



# Hong Kong

Special Administrative Region of the People's Republic of China

## Geography

### Capital

N/A

### Global Positioning

Hong Kong is located in Southeast Asia, bordering China and the South China Sea. The climate is described as a subtropical monsoon, with cool, humid winters and hot/rainy summers.<sup>1</sup>

### Major Cities/Urbanisations

Western and Central Hong Kong are still considered to be the largest urbanization in the region, with a population of 7,012,738. The second largest urbanization is Kowloon City, Kowloon, with a population of 2,019,533.<sup>2</sup>

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<sup>1</sup> "The World Factbook: HONG KONG." Central Intelligence Agency. June 27, 2017. Accessed July 06, 2017. <https://www.cia.gov/library/publications/the-world-factbook/geos/hk.html>.

<sup>2</sup> "Biggest Cities Hong Kong." GeoNames. Accessed June 13, 2017. <http://www.geonames.org/HK/largest-cities-in-hong-kong.html>.  
Date of publication unavailable



## People & Society

### Nationality

Chinese and/or Hong Konger  
Ethnic Groups: Chinese 93.1%,  
Indonesian 1.9%, Filipino 1.9%, other  
3% (2011 est.)

### Languages

Cantonese (official) 89.5%, English  
(official) 3.5%, Mandarin (official) 1.4%,  
other Chinese dialects 4%, other 1.6%  
(2011 est.)

### Religions

According to the World Factbook, there  
are a number of (unspecified) local  
religions, accounting for 90 percent of  
the Hong Kong population. Christianity is  
also somewhat prevalent in Hong Kong,  
accounting for the remaining 10 percent.

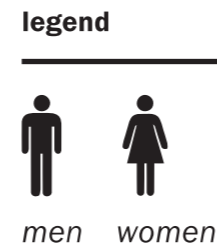
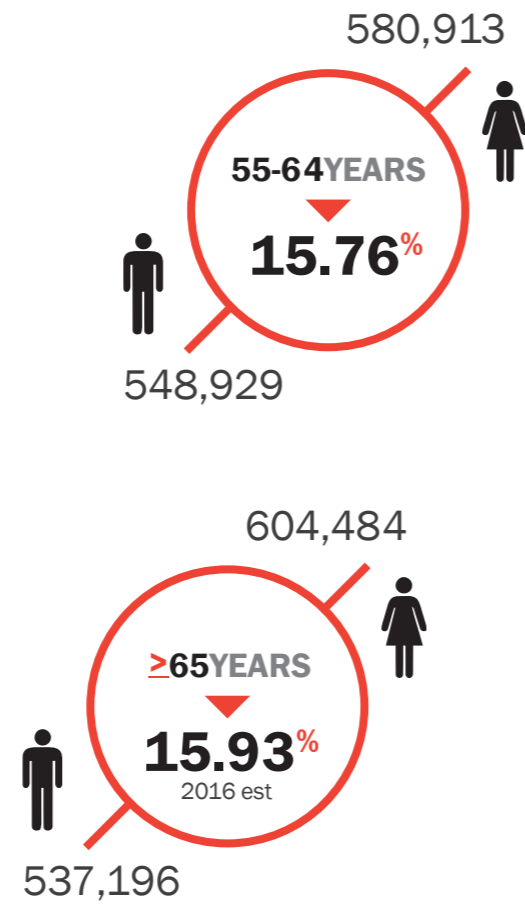
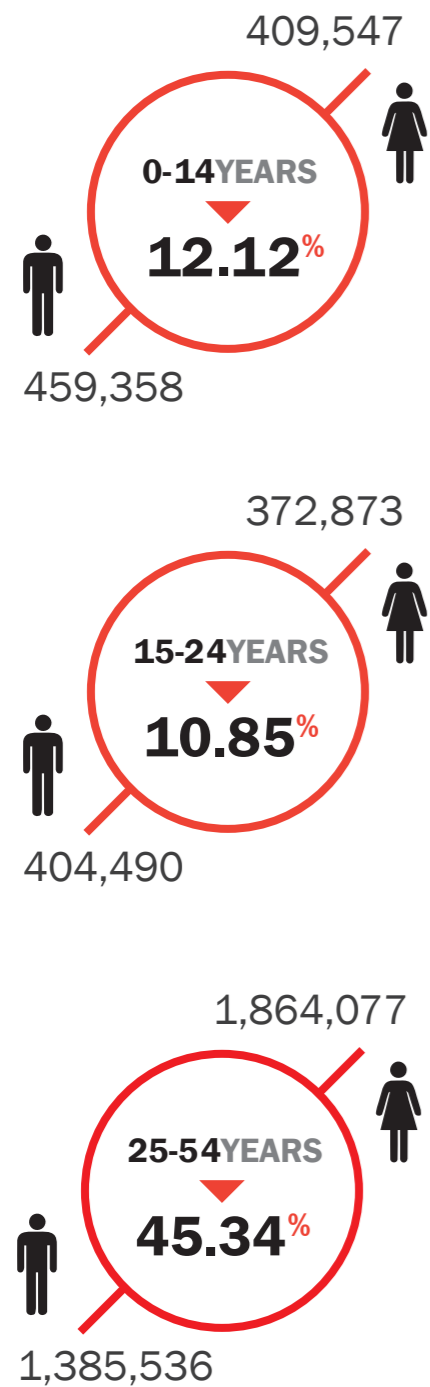
### Population

7.347 million (2016)



# demographics

The age group of men and women throughout the years.



In 2016, the population growth rate was listed at 0.35% (country comparison to the world: 170).



1.4 (per 1000 registered live births)



A legal limit has been placed on birth registration in Hong Kong, which requires that parents register their child(ren) within 42 days of the child's birth. During the first 42 days, the registration process is free of charge. After 42 days, but within the first year of the child's life, parents can still register the child if they pay a fee of HKD140 (USD18 ).<sup>3</sup> After the child's first birthday, the price of registering a child is increased to HKD640 (USD82 ),<sup>4</sup> and the government also requires an explanation as to the lateness of the registration process. Sources state that birth registration is strictly handled by the Immigration Department. Despite the government crackdown on late birth registration, the number of births registered after 42 days rose from 2,525 to 3,054 between 2013 and 2014. The rise in consented post-registration (after 1 year) was less drastic, with 28 unregistered children in 2013 and 32 unregistered children in 2014. The number of normally registered births (within 42 days) increased slightly between 2013 and 2014, with 55,098 registered births in 2013 and 58,236 in 2014. The Immigration Department has not released data concerning the birth registration rate of children under the age of 5.<sup>5</sup>



9.1 births/1,000 population (2016 est.)



82.9 years (total population); 80.3 years (male) / 85.8 years (female) (2016 est.)

<sup>3</sup> Conversion made 04/09/2017  
<sup>4</sup> Conversion made 04/09/2017  
<sup>5</sup> Lam, Lana. "Growing number of parents registering Hong Kong births after legal 42-day limit." South China Morning Post. April 15, 2015. Accessed August 27, 2017. <http://www.scmp.com/news/hong-kong/article/1766558-more-hong-kong-parents-register-their-newborn-babies-later-legal>.

## government type/political stance

Hong Kong is a Special Administrative Region of the People's Republic of China. Following British rule from 1842 to 1997, China assumed sovereignty under the 'one country, two systems' principle. Under the Basic Law i.e. a constitutional document, Hong Kong is guaranteed autonomy for 50 years starting 1997. Despite Hong Kong's autonomy, the region is still dependent on China in areas such as foreign affairs and defence. The system of governance used in Hong Kong is described as being led by a Chief Executive and an Executive Council. The representative government is two tiered with an independent judiciary.

### Head of the region

Chief Executive Carrie Lam (since 1 Jul 2017).

The Chief Executive is elected by the Election Committee, and later appointed by the Central People's Government. His/her primary responsibilities are to implement the Basic Law, oversee the government budget, oversee and sign legal documents, issuing Executive Orders, and policy making. He/she is assisted by the Executive Council throughout the aforementioned decision making processes. According to the Hong Kong Government website, the makeup of the Council includes 16 principal officials and 15 non-official members, all of whom are appointed by the Chief Executive. Members of the Council only serve for the duration of the Chief Executive's term.

The region has appointed the Legislative Council as the main government body in charge of law development. The organization and structure of the Council is described by the government as follows:

“ It comprises 70 members, with 35 elected directly by geographical constituencies and 35 elected by functional constituencies (including five elected by the District Council (second) functional constituency). Apart from its law-making function, the Legislative Council debates issues of public interest, examines and approves budgets, receives and debates the Chief Executive's policy addresses, and endorses the appointment and removal of the judges of the Court of Final Appeal and the Chief Judge of the High Court.

In addition to the Legislative Council, there are also 18 District Councils. In total, the District Council is comprised of 458 members (431 elected members and 27 ex-government officials). The role of the District Councils is particularly important, as they are the government unit(s) in charge of designing and implementing improvement projects – including the promotion of community and cultural activities.

Finally, the Judiciary is described by the Hong Kong government as follows:

“ The Basic Law ensures that Hong Kong remains within the common law system. The judiciary is independent from the legislative and executive branches of government, with the courts showing no bias. For the most serious types of criminal offences, a jury decides whether the accused is guilty or not, with a majority vote required. The Court of Final Appeal is the highest appellate court and is headed by the Chief Justice.<sup>6</sup>

### Is the governing party likely to change in the next election?

The answer to this question is complicated given the current political situation faced by Hong Kong. In 1997, the British relinquished authority over Hong Kong back to China, thus terminating British rule over the region. China signed the 1984 agreement with Britain, which allowed for the current “One country, Two systems” political relationship between Hong Kong and China to form. The agreement stipulated that Hong Kong would be a largely autonomous region of China in all areas other than foreign affairs and defence for 50 years. Since the agreement was made, Hong Kong has developed its own legal system, constitution, rights laws, freedom of speech agreements, and more. However, the structure of the election committee has led to some political disagreements as to the definition of democracy. As the election system currently stands, the chief executive is elected by an election committee of 1,200 members – a majority of which are categorized as being “pro-Beijing.” Pro-Beijing members of the electoral committee can significantly sway the votes towards a candidate that would endanger Hong Kong's autonomy.



China had promised that direct elections for Chief Executive would be implemented by 2017. However, in 2014 China's legislative committee ruled that voters would only be able to vote for political representatives selected by a nominating committee. In keeping with the pro-Beijing electoral committee, the nominating committee would also be pro-Beijing, thus giving China the upper hand and the majority of political control in terms of Hong Kong's leadership. The largely pro-Beijing composition of the electoral and nominating committees also gives China the power to keep any candidate that they do not approve of from running for office. Democracy activists have attempted to raise awareness about the issue by means of marching, protesting and occupying the streets. Student led protests attracted thousands of protestors, ultimately leading to the establishment of a large campsite in the middle of Hong Kong.

