LC Paper No. CB(2)1066/2023(01)]	
<u>012309</u> - <u>014149</u>	Chairman Administration	<p>Clarification on whether the Administration had invited all professionals covered under the proposed mandatory reporting regime (“MRR”) to provide input to the Mandated Reporter Guide (“the Guide”).</p> <p>Enquiry about the views of physiotherapists, medical laboratory technologists, radiographers, midwives and dietitians (“the professionals concerned”) on the proposed MRR received by the Administration.</p> <p>The Administration explained the objectives of the Bill of ensuring early detection and intervention into serious child abuse cases; the justifications for proposing different categories of professionals as mandated reporters for creating a wide protection web for children; the types of suspected serious child abuse cases required reporting; the major views raised by the professionals concerned on the proposed MRR during the two rounds of the stakeholders engagement conducted by the Administration in 2021 and 2022 respectively; training on identification and reporting of suspected child abuse cases provided for mandated reporters; and the existing reporting mechanism as delineated in the Protecting Children from Maltreatment –Procedural Guide for Multi-disciplinary Cooperation “Procedural Guide”) jointly drawn up by the Social Welfare Department (“SWD”) and relevant departments/organizations.</p> <p>The Administration advised that the formulation of the Guide would be conducted in three stages. In Stage 1, professionals and key service providers of the social welfare, education, and healthcare sectors were widely invited to provide views and concerns over reporting of suspected child abuse/neglect cases under different circumstances. In Stage 2, three professional consultative panels (“the Panels”), each in the social welfare, education and healthcare sectors, would discuss the input received and incorporate the stakeholders’ views for preparation of the skeleton document of the Guide. In Stage 3,</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>the Panels would continue discussions to finalize the Guide, ensuring timely briefings for the sectors.</p> <p>The Administration explained the measures adopted by the Hospital Authority (“HA”) to assist healthcare professionals in determining if a suspected child abuse case had already been reported, thus avoiding duplicate reporting.</p>	
<p><u>014150</u> - <u>014742</u></p>	<p>Revd Canon Peter Douglas KOON Administration</p>	<p>Expressing concerns about the board range of job natures proposed under MRR for healthcare professionals, and the pressure they might face due to the possibility of double penalties (such as professional disqualification and imprisonment) if they failed to comply with the proposed mandatory reporting requirement.</p> <p>The need to seek mandated reporters’ views on the Guide before its publication and introduce a trial period before implementation of the Bill (if passed), allowing mandated reporters to familiarize with the proposed MRR.</p> <p>The need to reconsider whether the proposed MRR would truly serve the best interests of children.</p> <p>The Administration advised that the Guide would be provided for mandated reporters before the implementation of the proposed MRR so that briefings on the Guide for professional bodies/service providers in their respective sector could take place well ahead of the commencement of the Ordinance.</p>	
<p><u>014743</u> - <u>015344</u></p>	<p>Ms Lillian KWOK Administration</p>	<p>The need to step up publicity and briefings on the proposed MRR before its implementation.</p> <p>The need to draw up a dedicated Guide each for the social welfare, education and healthcare sectors, provide clear definitions of “serious child abuse cases” and “psychological abuse” to avoid non-reporting or over-reporting of suspected child abuse cases and speed up the formulation of the Guide.</p> <p>Suggestion of establishing a statutory accreditation system for healthcare professionals covered under the proposed MRR which were currently not subject to statutory registration.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Whether there was a need to include counselling professionals as mandated reporters.</p> <p>The Administration explained that individuals who did not have the statutory duty to report suspected serious child abuse cases were encouraged to make a report according to the prevailing practice.</p>	
<p><u>015345 - 015920</u></p>	<p>Dr David LAM Administration</p>	<p>Enquiry about how should mandated reporters make reports of suspected serious child abuse cases when the perpetrators' identities were unknown.</p> <p>Whether mandated reporters would be held criminally liable for not reporting suspected serious child abuse cases if their co-workers had already reported such cases.</p> <p>The Administration explained that mandated reporters should make a report if, during the course of their work, they had reasonable grounds to suspect that a child had been suffering serious harm or was at real risk of suffering serious harm.</p>	
