

**PathFinders' Oral Submission**  
**To The Hong Kong SAR's Legislative Council's Subcommittee on Children's Rights**  
**About 'Proposal for Establishing a Commission on Children'**  
**20th April 2017**

Chairman and Committee Members,

I am a Programme Officer at PathFinders. PathFinders is a Hong Kong-registered charity. We work to ensure that the most vulnerable children born in Hong Kong, and their migrant mothers, are respected and protected. Since PathFinders' beginning in 2007, we have helped almost 4,400 babies and their migrant mothers.

PathFinders welcomes the newly elected Chief Executive's commitment to set up a Children's Commission. To ensure that every child in Hong Kong is fully protected through the Commission, we recommend that its composition and operation be guided by the following principles:

First, Hong Kong Children's Commission should ensure that the rights of all children located in Hong Kong are protected. The United Nations Convention on the Rights of the Child sets out the basic rights that every child is entitled to. Yet among the babies PathFinders has assisted are many who, because of their mother's immigration status, have no access to key basic rights including, medical and social welfare, identity documents, immunizations, and humanitarian support such as food, shelter and clothing. These babies do not choose the situation they were born into and yet current government policies and guidelines fail to protect them. There is no safety net for these children and they are overlooked and unsupported by society.

Second, the Children's Commission should be a statutory body, independent of government. The Commission should be able independently to review all relevant law and policy relating to children and to conduct independent investigations into complaints and allegations of all types of abuse from children, their carers, relevant professionals and third parties.

Third, the Children's Commission should act as a forum not only for the views of all children in Hong Kong but also for those working in the children's sector including teachers, NGOs and other professionals. In PathFinders' experience, the absence of effective channels to consult and communicate directly with children and relevant professionals, can too often lead to the needs of the most vulnerable children and especially those in care, being overlooked. For children in care whose parents are unable safely to parent them yet refuse consent for permanency planning, the consequences can be heartbreaking. Pathfinders' children have been left in orphanages or foster homes without stable primary care givers, familial love and care for years on end. These long spells in institutional care have a strong negative impact on the child's social, emotional and psychological wellbeing. An independent Children's Commission should listen and work with the whole children's sector to ensure that no child is overlooked or forgotten.

The Hong Kong Children's Commission should be guided by, and be able to implement, the United Nations Convention on the Rights of the Child (UNCRC). Its establishment and operation should be in accordance with principles of "the role of independent human rights institutions in the protection and promotion of the rights of the child". Every child born in Hong Kong should be respected and protected.

Thank you.

主席、在座各位,

我係 PathFinders 嘅項目主任。PathFinders 係香港註冊嘅慈善機構，我地致力確保香港出世嘅弱勢兒童同佢地嘅外傭媽媽得到應有嘅尊重同保障。機構由 2007 年創辦到今日，已經協助近四千四百個兒童同佢地嘅外傭媽媽。

候任行政長官林鄭月娥女士將設立兒童事務委員會納入政綱，PathFinders 表示歡迎。要透過呢個委員會真真正正保障到香港兒童，我地建議委員會嘅組成同運作遵循以下原則：

第一，委員會必須保障香港所有兒童嘅權利。聯合國《兒童權利公約》已經明確指出，每個兒童生嚟享有基本人權。但係 PathFinders 協助過嘅小朋友，佢地冇任何醫療同社會援助，冇身份證明文件，冇得打疫苗，甚至有嘢食、冇衫著。佢地無辦法選擇自己嘅出身，而政府宜家嘅政策同指引又唔能夠保護佢地。佢地係一群冇任何安全保障、被社會忽視嘅弱勢兒童。

第二，委員會應該獨立于政府，唔隸屬於任何政府部門。委員會要能夠獨立檢討所有兒童相關嘅法例同政策，獨立調查嚟自兒童、照顧者、相關專業人士同服務機構嘅投訴，及任何形式嘅虐兒案件申訴。

第三，委員會唔單止要考慮香港所有兒童嘅意見，仲應該提供一個表達意見嘅平台比服務兒童界嘅群體，包括教師、非政府機構、同其他專業人士。喺 PathFinders 嘅經驗裡面，由於政府缺乏有效嘅諮詢同溝通渠道，未能直接搜集兒童及相關專業人士嘅意見，令到弱勢兒童嘅需求被社會忽視，特別系嗰啲住喺院舍嘅小朋友。有啲父母已經有能力盡到父母嘅責任，或者去計劃小朋友嘅將來。見到啲小朋友只係留喺院舍，冇穩定嘅照顧者，冇家庭嘅關愛，又冇長遠嘅計劃，我地極度痛心。長期留喺院舍，對佢地嘅社交能力、情緒健康同心理發展非常之不利。一個獨立嘅兒童事務委員會必須以兒童嘅最佳利益出發，聽取整個兒童界嘅聲音，確保有任何兒童被社會忽視。

香港係聯合國《兒童權利公約》簽署政府之一，應該以《公約》為依歸，設立同運作一個獨立嘅法定組織，用實際行動保障香港所有兒童應有嘅權益。

多謝。