This was known internationally as the Umbrella Movement (Chinese: 雨傘運動). However, the police quickly took down the campsite, causing protests to slowly dissolve without any concessions made.<sup>7</sup>

Ultimately, the series of political events and protests led to the election of Carrie Lam in 2017. Lam is widely perceived as Beijing's candidate, thus proving some Hong Konger's suspicions of China's reforms to the electoral system correct. Lam is now positioned to serve a 5 year term in office, but pro-democracy activists and residents of Hong Kong are unlikely to stop protesting the “sham democracy.” In light of these events, it is unclear as to whether there will be a change in the governing party in the next election. The answer to this question depends largely on China's plans for Hong Kong's level of political and economic autonomy.<sup>8</sup>

What are the implications of change to the existing social care set-up? At this juncture, it is difficult to assess the changes that may ensue if China continues to leverage control over Hong Kong. As Carrie Lam's term has only just begun, the motives of China and pro-Beijing advocates remain unclear. The extent of China's aspiration for control over Hong Kong's government affairs is yet to be determined. However, if China continues to heavily influence the government of Hong Kong, it is likely that the existing social welfare departments/systems would be altered based on China's social welfare programmes. In essence, the social welfare system in Hong Kong may begin to mirror that of China.

<sup>6</sup> (www.gov.hk), GovHK. “Government Structure.” GovHK. December 2016. Accessed June 13, 2017. <https://www.gov.hk/en/about/govdirectory/govstructure.htm>.

<sup>7</sup> “Hong Kong's democracy debate.” BBC News. June 18, 2015. Accessed August 29, 2017. <http://www.bbc.com/news/world-asia-china-27921954>.

<sup>8</sup> Haas, Benjamin. “Hong Kong elections: Carrie Lam voted leader amid claims of China meddling.” The Guardian. March 26, 2017. Accessed August 29, 2017. <https://www.theguardian.com/world/2017/mar/26/hong-kong-chooses-new-leader-amid-accusations-of-china-meddling>.

## administrative divisions

Hong Kong is divided into 18 political districts; Central and Western, Eastern, Southern, Wan Chai, Sham Shui Po, Kowloon City, Kwun Tong, Wong Tai Sin, Yau Tsim Mong, Islands, Kwai Tsing, North, Sai Kung, Sha Tin, Tai Po, Tsuen Wan, Tuen Mun, and Yuen Long. District Offices are headed by a District Officer, who acts as the leading political representative of the area. The responsibilities of a District Officer include overseeing the operation of the District Administration Scheme, implementing district-level programmes and services, advocating for and/or promoting resident participation in district affairs, and ensuring that any advice given by the District Council is heeded and followed up. Most importantly, the District Officer's duty is to ensure that cross-sectoral and cross-departmental communication is maintained. Finally, in emergency situations, the District Officer is required to organize emergency relief services and provisions.

District Councils are of the utmost importance to the functionality of the government, as they provide the central government with advice that pertains to specific districts as well as Hong Kong as a whole. District Councils advise the government on the following matters:

- matters affecting the well-being of the people in the district;
- the provision and use of public facilities and services within the district;
- the adequacy and priorities of government programmes for the district;
- the use of public funds allocated to the district for local public works and community activities
- environmental improvements within the district;
- the promotion of recreational and cultural activities within the district; and
- community activities within the district



Each district also has a district management committee that is chaired by a district officer. The committees are comprised of representatives from the main departments within the district. The purpose of the district management committees is to provide a forum for the various departments to discuss current events/issues pertaining to their districts. The forum also allows for increased and improved communication between districts, which may better inform the districts and the central government as to the political reforms or minor changes that would advance Hong Kong as a whole.

Notably, the District Administration Scheme that is currently in operation was only first established and implemented in 1982, while Hong Kong was under British rule. Slight changes to the structural organization of the District Administration Scheme and related government units have occurred since the system was originally established. For a short period of time (1997-1999), district boards were replaced by provisional district boards. Then, in 2000, the provisional district boards were replaced with 18 district councils. During the making and evolution of the district divisions, only two major geographical district changes have occurred. In 1985, the Kwai Tsing District was separated from the Tsuen Wan district, and in 1994 the Yau Tsim District and Mong Kok District combined to become the Yau Tsim Mong District.<sup>9</sup>

<sup>9</sup> "Districts of Hong Kong." Wikipedia. June 06, 2017. Accessed August 29, 2017. [https://en.wikipedia.org/wiki/Districts\\_of\\_Hong\\_Kong](https://en.wikipedia.org/wiki/Districts_of_Hong_Kong).

### Economy

**Gross Domestic Product (GDP)**  
\$320.9 billion USD (2016 est.)<sup>10</sup>

**Real Growth Rate**  
1.4% (2016 est.)

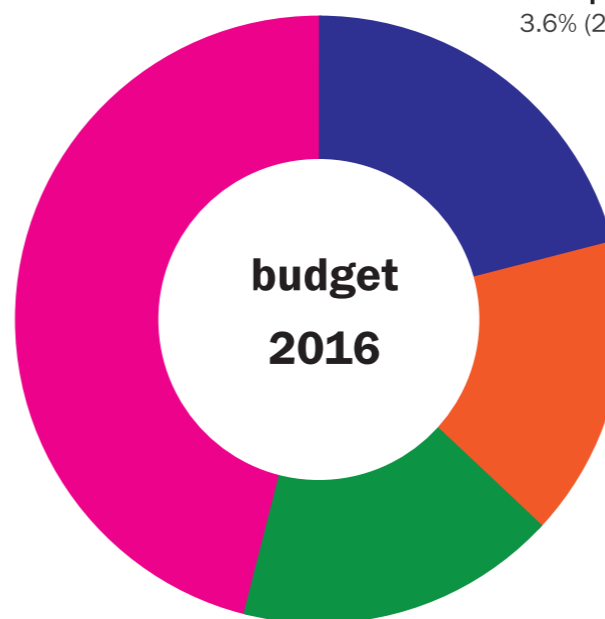
#### Composition by sector

Agriculture : 0.1%  
Industry : 7.2%  
Services : 92.8% (2016 est.)

**Unemployment Rate**  
3.6% (2016 est.)

**Population below Poverty Line**  
19.6% (2012 est.)

**Inflation Rate (CPI)**  
2.6% (2016 est.)<sup>11</sup>



**21%** Education (\$72.5 billion)  
**16%** Health (\$56.4 billion)  
**17%** Social Welfare (\$58.4 billion)  
**46%** Other (\$162.2 billion)

**Budget**  
USD59.09 billion of revenue; USD59.07 billion of expenditures (2016 est.)

According to the Hong Kong Government Budget 2016-2017, the total expenditure on social welfare has increased significantly from HKD58.4 billion(USD7.5 billion) in 2015-2016 to HKD72.4 billion(USD9.3 billion) in 2017. The estimated recurrent expenditure on social welfare for the fiscal year of 2016-2017 amounts to HKD66.2 billion(USD8.5 billion), which is equal to approximately 2.7% of the nominal GDP of 2016. Budget figures for 2016-2017 suggest that social welfare accounts for 19% of recurrent government expenditure, which is a 13.4% increase from the revised budget estimate from 2015-2016. The largest portion

of social welfare expenditure goes towards funding the Comprehensive Social Security Assistance (CSSA) Scheme and the Social Security Allowance Scheme (including services for children with special needs, as well as rehabilitation services for the young and the elderly), accounting for approximately HKD42 mil(USD5.4 mil) of government expenditure. Included in the budget is a HKD2.9(USD370 mil) recurrent expenditure for launching the Low-income Working Family Allowance Scheme in 2016-2017. The Scheme is designed to relieve low-income families from economic stress by way of assisting them with their economic burdens. The Scheme is also constructed in such a way as to meet the needs of

families who do not qualify for the aforementioned CSSA programme, thus providing financial assistance to different demographics. The government of Hong Kong expects the Low-income Working Family Allowance Scheme to reach approximately 200,000 low-income families or a total of 700,000 recipients. Notably, the Scheme is particularly targeted at low-income working families with children, and the Scheme is designed to benefit at least 170,000 children/youth as well as their parents/family as a whole.<sup>12</sup>

**Foreign aid**  
Information unavailable.

**International debt**  
For the year of 2016, the Hong Kong government states that the region had HKD10,313,247 (USD1.3 mil)<sup>13</sup> of international debt.<sup>14</sup>

<sup>10</sup> "Gross Domestic Product." Google. July 21, 2017. Accessed August 27, 2017. [http://www.google.se/publicdata/explore?ds=d5bnepjof8f9\\_&met\\_y=ny\\_gdp\\_mktp\\_cd&idim=country%3AHKG%3ASGP%3AMYS&hl=en&dl=en](http://www.google.se/publicdata/explore?ds=d5bnepjof8f9_&met_y=ny_gdp_mktp_cd&idim=country%3AHKG%3ASGP%3AMYS&hl=en&dl=en).

<sup>11</sup> "The World Factbook: HONG KONG." Central Intelligence Agency. June 27, 2017. Accessed July 06, 2017. <https://www.cia.gov/library/publications/the-world-factbook/geos/hk.html>.

<sup>12</sup> Budget 2016-2017. GovHK. Accessed September 4, 2017. [https://www.budget.gov.hk/2016/eng/pdf/2016-17\\_Media\\_Sheet.pdf](https://www.budget.gov.hk/2016/eng/pdf/2016-17_Media_Sheet.pdf).

<sup>13</sup> Conversion made 04/04/2017

<sup>14</sup> "Hong Kong's External Debt Statistics." Census and Statistics Department. March 23, 2017. Accessed June 13, 2017. <http://www.censtatd.gov.hk/hkstat/sub/sp260.jsp?productCode=B1040004>.

## social care sector .....



The Social Welfare Department of the Hong Kong Government (SWD) is responsible for developing and implementing social services/programmes for persons with disabilities, the elderly, children, youth and families, as well as offenders.<sup>15</sup> The SWD is broken down into 12 headquarter branches:

- |  |   |
|--|---|
| 1) Elderly Branch                                    | 7) Licensing and Regulation Branch                  |
| 2) Family and Child Welfare Branch                   | 8) Administrative Branch                            |
| 3) Rehabilitation and Medical Social Services Branch | 9) Finance Branch                                   |
| 4) Social Security Branch                            | 10) Information Systems and Technology Branch       |
| 5) Youth and Corrections Branch                      | 11) Subventions Branch                              |
| 6) Clinical Psychological Service Branch             | 12) Human Resource Management Branch. <sup>16</sup> |

Family and child welfare services offered by the SWD are delivered and/or provided by NGOs as well as SWD units/agencies/offices. There are 65 Integrated Family Service Centres operated by both the SWD and NGOs across Hong Kong. The SWD states that these services are provided with the objective of strengthening and preserving the family unit. Therefore, the range of services by the SWD and child/family-focused NGOs include counselling, outreach services, family life (and parenting) education, as well as parent-child activities and programmes. In cases where there are abusive family dynamics, child custody disputes, child abuse and/or domestic violence, there are a number of SWD and NGO operated crisis/refuge shelters and intervention support programmes which can be utilised as temporary refuge. For families that may be in need of economic and/or psychosocial support, the SWD and various NGOs have also established short term child care centres i.e. day care, community activities, etc. However, longer term residential care options for vulnerable children (or children in need of special protection) are also made available. Because the SWD is primarily focused on strengthening and preserving the family unit as a whole, long term residential care for children would generally be used as a last resort.