<p><u>015921 - 020257</u></p>	<p>Mr CHU Kwok-keung Administration</p>	<p>Enquiry about the effective ways to identify psychological abuse.</p> <p>The need to strengthen the training on identification of psychological abuse cases for mandated reporters.</p> <p>The Administration explained clause 4(3) of the Bill which provided examples of an act or omission that might cause serious harm, including psychological harm to a child.</p>	
<p><u>020258 - 021012</u></p>	<p>Mr LAI Tung-kwok Administration</p>	<p>The need for the Administration to provide a clear definition of the prerequisites for reporting suspected serious child abuse cases in clause 4 of the Bill, specially addressing concern about the timing of when reports must be made.</p> <p>Views that the paper on "Child protection policy and procedures" published by the New South Wales government provided clear definitions of terms, such as "suffering serious harm", "reasonable ground to suspect", etc. in an easily comprehensible manner and the Administration should incorporate the information contained therein as reference in formulating the Guide to ensure clarity and comprehensibility for professionals involved in reporting and handling cases of child abuse.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action Required
<u>021013</u> - <u>021121</u>	Chairman	Invitation of further views from deputations	
<u>021122</u> - <u>021204</u>	Council of Hong Kong Academy of Medicine	Presentation of views	
<u>021205</u> - <u>021313</u>	Hong Kong Occupational Therapy Association	Presentation of views	
<u>021314</u> - <u>021435</u>	The Association of Hong Kong Nursing Staff	Presentation of views	
<u>021436</u> - <u>021613</u>	Chairman Administration	<p>The Administration provided responses to further views expressed by deputations.</p> <p>The Administration explained that mandated reporters were required to make reports of suspected serious child abuse cases under the proposed MRR. For suspected child abuse cases which did not fall within the scope of mandatory reporting, they should follow the existing practice to report with reference to the Procedural Guide.</p>	
<u>021614</u> - <u>021834</u>	Ms Lillian KWOK Administration	<p>Whether the Administration could cope with the substantial increase in the number of reported cases upon the implementation of the proposed MRR.</p> <p>The need to clearly define “suffering serious harm” and “psychological abuse”, draw up a dedicated Guide for each professional sector, encompassing specific scenarios of child abuse cases encountered within those professional sectors, and complete the Guide before the implementation of the proposed MRR.</p>	
<u>021835</u> - <u>021934</u>	Chairman Administration	<p>Whether a dedicated Guide would be drawn up for each professional sector.</p> <p>The Administration explained that both general scenarios and scenarios pertaining to each professional sector would be included in the Guide. The Administration and the Panels would discuss whether specific Guides should be drawn up for different professionals of the three sectors.</p>	
<u>021935</u> - <u>022600</u>	Revd Canon Peter Douglas KOON Administration	Suggestion of refining the definition of “serious harm” by narrowing it down to include immediate life-threatening harm.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Suggestion of setting up a pre-prosecution review body in the form of a statutory body responsible for reviewing non-reported cases before taking any prosecution actions against the mandated reporters who were implicated in those cases.</p> <p>Enquiry about the reporting channels for suspected serious child abuse cases after the implementation of MRR.</p> <p>The Administration explained that currently HA's healthcare professionals were required to follow the Procedural Guide in handling suspected child abuse cases and Multi-disciplinary Case Conferences ("MDCCs") would be conducted to follow up suspected child abuse cases. Cases handled by MDCCs would be reported to SWD or the Police. HA would establish an on-line platform to facilitate reporting of suspected child abuse cases and recording of reported cases after the implementation of MRR.</p>	
<p><u>022601 - 023258</u></p>	<p>Chairman The Association of Hong Kong Nursing Staff The Administration</p>	<p>Summary of deputations' major concerns and views by the Chairman.</p> <p>Sharing of cases where reporters of suspected child abuse cases were suppressed or treated unfairly by their supervisors.</p> <p>The Administration explained that as proposed under clause 9 of the Bill, any person would be prohibited from wilfully inhibiting or obstructing a mandated reporter from making a report.</p>	
<p>Agenda item II - Any other business</p>			
<p><u>023259 - 023334</u></p>	<p>Chairman</p>	<p>Closing remarks</p>	