The SWD and NGOs also provide residential and outpatient care programmes for persons (including children) with disabilities. The rehabilitation services offered include special child care day care centres, activity centres, vocational training and supported employment services, small-scale group homes for mildly handicapped children and physically disabled children, and early education programmes. For adults and elderly persons with disabilities, similar programmes and services are offered, such as: on the job training, work extension services, halfway homes and long term residential care, as well as hotels and hostels for persons who are mentally and/or physically handicapped. All residential care facilities for persons with disabilities are licensed and overseen by the Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD).<sup>17</sup>

## institutional care .....

**Boys'/Girls' Hostel; Boys'/Girls' Home with School; Children's Home; Children's Reception Centre; Day Child Care Centres; Foster Care; Small Group Homes (SGHs); Residential Child Care Centres; Residential Crèches; Residential Homes for Children (RHCs); Residential Nursery**

The SWD has not yet implemented an official definition of institutional care. In most cases, the term institutional care refers to alternative care services in the form of medium-long term placement in an orphanage or group home. According to the SWD website, the most common forms of institutional care used in Hong Kong are residential crèches, residential child centres and children's reception centres, children's homes, boys'/girls' homes and boys'/girls' hostels. Foster care is also considered to be a form of residential care, alongside small group homes (SGHs) (short-term care). While foster care and SGHs care are listed as residential care options, they are not listed as forms of institutional care. Therefore it appears as though the SWD has separate definitions and criteria for residential care and institutional care, although these definitions are not stated outright.<sup>18</sup>

The application procedure for placement in residential or institutional care requires that an official referral is made by the social worker responsible for the child/family's case. Applications are free of charge. Once filled out by the social worker, the form is entered into the Central Referral System portal. There are multiple Central Referral Systems, depending on the child or family's respective needs.<sup>19</sup> For instance, applications submitted on behalf of children with disabilities would be

sent to the Central Referral System for Rehabilitation services (CRSRehab). The Central Referral System(s) manage(s) waiting lists for care placement and ensure that there is monitored uniformity in the referral process and service admission criteria. All residential and institutional placement is made through the Central Referral System(s), but access to community support services and programmes is not granted through the Central Referral System. Families in need of community support services are able to approach community support agencies, organizations, programmes etc. without a referral from their case worker.<sup>20</sup>

*NOTE: Kindly refer to Annexes 1 & 2 for Central Referral System for Residential Child Care Services Forms*

### 2.1 Government / state-run child care facilities

The SWD offers residential care placement for children and young persons under the age of 21 who are unable to remain under the care of their families. Institutional placement is primarily for children who are in need of alternative care i.e. children/young people who have experienced behavioural problems, emotional problems, family crises, parental death or desertion. Due to the wide range of needs that children in vulnerable family situations may have, the SWD offers a variety of institutional care programmes and services.

Younger children appear to be separated from older children in residential and institutional child care facilities. There are residential child care centres known as Residential Crèches for children under the age of 3. For slightly older children (age 3-5), the residential child care centres are called Residential Nurseries. Finally, there is a Children's Reception Centre for children under the age of 18. It is unclear as to whether children between the ages of 18 and 21 would be able remain under the care of a residential centre.

Other forms of institutional care offered by the Hong Kong Government include Children's Homes (for children and young persons between ages 6 and 21), boys' homes (ages 7-21) and girls' homes (ages 7-21) for children and young persons with behavioural problems, Schools for Social Development (generally run within the boys' and girls' homes), and boys'/girls' hostels for young persons with emotional/behavioural issues who are working or studying ages 14-21).

Exceptionally in Hong Kong's context, foster care is categorized as institutional care by the SWD. Regular and/or emergency placement in a foster family is listed under the institutional care services offered by the SWD. According to the SWD website, children and young persons in need of foster care provision could also be placed in a small foster care group home. The small group homes are defined as units comprising of eight children and usually care for children above the age of 10.

<sup>15</sup> "Fact Sheet." Social Welfare Department. July 03, 2017. Accessed July 06, 2017. [http://www.swd.gov.hk/en/index/site\\_pubpress/page\\_fact/](http://www.swd.gov.hk/en/index/site_pubpress/page_fact/).

<sup>16</sup> "Organisation Structure." Social Welfare Department. May 02, 2017. Accessed July 06, 2017. [http://www.swd.gov.hk/en/index/site\\_aboutus/page\\_orgstruct/](http://www.swd.gov.hk/en/index/site_aboutus/page_orgstruct/).

<sup>17</sup> "Fact Sheet." Social Welfare Department July 03, 2017. Accessed July 06, 2017. [http://www.swd.gov.hk/en/index/site\\_pubpress/page\\_fact/](http://www.swd.gov.hk/en/index/site_pubpress/page_fact/).

<sup>18</sup> "Residential Child Care Services." Social Welfare Department. July 12, 2017. Accessed August 31, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvce/page\\_family/sub\\_listofserv/id\\_residchildcare/](http://www.swd.gov.hk/en/index/site_pubsvce/page_family/sub_listofserv/id_residchildcare/).

<sup>19</sup> Ibid.

<sup>20</sup> "Central Referring System for Rehabilitation Services (CRSRehab)." Social Welfare Department. September 30, 2016. Accessed August 31, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvce/page\\_rehab/sub\\_admission/id\\_centralref/](http://www.swd.gov.hk/en/index/site_pubsvce/page_rehab/sub_admission/id_centralref/).

Residential Child Care Services (government registered facilities)	Foster Care Placement	Small group home (under foster care)	Residential Creches	Residential Nursery	Children's Reception Centre	Children's Home	Boys' / Girls' Hostel	Boys' / Girls' Home with School
No. of units	–	112	2	1	1	6	4	10
No. of children	933	821	194	194	Data unavailable	453	796	796

Table 1. Based on Social Welfare Services in Figures 2016 Edition Report – Social Welfare Department

List of registered children's homes, boys' and girls' homes, boys' and girls' hostels, foster care agencies, small group homes, residential child care centres and children's homes in Hong Kong: [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_residchildcare/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_residchildcare/)

## 2.2 Private child care facilities

While there may be a number of private institutional care facilities in Hong Kong, it appears as though these centres are more concerned with short term care. For example, a number of organizations offer private crèche day care for infants. Research yielded minimal information on the presence of private facilities that offer long-term alternative care to vulnerable children and youth.

## 2.3 Non-profit (NGO, INGO, etc.) /community child care facilities

There are a number of NGOs and charitable organizations offering institutional care services in Hong Kong. The Hong Kong Society for the Protection of Children (HKSPC) is recognized as one of the largest child care/welfare organizations operating in the region. Various short term and long term residential care programmes are offered by the HKSPC;

- i) **Emergency Placement** - 6-week stay for families with sudden urgency
- ii) **Short-term Placement** - 3-month stay for children requiring short-term residential care
- iii) **Long-term Placement** - Length of stay up to 3 years old for children requiring long-term residential care

The referrals are made by social workers from SWD or other non-governmental organizations. According to the HKSPC website, their Children's Residential Home provides 100 children with alternative care. The Home is targeted towards meeting the needs of newborn children (and children under 3) without severe physical or mental disabilities, medical issues and/or behavioural problems.<sup>21</sup> Aside from the Children's Residential Home, the HKSPC also operates 5 day crèche care centres across Hong Kong, making them the largest service provider in the territory.<sup>22</sup> In addition, HKSPC also offers 'Occasional Service' i.e. short-term care within 1-7days for 0-2 years old with a fee. And operating within these time frame

<b>Day care</b>	: 9am-6pm / HK120 (USD15)
<b>Night care</b>	: 6pm-9am(the next day) / HK120 (USD15)
<b>24 hours care</b>	: 9am-9am(the next day) / HK200 (USD25)

While there is limited information regarding the government's involvement in funding the organization's long term residential care centre, all of the day crèches run by HKSPC are subsidized by the Hong Kong Government. Despite the fact that these services are partly government funded, the cost of HKSPC's infant day care plan for working parents is listed at HK72,096 (USD9,200) per year (in monthly instalments). Families in need of financial assistance can apply for the Kindergarten and Child Care Centre Fee Remission Scheme. Approval for the Kindergarten and Child Care Centre Fee Remission Scheme is based on the family's financial situation, and full or partial financial assistance may be granted.<sup>23</sup>

Mother's Choice, a local charity organization providing care services to mothers, infants, children, young people and families, also offers institutional placement options. In keeping with the structure of HKSPC's institutional care services, Mother's Choice Child Care Home offers infant and/or developing baby care. There is typically space for 32 babies in the charity's Wee Care (infant care) housing. Additionally, the Child Care Home can accommodate 12 children with disabilities or special needs in the Wee Care unit. In total, Mother's Choice Child Care Home serves approximately 100 children per year. Programmes and services offered by Mother's Choice are funded primarily by donation. According to the charity's website, 23% of their funding comes from the SWD and the remaining 77% of their funding is raised through public donations.<sup>24</sup>

## 2.4 Faith-based child care facilities

Faith based organizations, charities and groups appear to be major contributors to the institutional care sector as a whole. The vast majority of faith-based care institutions are Christian. However, there are no data to show the ratio of faith based care institutions to non-faith based care institutions. A relatively large number of faith-based care centres were opened by missionaries during the mid-1900s. The sudden rise in faith-based institutional care is reportedly due to the high number of abandoned babies in the late 1940s and early 1950s, in which approximately 15,000 babies in Hong Kong were abandoned per year. Sources also indicate that there is a network of Christian-based care facilities for children across the region.<sup>25</sup>

One of the most prominent Christian care institutions in Hong Kong is Fanling Babies Home. According to the Fanling website, the Home was originally established by an English missionary in 1936. Upon changing location, the name of the Home has also changed to Pine Hill Babies Home (or Hong Chi Pinehill Village), although the original name of the Home is still used in certain contexts.<sup>26</sup> Pine Hill operates a number of children's schools and other educational/recreational programmes for children, as well as a Home for children (from 6 to 15 years old) with mild intellectual disabilities. The Pine Hill website states that the Home operates as a Children's Hostel, but it is unclear as to whether the facilities are meant for temporary or long-term use. In keeping with the standard size of institutional care centres, Pine Hill Children's Home has a maximum capacity of 32 children.

The staff to child ratio is not indicated. The majority of Fanling/Pine Hill's funding is provided by the Christian Children's Fund and the Hong Kong Government.<sup>28</sup>

There are a number of Christian child care institutions that have a similar structure to that of Fanling/Pine Hill Children's Home. As stated previously, it appears as though a strong network of Christian care organizations and facilities is maintained in Hong Kong. Through the Christian Children's Fund and other major religious organizations/charities operating in Hong Kong, Fanling/Pine Hill has remained part of a larger network of Christian carers across the region, including: Shatin Babies Home, Precious Blood Babies Home in the New Territories, Evangel Children's Home, Ling Yuet Sin Infants Home, St Paul's Crèche, Yuen Long Children's Home, Eric Bruce Hammond M. Orphanage, St. Christopher Home and Po Leung Kuk.<sup>29</sup>

<sup>23</sup> "Ocean Shores Nursery School." Hong Kong Society for the Protection of Children. Accessed June 19, 2017. [https://www.hkspc.org/php/webcms\\_en/public/index.php3?refid=781&mode=published](https://www.hkspc.org/php/webcms_en/public/index.php3?refid=781&mode=published) Copyright 2017.

<sup>24</sup> "Our Financials." Mother's Choice. June 27, 2017. Accessed July 06, 2017. <http://www.motherschoice.org/en/about/our-financials/>.

<sup>25</sup> Home, Fanling Babies. "About Us." Fanling Babies Home. Accessed June 20, 2017. <http://www.fanlingbabies.com/> Copyright 2013.

<sup>26</sup> Ibid.

<sup>27</sup> "Hong Chi Children's Home." Hong Chi Association. Accessed June 20, 2017. [http://www.hongchi.org.hk/en\\_service\\_child.asp?id=4](http://www.hongchi.org.hk/en_service_child.asp?id=4) Copyright 2010.

<sup>28</sup> Home, Fanling Babies. "About Us." Fanling Babies Home. Accessed June 20, 2017. <http://www.fanlingbabies.com/> Copyright 2013.

<sup>29</sup> "About Us." Fanling Babies Home. Accessed June 20, 2017. <http://www.fanlingbabies.com/index.html> Copyright 2013.

<sup>21</sup> "Ocean Shores Nursery School." Hong Kong Society for the Protection of Children. Accessed June 19, 2017. [https://www.hkspc.org/php/webcms\\_en/public/index.php3?refid=781&mode=published](https://www.hkspc.org/php/webcms_en/public/index.php3?refid=781&mode=published). Copyright 2017.

<sup>22</sup> "Our Services." Hong Kong Society for the Protection of Children. Accessed June 19, 2017. [https://www.hkspc.org/php/webcms\\_en/public/index.php3?refid=176&mode=published](https://www.hkspc.org/php/webcms_en/public/index.php3?refid=176&mode=published). Copyright 2017.



## 2.5 Are there any cartels/strategic alliances?

A group under the child rights organization Against Child Abuse formed to make The Hong Kong Committee on Children's Rights, in order to lobby for the implementation of the UNCRC. The Hong Kong Committee on Children's Rights has been operating under Against Child Abuse since 1992, with the primary goals of promoting children's rights and pursuing the development of community services/activities for children who are left unattended by their parents (due to work, etc.). After the UNCRC was ratified by the government of Hong Kong in 1994, the group moved on to become an official organization in 1995. The Committee is now host to the secretariat office of Kid's Dream, which acts as the region's first child-led organization for the promotion of children's rights. Now, Against Child Abuse, the Hong Kong Committee on Children's Rights and Kid's Dream work collaboratively, with an emphasis on mentorship and secretarial support services.<sup>30</sup>

Despite the efficiency of the Social Welfare Department of Hong Kong, there is an overarching problem of child representation in matters concerning children's rights. In order to include children in the process of establishing children's rights and alternative child care, the Hong Kong Committee for Children's Rights, Against Child Abuse, the Hong Kong Committee for UNICEF and a group of children have been advocating for the creation of a Children's Council. Due to the collaborative efforts between the three groups, Hong Kong's first Children's Council was established in 2002. The Council was sponsored by the Home Affairs Bureau, and it was considered to be an extension of the UNCRC Child Ambassadors' Scheme, directly linking the council to the international promotion of children's rights. The Council relies on 70 Child Councillors between the ages of 11 and 17, all of whom are recruited annually.<sup>31</sup>

The Hong Kong Children's Rights Committee has also directly advocated for Chi-Wai, a child who was neglected by his parents and the SWD until he died at age 5 (see section 3.2). Following Chi-Wai's death, the Committee composed a full appeal to the Hong Kong Government, as well as a list of recommendations to prevent future cases of abuse and neglect.<sup>32</sup>



## politics of care

### 3.1 What is the current political stance/approach to care?

The SWD considers family units to be a vital component of society, and the stated objective of the Family and Child Welfare department is to provide services that strengthen the family as a whole. Although the Hong Kong care system relies heavily on institutional care, the number of institutional care facilities is relatively low in comparison to the number of children in need of alternative care. Due to the high occupancy rates of Hong Kong's alternative care institutions, children in need of immediate alternative care are often placed on waitlists. This ultimately causes children who are in need of emergency care to remain in abusive or vulnerable environments at home, as space in institutional care facilities is limited.<sup>33</sup> In this regard, the alternative care system in Hong Kong differs from most other Southeast Asian countries in that there is a lack of institutional or residential care options for children. With such a strong focus on prioritizing family-based care, the social welfare system has neglected to include a sufficient amount of residential care facilities for those who are not able to continue living with their parents.

During 2016, there were 4,497 cases of child/spouse abuse and/or battering being handled by the Family and Child Protective Services Units (FCPSUs). According to the SWD, there are only 11 FCPSUs in all of Hong Kong, making it a highly used family strengthening programme. The Integrated Family Service Centres under the SWD also handled 24,515 cases in 2016. In keeping with the FCPSUs, Integrated Family Service Centres offer preventative, supportive/strengthening, and remedial services to vulnerable families. The Family Aide Service, another family strengthening service offered by the SWD, reached over 2,139 families/children in 2016. Based on these numbers from the Social Welfare Services in Figures Report, perhaps the Hong Kong social welfare system is overly focused on providing community and family-based care. Residential and/or institutional care services have not been developed to the same degree as community-based family preservation programmes, and the social welfare department has faced difficulty with a lack of room in institutional facilities for children or families in crisis situations.<sup>34</sup>

Some concerns have also been raised in regard to the government's indisposition to residential homes for children. Statistics from 2016 show that the 3,427 residential facilities for children without disabilities have reached an occupancy rate of 87%. While the residential care facilities for children with disabilities are at 98% occupancy. Some child care specialists in Hong Kong have stated that there is a strong need for the government to be more financially supportive of non-government run homes/facilities for children with and without disabilities. While there has been some critique of this aspect of the alternative care system for children, there is no available commentary or response on the part of the government. Therefore, it is unclear as to whether the Hong Kong government will make the structural changes necessary in order to expand the range of services/service centres available to children in need.<sup>35</sup>

<sup>30</sup> "About Us." The Hong Kong Committee on Children's Rights. Accessed August 31, 2017. <http://www.childrenrights.org.hk/v2/web/index.php?page=01aboutus00&lang=en>.

<sup>31</sup> "Children's Council." The Hong Kong Committee on Children's Rights. Accessed August 31, 2017. <http://www.childrenrights.org.hk/v2/web/index.php?page=05achievements00&lang=en>. Date of publication unavailable.

<sup>32</sup> Discussions on mechanism for handling abuse cases relating to children from high risk families and follow up to the Child Fatality Review Report. The Hong Kong Committee on Children's Rights, 2016. 1-4. Accessed September 4, 2017. <http://www.legco.gov.hk/yr15-16/english/panels/ws/papers/ws20160528cb2-1556-4-e.pdf>.

<sup>33</sup> Govoni, Nicolo. "Orphans' face lonely life in homes of heartbreak." South China Morning Post. December 24, 2016. Accessed July 01, 2017. <http://www.scmp.com/news/hong-kong/education-community/article/2056929-hong-kong-orphans-face-lonely-life-homes>.

<sup>34</sup> Social Welfare Services in Figures. Social Welfare Department, 2016. 8-9. Accessed September 4, 2017. [http://www.swd.gov.hk/doc/res\\_stat/swdfg2016.pdf](http://www.swd.gov.hk/doc/res_stat/swdfg2016.pdf).

<sup>35</sup> "Care for Hong Kong's vulnerable children must go beyond government services." South China Morning Post. May 04, 2016. Accessed July 01, 2017. <http://www.scmp.com/comment/insight-opinion/article/1941018/care-hong-kongs-vulnerable-children-must-go-beyond>.



### 3.2 What is the social policy agenda and how advanced are developments? - what policies exist and how important are they perceived within the country?

Research has yielded minimal information on the child protection policies that are being implemented in Hong Kong. There seems to be little information published on Hong Kong's national child protection/alternative care policies. However, when child protection policies are discussed, it tends to be in terms of the United Nations Convention on the Right of the Child (UNCRC).

China ratified the Convention on the Rights of the Child (UNCRC) in 1992. Following China's ratification of the UNCRC, the United Kingdom extended the ratification to Hong Kong (1994).<sup>36</sup> Upon ratifying the UNCRC, Hong Kong's child care/legal systems were significantly informed and influenced by the terms stipulated in the UNCRC. Still, a child protection policy that is specific to the needs of Hong Kong's children and families has yet to be drafted. It should be noted that the Hong Kong Committee on Children's Rights has strongly advocated for child-focused community campaigns. The Committee has also suggested that the Central Policy Unit of Hong Kong should be mandated to uphold a Child Policy that focuses on prevalent issues such as poverty and housing crises.<sup>37</sup>

With the introduction of the United Nations Millennium Development Goals (MDG), many countries launched campaigns and formed committees in order to construct development plans for the betterment of children's lives. China's Mainland Authorities produced a 10 year Development Sketch for Children (2011-2020), thus prompting the Hong Kong Committee on Children's Rights to push for a similar document to be drafted for Hong Kong's children. There is limited information concerning the Committee's progression towards the creation and implementation of a Child Policy. Thus far, it also appears as though there is no Development Sketch for Children, nor are there any similar long-term plans for children in Hong Kong.<sup>38</sup>

## child protection

Family and Child Protective Services Units (FCPSUs) under the SWD are responsible for providing services to children and families who are affected by the following abusive or harmful circumstances: 1) *child abuse*, 2) *spouse/cohabitant battering*, 3) *custody/guardianship disputes including international child abduction matters*. FCPSUs are also responsible for conducting investigations, facilitating early interventions, implementing statutory protection, handling casework services for victims of abuse as well as abusers and/or other family members who may be personally affected by the abuse. Services made available to families and children who have experienced abuse include child care services, psychological support services, child care services, residential child care services, shelter/residential care for abused women, as well as family aid. The services provided are based on a comprehensive evaluation of the families' needs, and abuse or battering cases are handled with a multi-disciplinary approach. This approach requires that the SWD hold multi-disciplinary conferences on cases of abuse, in which doctors, teachers, social workers, clinical psychologists, and the child's family meet to discuss the case and determine a care plan that meets the needs of the children/families involved. Child Protection Special Investigation Teams, made up of police from the Child Abuse Investigation Units, clinical psychologists from the SWD and FCPSU social workers, may also intervene in abuse cases for the sake of joint investigation.<sup>39</sup>

Multi-disciplinary case conferences (MDCCs) on child abuse occur within 10 working days of the case referral being made. With the input of a variety of professionals in child care and family assistance services, the MDCCs act as knowledge sharing forums in which welfare plans are arranged for the child/family. In the process of formulating a welfare plan, members of the MDCC take the following into consideration:

(a) *the nature of the incident; (b) the level and nature of risk to the child and, if any, other children of the family; (c) risk of recurrence of the incident; (d) welfare planning to protect the child upon multi-disciplinary collaboration, including post abuse therapeutic counselling service at pre-trial stage; (e) parent(s) / guardian(s)' attitude on the welfare plan of the child; and (f) where necessary, the welfare need of other family members related to the protection and well-being of the child victim.*

Once the case has been fully assessed by the MDCC, conference members must agree on an inter-agency plan to protect the child. MDCC conference members must then decide the method by which the child's parents/family should be informed of the outcome of the conference. The MDCC is also responsible for identifying the Key Social Worker assigned to the case, and defining his/her role in carrying-out the child's welfare plan.<sup>40</sup>

In recent years the efficacy of Hong Kong's child protection legislation has come into question. This was prompted by the death of Chi-wai, a 5 year old child with Down Syndrome who consumed approximately seven times the lethal dose of methamphetamine. Legal authorities suspect that the child found crystal meth somewhere in his family's home and ingested it unknowingly.<sup>41</sup> Prior to his death, Chi-wai was in the social welfare system due to reports of abuse and neglect after his school teachers noticed bruises and marks on his body. Journalists have pointed to the fact that Chi-wai's case had gone through a multidisciplinary case conference (MDCC), at which his case managers decided that the child must be removed from his home due to his parents' drug addiction. The decision to place Chi-wai in alternative care was made a month before he died, but he was unable to leave his family due to the lack of residential care facilities.

<sup>39</sup> "Family and Child Protective Services." Social Welfare Department. January 06, 2017. Accessed September 04, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_familyand/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_familyand/).

<sup>40</sup> Multi-disciplinary Case Conference on Child Abuse. GovHK. 1-5. Accessed September 4, 2017. [http://www.swd.gov.hk/doc/few/proc\\_guidelines/childabuse/Chapter11.pdf](http://www.swd.gov.hk/doc/few/proc_guidelines/childabuse/Chapter11.pdf).

<sup>41</sup> Cross, Granville. "Hong Kong must tighten its laws to protect children from abuse in any situation." South China Morning Post. May 26, 2016. Accessed July 03, 2017. <http://www.scmp.com/comment/insight-opinion/article/1953922/hong-kong-must-tighten-its-laws-protect-children-abuse-any>.

<sup>36</sup> "Convention on the Rights of the Child." Hong Kong Committee on Children's Rights. <http://www.childrenrights.org.hk/v2/web/textversion.php?page=02uncrc00&lang=en>. Date of publication unavailable.

<sup>37</sup> "Why we need to have a Child Policy in the new HKSAR Government in 2012?." Hong Kong Committee on Children's Rights. June 22, 2012. [http://www.childrenrights.org.hk/v2/archive/04concerns/ChildrenCommission\\_20120622.pdf](http://www.childrenrights.org.hk/v2/archive/04concerns/ChildrenCommission_20120622.pdf).

<sup>38</sup> Ibid.

Following his death, lawyers and child protection specialists began to speak out on the underdeveloped state of child protection laws where even the term ‘child abuse’ is vague. Also, Hong Kong’s child protection laws are at least 30 years old, and there is no legal obligation for social workers or police to investigate child abuse cases.<sup>42</sup> Moreover, there are no laws in Hong Kong that find carers at fault in cases where they do not protect their child.<sup>43</sup>

### Child Trafficking

Child trafficking is another major child protection concern in Hong Kong, as the region has been categorized as the second largest market for Nepali women and children (mainly girls) being trafficked. Very few children are trafficked from Hong Kong, however it is a destination and/or place of transit. In some cases, girls as young as 13 may be trafficked across the Chinese border for the purpose of sexual exploitation. There have also been cases of child smuggling and/or trafficking for the purpose of reuniting parents with their children. Reports show that 1,500 children were illegally transported from mainland China to Hong Kong in order to reunite with their families. It is not uncommon for children to experience various forms of abuse, extortion and bondage in smuggling situations. Again, insufficient legislation pertaining to children’s rights and child protection appears to be amongst the most significant issues at play. The government declared that Hong Kong will not abide by the Protocol to Prevent, Suppress and Punish

Trafficking in Persons, Especially in Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Notably, the People’s Republic of China has signed the Protocol with one reservation, making Hong Kong one of the few regions that refused to take legal action against child trafficking.<sup>44</sup>

### Online Child Abuse

Other forms of sexual exploitation, such as child pornography and webcam sex abuse have become somewhat widespread in Hong Kong. In May of 2017, 27,000 child pornography video clips and photographs were seized in a citywide raid. Hong Kong police have stated that the number of child pornography cases is indeed decreasing, from 53 cases in 2015 to 43 cases in 2016. However, it remains to be a serious child protection issue in need of more attention from the government and local authorities.<sup>45</sup>

### Corporal Punishment

The use of corporal punishment on children is also particularly common in Hong Kong. A survey was conducted by Against Child Abuse, in which 1,562 children (between the ages of 6 and 13) were interviewed about their experiences with physical abuse. The study found that 54% of the children interviewed had experienced corporal punishment at the hands of their parents. Although Hong Kong passed a law in 1991 that banned the use of corporal punishment in schools, the law does not prohibit the use of corporal punishment within homes. There is minimal available

information on the ramifications of the corporal punishment law in children’s homes and other alternative caring environments.<sup>46</sup>

### HOTLINES

The public could approach either approach any of the Family and Child Protective Services Units of SWD in their districts or make a direct call to SWD hotline <2343 2255> to report on a suspected child abuse. The calls are attended by on duty social workers from 9-5pm (Mon to Fri) and 9-12noon (Sat) whom would then investigate and assess the alleged matter. If deemed necessary for need of protection, the child would be sent for medical examination and treatment, or arrange temporary safe place for the child. The case would then be presented at the MDCC for necessary plan of action i.e. appropriate services for child and family. It was reported that SWD attended to 147,372 calls in 2015-2016. A similar support line is also offered by Against Child Abuse (NGO).

## workforce for care .....

### 4.1 Who/ which agencies are offering social work qualifications?

There are about 21 learning institutions which offer a range of social work certifications ranging from sub-degree to post-graduate. A complete list of approved learning institutions and social work qualifications is posted on the Social Workers Registration Board website. It can be accessed using the following link: <https://www.swrb.org.hk/en/hk.asp>. It should be noted that the institutions and programmes listed on the website are subject to change, depending on alterations made to the curricula. The Board can make revisions to the list of approved social work qualifications, and some institutions are subject to deletion while others may be added to the list over time.<sup>47</sup> A Social Work Training Fund had been established since 1961 to facilitate the knowledge acquisition.

### 4.2 Is there an association/ accreditation body for the social workers?

Hong Kong was ahead of many in the region to form the Hong Kong Social Workers’ Association in 1947. Then, the Social Workers Registration Board (otherwise known as the Board) which acts as the statutory body responsible for registering and monitoring social workers in Hong Kong was only established in 1998, while the Social Workers Registration Ordinance was established previously in 1997. Ultimately, the Ordinance was enacted in order to regulate and monitor social workers in the region.<sup>48</sup> The functions of the board as dictated by the Ordinance

are: to establish and maintain a register for social workers, to establish and further develop social work standards/ qualifications, to handle all matters pertaining to registration (including renewal of registration), and to monitor the behaviour/actions of social workers. Persons who are not listed on the Ordinance’s Register are not able to receive the title of social worker.

The Social Workers Registration Board is comprised of 15 members, including 8 registered social workers and 6 members appointed by the Chief Executive. The final member of the Board is the Director of Social Welfare. The Board members do not receive monetary compensation for their services, as the work done by the Board is voluntary.<sup>49</sup>

In order to be an official social worker, one must complete the Board’s application for registration. There is an application fee of HK500 (USD65), as well as a fee of HK400 (USD50) for renewal of registration once the initial registration has expired. Other potential fees apply to the processes of re-application for registration, re-issuing of certificate for registration, as well as the reissuing of registration cards. Although it is clear that the registration cards expire eventually, the exact length of card validation does not appear to be directly stated on the Board’s website. The past fee and application schedules imply that the registration cards expire once every three years, but this information is not explicitly stated.<sup>50</sup>

### 4.3. How is the social work profession perceived in the country?

While the social work profession is generally respected in Hong Kong, there have been some political concerns in recent years. Social workers have been subject to losing their jobs over their political stance(s), as the Social Workers Registration Board reserves the right to disqualify a social worker for vague offenses such as “misconduct” or a “criminal offence.” Social workers who have participated in political marches, rallies, etc. risk losing their jobs, depending on the makeup of the Board. For this reason, the Social Workers’ General Union has been forced to strategize ways to occupy the 8 available seats on the Board, in order to protect social workers’ rights to their own political stance(s).<sup>51</sup>

<sup>44</sup> Sex Trafficking of Children in Hong Kong. Factsheet. ECPAT, 2012. 2-5. [http://www.ecpat.org/wp-content/uploads/legacy/Factsheet\\_Hongkong.pdf](http://www.ecpat.org/wp-content/uploads/legacy/Factsheet_Hongkong.pdf).

<sup>45</sup> Lo, Clifford. “Police nab 15, seize 27,000 child porn items in city raids.” South China Morning Post. May 18, 2017. Accessed July 04, 2017. <http://www.scmp.com/news/hong-kong/law-crime/article/2094802/hong-kong-police-arrest-13-men-seize-27000-pieces-child>.

<sup>46</sup> Cheung, Elizabeth. “Hong Kong child rights group calls for total ban on corporal punishment.” South China Morning Post. April 28, 2015. Accessed July 04, 2017. <http://www.scmp.com/news/hong-kong/law-crime/article/1778175/hong-kong-child-rights-group-calls-total-ban-corporal>.

<sup>47</sup> “List of Recognized Qualifications.” Social Workers Registration Board. September 19, 2016. Accessed July 04, 2017. <https://www.swrb.org.hk/en/hk.asp>.

<sup>48</sup> “About SWRB.” Social Workers Registration Board. Accessed July 04, 2017. <https://www.swrb.org.hk/en/index.asp>. Date of publication unavailable.

<sup>49</sup> Ibid.

<sup>50</sup> “Fee Schedule.” Social Workers Registration Board. 2016. Accessed July 04, 2017. <https://www.swrb.org.hk/en/Content.asp?UId=30>.

<sup>51</sup> Cheung, Tony. “Hong Kong social workers fear losing jobs over political stance.” South China Morning Post. November 26, 2015. Accessed July 04, 2017. <http://www.scmp.com/news/hong-kong/education-community/article/1883395/hong-kong-social-workers-fear-losing-jobs-over>.

# alternative care .....

## 5.1 What is the definition of alternative care of children?

The SWD has not yet established a definition of alternative care that is particular to the social welfare system of Hong Kong. Based on information made available by the SWD, it seems as though the Hong Kong Government considers alternative care of children to include institutional/residential care and family-based care (foster care, kinship care). A child is considered to be in need of alternative care services in some cases of neglect, abuse or abandonment that cannot be resolved through family-strengthening/preservation services. While there are a wide range of community service programmes made available to vulnerable children and families, it is unclear as to whether community-based care would be included in the definition of alternative care for children. Community-based services do not generally require that the child is cared for by someone other than the parents on a full time basis, which may cause community-based services to be categorized as preventative care rather than alternative care.



### Statistics of children in alternative care



**Total number of children in alternative care (total)**  
Data unavailable.



**Total number of children in foster care**  
There were 933 foster children in placement, and 821 placed in 108 small group homes across Hong Kong in the period 2015-2016.



**Total number of boys in care**  
558 residing in both government registered boys' homes & hostel



**Total number of children in institutional care**  
There are currently over 4,000 children in residential care facilities. The figure cited is based on the assumption that it would likely include children in foster care, SGHs and RHCs as in Table 1. Excluding children in conflict with law placed in detention or probation hostel (estimated 2,000); placed in temporary emergency crisis shelter; undergoing special rehabilitation programmes as well as those children residing in care facilities operated by private, non-profit and faith-based providers.



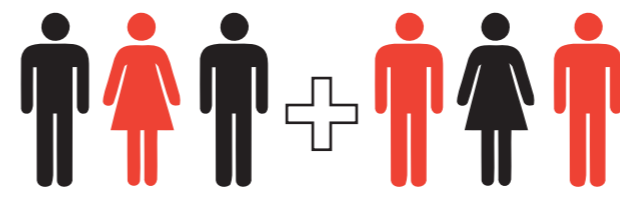
**Total number of girls in care**  
238 residing in both government registered girls' homes & hostel



**Total number of children in kinship care**  
Data unavailable.



**Legal age of leaving care**  
The legal age of leaving care in Hong Kong changes depending on form of care being used. For most residential care services, the legal age of leaving care is 21. However, some institutional care facilities only care for children up to the age of 18, while other facilities only offer care to children within a specific age group (i.e. age specific crèches and children's reception centres).<sup>52</sup>



**Total number of children adopted**  
According to SWD statistics, the department facilitated 73 local adoptions and 14 intercountry adoptions in 2015-2016.

<sup>52</sup> "Residential Child Care Services." Social Welfare Department. September 30, 2016. Accessed July 04, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_residchildcare/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_residchildcare/).

## structure of care for children & young persons with disabilities .....

The Education Bureau offers a range of programmes and services for children and young persons in need of special education assistance. In order to properly assess the needs of the child, referral and placement services are available through the Education Bureau. In cases where the child may have severe and/or multiple disabilities, they may be referred to special schools that are structured to provide the child with the support he or she requires. An audiological service is also made available to children with impaired hearing. The service includes training and counselling to parents and teachers/school personnel, in order to ensure that children with impaired hearing are receiving care that meets their needs. Speech therapy service is also provided by the Education Bureau, and it includes support services for children with speech impediments and other language-related difficulties. Children with learning, emotional and/or behavioural difficulties can seek assistance through the Educational Psychology Service. Psycho educational assessments are done through the Education Psychology Service, which aids teachers and family members through the process of conducting interventions. Notably, every public sector in Hong Kong has an assigned special education support officer. Education support officers are meant to contribute to the educational environment by promoting an “inclusive culture,” and ensuring that the educational facilities are equipped with services and policies that facilitate a healthy learning environment for children with disabilities.<sup>53</sup>

Centre-based support service is also provided by the Education Bureau. However, centre-based care is defined as short term care for children with disabilities, which implies that long term residential care services are not offered through the Education Bureau.<sup>54</sup> Similarly, Special Child Care Centres (SCCC) have been established by the SWD and various NGOs, offering special training and care to children with moderate to severe mental and/or physical handicaps. Autistic children and children with severely impaired vision and/or hearing are also offered specialized care programmes through the Special Child Care Centre. Based on the list of SCCCs provided by the SWD website, it appears as though some of the facilities offer long term care, while others may offer short term care instead. In order to gain access to these facilities, a social worker can submit a referral on behalf of the child in need of support services. The application for SCCCs is free of charge. However, there is a monthly fee of HK\$354 (USD\$45).

According to the 2016 *Social Welfare Service Figures*, the SWD offers financial assistance to families with children with disabilities through the Comprehensive Social Security Assistance Scheme. The monthly subsidy provided by the SWD may vary, depending on the level of assistance and rehabilitation that the child requires. The rate also fluctuates depending on whether the applicant is a single person or a family member. Children who are 50 per cent disabled would receive HKD\$3,760 (USD\$480) if they apply as a single applicant while

children who apply as family members would receive HKD\$3,280 (USD\$420). Children who are deemed to be 100 percent disabled may receive HKD\$4,460 (USD\$570) for single person applicants or HKD\$3,990 (USD\$510) for family member applicants. Children who require round-the-clock assistance may be entitled to a monthly subsidy of HKD\$6,095 (USD\$780) for single person applicants, or HKD\$5,630 (USD\$20) for family member applicants.<sup>55</sup>

## family-based care .....

### 6.1 What is the definition of family-based care? How is it defined? Is there emphasis/priority on it?

A formal definition of family based care is not provided by the SWD or any other child care/protection based government unit. Moreover, the term family based care is seldom used in the context of Hong Kong’s alternative care system. While family based care services such as foster care and adoption are utilized within the region, these forms of care are rarely discussed in relation to the deinstitutionalization movement that has become popularized in other parts of Southeast Asia. In this sense the term “family-based care” is not given priority by the Hong Kong care system, but the services that would generally comprise of a well-structured supportive family-based care system(s) are indeed made available to vulnerable families. In fact, it seem as a given practice and viewpoint that the family preservation/strengthening form the core of the alternative care of children in Hong Kong and institutional care is seen as last resort (needless to say).

### 6.2 Is there a real need for family-based service? Justify answer; what indicators suggest this?

Recent articles and reports on the Hong Kong alternative care system have highlighted the fact that vulnerable children are now rarely cared for by their extended family. This stands in contrast to previous generations’ family structures, and it has left a significant gap in the care system. In fact, the

current structure of the care system may have been designed with some cultural expectation of reliance on the use of kinship care. Without the possibility of being cared for by extended family members or friends, children in need of alternative care are often forced to remain in their parents’ care (i.e. whom could be perpetrators of abuse) for at least a year before being placed in an institution or a foster family. With these issues in mind, there is a pressing need for a stronger family-based care system in supporting birth/extended families as well as buttressing other alternative care options to ‘house’ the children while in transition towards more permanent care placement.

However, the lack of residential care centres is also a major factor.<sup>56</sup> There are waitlists for all forms of alternative child care in Hong Kong, which is ultimately more than a capacity issue – it is a serious threat to the region’s child protection system and the child’s right for a family as well as place of safety. The pace at which applications for formalized alternative care are processed must be increased, as the year long waiting period has proven to be unsafe for children in abusive or neglectful families.<sup>57</sup>

### 6.3 Is there poor practice or short-fall of service? are standards very high; is the sector strong? if there is a need; then why? – Short-falls come from; Govt/Private/NGO?

Reports on Hong Kong’s child care system have shown that some forms of family-based care, particularly foster care, have received little recognition or appreciation. The benefits of foster care and other forms of family-based care are seldom discussed or promoted in Hong Kong. Due to a general lack of awareness of the need for family-based care, foster care services have not been prioritized. Additionally, the strict criteria for potential foster carers has likely prohibited families from caring for children in need. In the past, foster caring NGOs only considered couples in their 30s with one child to be suitable foster parents/families. Over time, this criteria has evolved to a different set of standards and restrictions that prioritize mature adults whose children have left home. While the shift in foster carer qualifications is partly due to changes and developments in the care sector, the high cost of living in Hong Kong has negatively impacted people’s ability to provide a proper caring environment for vulnerable children. Reports show that younger families and/or couples cannot afford to rent or own the space required to meet the needs of a foster child.<sup>58</sup>

<sup>56</sup> “Hong Kong’s needy children wait for homes.” South China Morning Post. September 03, 2013. Accessed July 05, 2017. <http://www.scmp.com/news/hong-kong/article/1302515/hong-kongs-needy-children-wait-homes>.

<sup>57</sup> Ngo, Jennifer. “Hong Kong’s ‘outdated’ child protection system blamed for death of drug abusers’ five-year-old son.” South China Morning Post. May 28, 2016. Accessed July 03, 2017. <http://www.scmp.com/news/hong-kong-law-crime/article/1957855/hong-kongs-outdated-child-protection-system-blamed-death>

<sup>58</sup> “Hong Kong’s needy children wait for homes.” South China Morning Post. September 03, 2013. Accessed July 05, 2017. <http://www.scmp.com/news/hong-kong/article/1302515/hong-kongs-needy-children-wait-homes>.

<sup>53</sup> “Special Education Services.” Education Bureau. November 04, 2016. Accessed July 04, 2017. <http://www.edb.gov.hk/en/edu-system/special/policy-and-initiatives/special-edu-serv/index.html>.

<sup>54</sup> Ibid.

<sup>55</sup> Social Welfare Services in Figures. Social Welfare Department, 2016. 6. Accessed September 4, 2017. [http://www.swd.gov.hk/doc/res\\_stat/swdfg2016.pdf](http://www.swd.gov.hk/doc/res_stat/swdfg2016.pdf).

#### **6.4 If there is a need; then is this politically and professionally acknowledged? Or is the need resented and concealed?**

The need for family-based care appears to be primarily addressed by journalists and other news sources, rather than the government. In fact, the Hong Kong government's stance on family-based care is seldom discussed in recent articles on the care system. The government's intentions for the development of family and community based care remain largely unpublicized.

Some sources have stated that the Social Welfare Department has not prioritized permanency planning or long term planning. Moreover, there is not currently a government child care policy. In many respects, the child care services offered by the government may actually dissuade families from caring for children in need of alternative care by neglecting to offer foster/ adoptive parents the support they need. Reports also show that foster parents are provided with notably low monthly subsidies and little to no support from the government. While the flaws of the alternative care system have been located and addressed by international child rights/care organizations such as Save the Children, the government has not yet implemented the suggested reforms. Save the Children highlighted the needs of children with disabilities in foster care, but no action was taken by the SWD, and the foster system has not been reformed to accommodate the needs of children with disabilities. Due to the aforementioned gaps in Hong Kong's social welfare system, child care experts have suggested that Hong Kong is in need of a comprehensive study to locate

the gaps in knowledge, experience, availability and provision of alternative child care services.<sup>59</sup>

#### **6.5 What model(s) of family based care is used? Family strengthening / strengthening i.e. preventing admission into institutional care**

A variety of preventative, supportive and remedial care services are funded by the Hong Kong government, and delivered by the Family and Child Welfare Unit of the SWD to meet the needs of families in the community.<sup>60</sup> Perhaps the most family-centred care facilities under the SWD are the Integrated Family Service Centres (IFSCs). IFSCs offer a spectrum of family-based and community-based support programmes to those who are in need of family strengthening services. Each IFSC unit has three essential components: a family resource unit, a family counselling unit and a family support unit. A guiding principle of the IFSCs is accessibility, which is evidenced by the extensive network of 65 IFSC units across Hong Kong. According to the Service Description of IFSCs, the placement of the units is designed to meet the needs of families and children in specific localities. Two service centres have also been established in Tung Chung, outside of the Hong Kong territory. The services provided by IFSCs include family life education, enquiry services, volunteer training, group activities, outreach services, as well as counselling and referral services. IFSCs also stress the importance of preventative services, particularly parent-child activities that facilitate bonding and inter-personal communication. Although IFSCs are government run, they also receive support from non-government organizations.<sup>61</sup>

Family Aide Service is another initiative by the SWD that provides cost free home-based training to parents and caregivers. Household management and training for the provision of care to children/persons with disabilities are included as some of the main components of the Family Aide Service. According to the SWD website, this service is targeted at individuals and families who are already recipients of integrated family service. Notably, the application procedures for Family Aide Service state that families/individuals do not need to be referred by a social worker in order to qualify for the programme. Rather, persons who have not been referred to the programme can request the same service(s) at family service centres and NGOs across the region.<sup>62</sup>

For individuals and families in need of financial support, the SWD offers the Comprehensive Social Security Assistance (CSSA) Scheme. While the CSSA Scheme is made available to anyone in a state of financial hardship the Scheme is designed to assist persons who suffer from a disability, illness, old age, unemployment or low-earnings. The Scheme provides families/individuals with enough financial stability to encourage financial independence and stability, by meeting the basic needs of its beneficiaries. In order to qualify for the CSSA Scheme, applicants must undergo multiple financial tests, including an income test as well as an asset test. The grant can only be given if the combined income of the entire household is deemed insufficient to meet the needs of the family. Persons under the age of 18 are considered unfit to apply for the Scheme.<sup>63</sup> Recent

reports show that there were 242,903 cases taken on by the CSSA Scheme in 2016, with a total of HKD22,313.41 million(USD2.85 mil) in grant disbursements.<sup>64</sup>

For emergency cases, a Family Crisis Support Centre was set up by Caritas Hong Kong in 2008 offering families in crisis or distress near immediate relief. The Centre is open 24 hours a day and admits cases at any time. The Caritas Family Crisis Line <18288> is an integral part of its the operation alongside with other dedicated service lines such as Extra-Marital Affairs Hotline; Debt and Financial Capability Hotline; Children Hotline; Love Hotline; and Addiction Hotline. Other services provided through the Centre include: short-term emergency intervention (with overnight accommodation services built-in), temporary retreat, and other easily accessible service packages. Applications for emergency/crisis support can be submitted through crisis and SWD hotlines, as well as integrated family service centres.<sup>65</sup>

The SWD subsidizes various NGOs that offer short term child care services. This service is mainly made available to parents who have work schedules that prevent them from being able to care for their child(ren) during the day. In order to make this service available to low income households, a Child Care Centre Fee Remission Scheme (KCFRS) has been implemented. Special Child Care Centres for children with disabilities are also provided through the SWD and affiliated NGOs.<sup>66</sup> In addition parents caring for children with disabilities are eligible for the Social Security Assistance (SSA) Scheme amounting between HKD3,865 -5,790 (USD495-740) dependent on the disabilities.<sup>67</sup>

#### **Family assistance i.e. family tracing / reintegration / reunification etc**

Researchers and reporters have found that the alternative care system, and particularly the foster care system, does not prioritize contact between the child and their birth family. Without maintaining parent-child contact in the first 6 months of alternative care placement, the chances of reunification are significantly lowered. The care system's lack of sensitivity towards the needs of the family as a whole seems to be an overarching issue, as the number of separated families continues to rise. Sources say that the most pressing concern may be the upsurge in parents who suffer from severe depression and anxiety. Families are not offered the preventative services and support required to keep from separating, and once forcefully separated from their children by the authorities, parents may not have the courage to assume the role of parent again.

In response to the crisis of a shortage of non-residential/institutional care, one local non-profit charity called Mother's Choice has recently launched a programme that uses alternative family recruitment and child placement methods. The charity actively recruits foster families that they deem to be suitable for providing care to vulnerable children, but they do not offer an allowance or subsidy to foster carers.

Mother's Choice's fostering method is also reliant on determining the chances of family reunification early in the alternative care placement process, in order to ensure permanency planning. If the child's reunion with their birth family is not realistically viable, the charity may release the child for adoption early on. This method of conducting a placement assessment differs from the standard protocol, which involves a fair amount of back and forth about putting the child up for adoption versus facilitating a family reunification. The programme is not currently backed by the government, but Mother's Choice hopes to receive government support in order to make the programme accessible to more families in need.<sup>68</sup>

<sup>59</sup> Mulvey, Tom. "Department has no long-term planning to help at-risk children." South China Morning Post. May 08, 2016. Accessed August 27, 2017. <http://www.scmp.com/comment/letters/article/1941718/department-has-no-long-term-planning-help-risk-children>.

<sup>60</sup> "Family and Child Welfare Services." Social Welfare Department . May 19, 2017. Accessed July 05, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/).

<sup>61</sup> "Integrated Family Services." Social Welfare Department. September 30, 2016. Accessed September 02, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_ifs/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_ifs/).

<sup>62</sup> "Family Aide Service." Social Welfare Department . September 30, 2016. Accessed July 05, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_familyaide/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_familyaide/).

<sup>63</sup> CSSA Comprehensive Social Security Assistance Scheme. Hong Kong: The Social Welfare Department, 2016. <http://www.swd.gov.hk/doc/social-sec1/CSSAP052016e.pdf>

<sup>64</sup> Social Welfare Services in Figures. Social Welfare Department, 2016. 5. Accessed September 4, 2017. [http://www.swd.gov.hk/doc/res\\_stat/swdfg2016.pdf](http://www.swd.gov.hk/doc/res_stat/swdfg2016.pdf).

<sup>65</sup> "Family Crisis Support Centre." Social Welfare Department . September 30, 2016. Accessed July 05, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_familycrisis/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_familycrisis/).

<sup>66</sup> "Child Care Services." Social Welfare Department. June 29, 2017. Accessed July 06, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_childcares/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_childcares/).

<sup>67</sup> [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_soecsecu/sub\\_socialsecurity/](http://www.swd.gov.hk/en/index/site_pubsvc/page_soecsecu/sub_socialsecurity/)

<sup>68</sup> Karacs, Sarah. "Children suffering most as family breakdowns rise across Hong Kong, with foster agencies unable to cope." South China Morning Post. April 03, 2016. Accessed August 27, 2017. <http://www.scmp.com/news/hong-kong/education-community/article/1933091/children-suffering-most-family-breakdowns-rise>.

# Research indicates that a foster care placement with regular contact with the birth parents within the first six months creates a much higher possibility of the child returning to the birth parents.

## Kinship care

There is insufficient information on the structure and organization of kinship care placement, as it appears there are a limited number of agencies and/or organizations offering kinship care services in Hong Kong. It was noted that kinship care services are not included in the SWD's list of Child and Family Welfare Services. However, they are taking efforts in enabling other family members to be caregivers with recent launch of a 2-year pilot project (2016-2017) on Child Care Training for Grandparents with the aim to strengthen intergenerational family ties as well as scaling up child caring skills. Targeting grandparents of children aged from birth to under 6 or grandparents-to-be (i.e. those who will become grandparents in six months or so) with a total provision of 540 training places.<sup>69</sup>

While, International Social Service Hong Kong (ISSHK) offers a wide range of kinship care placement services. ISSHK's kinship care services include: counselling prospective carers, providing social reports on prospective carers, intervention services, conducting follow up integration reports, escorting the child in care back to his/her hometown and family and conducting post-placement reports.<sup>70</sup>

## Foster care

Historically, foster care in Hong Kong is what now to be known as 'child sponsorship'. The Foster Parents Plan (1959 to 1973) was initiated by PLAN International in response to the influx of the refugees from mainland China nationalist-communist civil war. International donors were sought then to assist with educational, nutrition support, healthcare as well as setting up of shelters; the programme benefitted 12,000 children. Present day, the SWD defines foster care as the provision of residential family care to infants/children under the age of 18. Foster care is described by the SWD as a form of temporary care for children who cannot remain under the care of their parents for various (unspecified) reasons. A foster care law has not yet been established in Hong Kong, but the practice is currently governed by the Guardianship of Minors Ordinance.

The main government unit concerned with foster care training and placement is the Central Foster Care Unit (SWD). Overseeing 11 other foster agencies that assign children to their family homes. SWD reported that there were 933 (2015-2016) children placed in foster care placement & supervision; slightly lower than in 2014-2015 at 941. Foster caring arrangements are meant to include some form of permanency planning, which may ultimately mean that the foster child is reunited with his/her family or he/she joins an adoptive family. In some cases where the child reaches adulthood while in foster care, she/he may go on to live independently, depending on the circumstances.<sup>71</sup>

The SWD states that foster children should be

**”** *normal in health and intelligence or mildly mentally handicapped,*

which implies that children with disabilities may never have the opportunity to live with a foster family. The stated criteria for foster parents is also relatively limiting, as prospective foster parents should have the following qualities: good health, a stable emotional state, an education (at least primary education), hygienic/safe living habits and sufficient space, experience in child care and the ability to arrange a care plan for the foster child. Foster parents must also be willing to comply with the investigation requests and general guidance from social workers. However, the application process for foster caring is free of charge, which may encourage more potential carers to apply despite the SWD's somewhat limiting criteria.

<sup>69</sup> [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_projectect/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_projectect/)

<sup>70</sup> "Kinship Placement." International Social Service Hong Kong Branch. 2015. Accessed July 06, 2017. <http://www.isskhk-icp.org/en/etbh/196.html>.

<sup>71</sup> "Foster Care." Social Welfare Department. June 26, 2017. Accessed July 06, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_fostercare/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_fostercare/).

If a foster parent is approved he/she/they will receive a monthly stipend called Foster Care Allowance, which is meant to cover the child's expenses. The SWD does not state the exact amount of the allowance provided to foster parents, but secondary sources claim that is approximately HKD6,000 (USD765) per child, per month.<sup>72</sup> It covers the

- i. Maintenance Allowance – to cover normal expenses of foster child
- ii. Incentive Payments for foster parents to encourage them to provide such voluntary service
- iii. Extra Incentive Payment for caring children with special needs  
\*the listed incentive payments are non-taxable.<sup>73</sup>

In order to assist foster parents in providing foster children with a safe, caring environment, the Central Foster Care Unit offers training programmes. It appears as though these training programmes are subject to change, but the current programmes listed include a foster parent and child bonding workshop, as well as a workshop on understanding learning disabilities. It is unclear as to whether prospective foster parents are required to undergo any form of training prior to caring for a child.<sup>74</sup>

Emergency foster care is also used as a form of alternative care for children in Hong Kong. In essence, the structure of emergency foster care is near identical to regular foster care. However, emergency foster care arrangements are only meant to last for a maximum of 6 weeks. This service is mainly intended to be utilized by children in crisis situations who have the ability to return to their biological families in the near future. It is unclear as to whether emergency foster carers also receive monthly stipends or require specific training to fulfil their position as a temporary carer.<sup>75</sup>

## Average length of time a child in Hong Kong spends in foster care is 56 months, with around 20% of children staying over eight years in the system.

<sup>72</sup> "Hong Kong's needy children wait for homes." South China Morning Post. September 03, 2013. Accessed July 05, 2017. <http://www.scmp.com/news/hong-kong/article/1302515/hong-kongs-needy-children-wait-homes>.

<sup>73</sup> "Foster Care." Social Welfare Department. June 26, 2017. Accessed July 06, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_fostercare/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_fostercare/).

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

### Adoption

The adoption process in Hong Kong is fairly straightforward. The SWD is the primary unit concerned with facilitating both domestic and inter-country adoptions. All adoptions are governed by the Adoption Ordinance, as well as the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Notably the Convention requires that Hong Kong attempt to place a child with a family in-country before determining that a child is eligible for intercountry adoption. The Director of Social Welfare has accredited only three non-governmental organizations to assist them with in relation to the adoption of children in Hong Kong. According to statistics from the SWD, the department facilitated 73 local adoptions and 14 intercountry adoptions in 2015-2016. Majority of children were either abandoned or have parents who are unmarried, mentally ill or mentally handicapped, or have a history of drug addiction.<sup>76</sup> Often considered as "hard to place" including children with special needs, older children, or children who are part of a sibling group.<sup>77</sup>

The adoption process in Hong Kong requires applicants to undergo a home assessment. The Home Study Assessment Reports are conducted by the social worker assigned to the adoption case. Social workers are required to assess the prospective adoptive parents' marital stability and eagerness to adopt, as well as the parents' overall ability to provide a safe and nurturing environment for a child. Background checks i.e. via criminal records system are a standard component of the domestic adoption process, and applicants who have lived in Hong Kong for less than

five years are required to provide two overseas referees as well as one local (HK) referee. The prospective parents' financial records, medical records and references are required by the SWD in order to process the application. Single prospective parents that meet Hong Kong's adoption criteria are also qualified to adopt a child upon approval. In keeping the guidelines stipulated by the Hague Convention, Hong Kong gives priority to place adoptive children with parents of the same cultural and ethnic background where/when possible.

The Adoption Unit (SWD) does not charge for the assessment on the suitability of adoption applicants. Though an administrative fee of HKD3,550 (USD455) is charged to the successful applicants for acting as guardian ad litem for the prospective adoptive child in domestic adoption proceedings. Whereas inter-country adoptions of Hong Kong children, the estimated fee is approximately USD 25,000.

Upon meeting the criteria and passing the home assessment, the SWD will formally approve the application. From this stage, the matching process begins where a matching panel comprised of social workers involved in the adoption process review the case files and identify the suitable adoptive parents to meet the needs of the children on the waiting list. Also taking into account the adopter's preference and at times the child's wishes/opinions on adoption arrangement will be considered in light of the child's age and degree of maturity.

After the match has been made, prospective parents can visit the child for two weeks in order to initiate the bonding/attachment process. The adoptive child is then placed in the care

of the adoptive parent for a 6 month trial period, after which the adoption order is legally granted. Notably, the adoptive parent and child are monitored over the course of those 6 months, and they are subject to frequent interviews and visits from the assigned social worker(s). After the adoption has been officially approved, a wide range of post-adoption support services are made available to adoptive parents.<sup>78</sup>

#### Accredited adoption agencies

**Mother's Choice**  
(local and intercountry adoptions)  
[www.motherschoice.org/en/](http://www.motherschoice.org/en/)

**Po Leung Kuk**  
(local adoption services)  
[www.poleungkuk.org.hk/](http://www.poleungkuk.org.hk/)

**International Social Services Hong Kong (ISSHK)**  
[www.isshk.org/en-us](http://www.isshk.org/en-us)

#### Guardianship

Guardianship does not appear to be a common form of alternative care for children in Hong Kong. The Guardianship of Minors Ordinance (Cap 13) simply stipulates the terms for custody of the child and administration of any inheritance i.e. property / trust left behind by deceased parents. Though it should be lauded for its progressive insertion of Sections 6(1) and 6(2) of the Ordinance enabling parents and current guardians to appoint other people to act as future guardians for their children who are still minors in the event of their death/s. Interestingly, the court under Section 8(h) of the Ordinance could also authorize for the guardian to be paid with a remuneration in taking up the role.

*NOTE: Kindly refer to Annex 3 for the Appointment of Guardian/s Form*

<sup>76</sup> "Adoption Service." Social Welfare Department. July 11, 2017. Accessed September 04, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_family/sub\\_listofserv/id\\_adoptionse/](http://www.swd.gov.hk/en/index/site_pubsvc/page_family/sub_listofserv/id_adoptionse/).

<sup>77</sup> "More must be done for 'hard to place' children awaiting adoption in Hong Kong." Hong Kong Free Press HKFP. November 11, 2015. Accessed September 04, 2017. <https://www.hongkongfp.com/2015/11/11/more-must-be-done-for-hard-to-place-children-awaiting-adoption-in-hong-kong/>.

<sup>78</sup> "Considering Adoption in Hong Kong?" (AFHK) Adoptive Families of Hong Kong - Considering Adoption in Hong Kong? Accessed July 06, 2017. [https://www.afhk.org.hk/considering\\_adoption\\_in\\_HK](https://www.afhk.org.hk/considering_adoption_in_HK). Date of publication unavailable.





## legal considerations .....

### **7.1 How does the operator of the alternative care service provisions set-up/register? Would they need a legal mandate?**

The registration of child care service providers is governed by the Child Care Services Ordinance of 1997 (Chapter 243, Laws of Hong Kong). The Child Care Services Ordinance prioritizes the well-being and safety of children in care. The Ordinance also requires that care centres meet the standards necessary to provide children with care that supports social, emotional and academic/intellectual development. The law also stipulates that all child care centres must be registered and compliant with the requirements of the Child Care Services Ordinance. Child care centres that operate without proper registration are subject to imprisonment for 2 years and a fine of HKD100,000.

The registration process is facilitated by the Child Care Centres Advisory Inspectorate of the Department. Once an institution or agency is registered, the Child Care Centres Advisory Inspectorate of the Department is required to monitor the establishment. In some cases, such as child care centres providing educational services and alternative care to children between the ages of 3 and 6, the establishment must be monitored and registered by Joint Office for Kindergartens and Child Care Centres of the Education Bureau.<sup>79</sup>

### **7.2 What are the regulations/standards/policies/guidelines governing practice?**

The implementation of these policies and legislation is monitored by the Legislative Council (LegCo), the Ombudsman, the media and the public at large.

<sup>79</sup> "Registration of Child Care Centres." Social Welfare Department . June 06, 2016. Accessed September 02, 2017. [http://www.swd.gov.hk/en/index/site\\_pubsvc/page\\_lr/sub\\_childcare/](http://www.swd.gov.hk/en/index/site_pubsvc/page_lr/sub_childcare/).

### National Laws, Policies, Regulations, Codes Etc.

Basic Law	Adopted 1990, put into effect 1997
Cap 13 Guardianship of Minors Ordinance	Amended 2012 (date of enactment unclear)
Cap 16 Separation and Maintenance Orders Ordinance	1935, amended 1969, amended 1998
Cap 20 Adoption Ordinance	Enacted 1997, amended 2004
Cap 189 Domestic and Cohabitation Relationships Violence Ordinance	Enacted 1986, amended 2009
Cap 179 Matrimonial Causes Ordinance (MCO)	1997
Cap 192 Matrimonial Proceedings and Property Ordinance (MPPO)	1972
Cap 200 Crimes Ordinance	Amended 1972
Cap 212 Offences Against the Person Ordinance	Amended 1950
Cap 213 Protection of Children and Juveniles Ordinance	Enacted 1951, Amended 1993
Cap 225B Reformatory School Rules	1959
Cap 226D Remand Home Rules	1955
Cap 239A Detention Centres Regulations	1972
Cap 243 Child Care Services Ordinance	1976
Cap 290 Adoption Ordinance	1987, amended 2004
Cap 424 Toys and Children's Products Safety Ordinance	Enacted 1992, amended 2017
Cap 429 Parent and Child Ordinance	1993
Cap 512 Child Abduction and Custody Ordinance, and Protecting the Rights of Children	Amended 2014
Adoption Rules	2007
Regulation 58 of the Education Regulations	Enacted 1971, amended 1991
Rehabilitation Centres Regulation	2001

### International Treaties/Acts/Conventions

Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)	Signatory date unavailable
Hague Convention on the Civil Aspects of International Child Abduction (1980)	Signatory date unavailable







# Hong Kong

Special Administrative Region of the People's Republic of China

