

**PathFinders Limited: Oral Submission to The Hong Kong SAR's
Legislative Council's Subcommittee on Children's Rights
Reform of Child Protection Legislation
Tuesday, 21 February 2017
10.30am to 12.30pm
Con. Rm 1, LegCo. Complex**

Chinese

我是PathFinders的註冊社工，PathFinders是一間香港註冊的慈善機構，我們致力確保在港出生的弱勢兒童及其外傭母親得到應有的尊重和保障。直至今日為止，我們已協助超過四千二百名的兒童及其外傭母親。

我們有一個個案，由於父母濫藥和疏忽照顧兒童，七個月大的BB暫時由院舍照顧，同時父母被要求作出具體行動改善。直至今日，BB快三歲，父母沒做到最基本照顧小孩的要求，母親甚至在過去兩年失去消息，完全沒探望過小孩。而小孩一直滯留在院舍，亦沒有任何長遠福利計劃。

個案中的父母或者還很愛很捨不得他們的小孩，所以他們不願意放棄撫養權。但回顧過去兩年大大小小的日子裡，像在BB學會站立拍手的時候，在BB生病要入醫院接受治療的時候，他的父母卻沒一次在他身邊，沒有參與在他的成長過程中。

的確，短期的住宿照顧服務能支援家庭，為有需要的家庭提供空間作出調整，讓父母改善及準備好照顧小孩。但當父母一直沒有改善，小孩一直只由院舍照顧，那麼父母是否仍然有盡父母的責任呢？我們可以如何幫助這些長期被遺棄的小孩？難道我們要讓小孩在院舍無了期的等？等多久？兩年？五年？除了等待不知何時才會改善的父母，還有其他的可能性嗎？

可惜現時的指引並沒有清晰具體說明如何處理，同時亦因為父母權利凌駕於其他因素，即是如果沒有得到父母的同意，個案會毫無進展，小孩被迫只能長期滯留院舍。而當這些被遺棄的兒童不是香港居民的時候，情況更複雜，更難確保他們的長遠福利計劃。

這樣不單對小孩造成不可挽救的心理創傷，同時亦令原本應該是短期支援的院舍服務供應變得緊張，長期欠缺宿位，以致有急切住宿照顧需要的兒童未能即時得到有關服務。

所以，我們認為現時的指引是需要檢討及改善：

第一，以為兒童制訂長遠福利計劃作為服務的首要目標，即以兒童的最佳利益為依歸，為其提供最適切、安全、穩定的、可持續的長遠方案，包括如何提供兒童福利、如何讓其發展其潛能。

第二，設立時間框架，減低兒童滯留院舍和受到不必要的心理創傷的可能。建議參考英國26週的時間框架，為兒童制訂長遠福利計劃。

第三，在為兒童制訂長遠福利計劃時，必須優先考慮兒童的最佳利益，而非父母或法定監護人的同意。

院舍服務只是短暫的支援，永遠不能代替一個家庭的成長環境。訂立一個長遠福利計劃才是對兒童長遠發展有效的方案，同時亦可減輕院舍長期宿位不夠的問題。謝謝！

Cantonese

我係PathFinders既註冊社工。PathFinders係一間香港註冊既慈善機構，我地致力確保係香港出世既弱勢兒童同佢地既外傭媽媽得到應有既尊重同保障。直至目前為止，我地已經協助超過四千二百名既兒童同埋佢地既外傭媽媽。

我地有一個個案，由於父母濫藥同疏忽照顧兒童，七個月大既BB暫時由院舍照顧，同時父母被要求作出具體行動改善。

直至今日，BB都就來三歲，但係父母冇做到最基本照顧個細路既要求，媽媽甚至係過去兩年失去消息，完全冇探過細路。

而個細路就一直滯留係院舍，冇任何既長遠福利計劃。

個案中既父母或者仲好愛好唔捨得佢地既細路，所以佢地唔願意放棄撫養權。但回顧過去兩年大大小小既日子裡面，好似係BB學識企起身學識拍手既時候，係BB病左要入醫院接受治療既時候，佢既父母冇一次係佢身邊，冇參與係他既成長過程入面。

的確，短期既住宿照顧服務可以支援家庭，為有需要既家庭提供空間，俾父母改善同埋準備好照顧細路。但當父母一直都有改善，細路一直只由院舍照顧，咁父母仲係未有盡父母既責任呢？我地可以點幫助呢D長期被遺棄既細路？唔通我地要佢地係院舍無了期咁等？除左等唔知幾時先會改善既父母，仲有冇其他既可能性呢？

可惜現時既指引並冇清晰具體說明點樣處理，同時亦因為父母權利凌駕於其他因素，即係如果冇得到父母既同意，都會令成件事卡左係到，導致個案毫無進展，細路仔就被迫只能長期滯留院舍。而當呢D被遺棄既兒童唔係香港居民既時候，情況更複雜，更難確保佢地既長遠福利計劃。

咁樣唔單止對兒童造成不可挽救既心理創傷，同時亦令原本應該係短期支援既院舍服務供應變得緊張，長期欠缺宿位，以致有急切住宿照顧需要既兒童未能即時得到有關服務。

所以，我地認為現時既指引係需要檢討同改善：

第一，以為兒童制訂長遠福利計劃作為服務既首要目標，即係以兒童既最佳利益為依歸，為佢提供最適切·安全·穩定·可持續既長遠方案，包括點樣提供兒童福利·點樣等佢發展佢既潛能。

第二，設立時間框架，減低兒童滯留院舍同受到不必要既心理創傷既可能。建議參考英國26週既時間框架，為兒童制訂長遠福利計劃。

第三，係為兒童制訂長遠福利計劃既時候，必須優先考慮兒童既最佳利益，而唔係父母或法定監護人既同意。

院舍服務只係短暫既支援，永遠唔能夠代替一個家庭既成長環境。訂立一個長遠福利計劃先至係對兒童長遠發展有效既方案，同時亦可以減輕院舍長期宿位唔夠既問題。多謝！

English

I am a registered social worker from PathFinders. PathFinders is a registered charity organization in HK. We ensure that the most vulnerable children born in HK and their migrant mothers, are respected and protected.

A 7-months old baby was admitted to residential child care home due to substance abuse and child negligence from parents. The parents were required to take action to improve their parenting.

Until today, the baby is almost 3 years old. Yet the parents could not fulfil the basic parenting requirement. The mother even disappeared and never visited the child. The child is still staying at residential child care home, no any permanency plan at all.

Given that the parents may still love their child, they are reluctant to give up parental right. However, when looking back to the past 2 years, in which the days baby learnt standing, clapping, being admitted to hospital to receive treatment, his parents were not involved to be around him.

Temporary residential child care service can support the family indeed. Providing a room for the family to adjust leads the parents to improve and be ready for taking care of child. But if the parents never improve, child is taken care from residential home, are the parents still taking their parental responsibility? How can we help these children who suffer from abandon in residential home? Should we just leave them to wait enduringly? How long? 2 years? 5 years? Are there other possibilities apart from waiting for the parents who does not know when to improve?

It is a pity that the current guidelines do not provide a clear and detailed account of how to deal with the situation, together with the fact that parental rights override other factors, resulting in no progress in such cases. Child can only stay in the residential care home. When these abandoned children are non hk citizens, permanency planning appears more difficult to secure due to related complexities.

Not only causing lifelong trauma to child, it can also in turn create serious backlog in residential child care system. Children who are stuck in the system and children who are in urgent needs for placements are all suffering.

Thus, we recommend to review the present guidelines:

- i) establishing a permanency plan (i.e. to prepare the most appropriate, safe, stable and sustainable long-term programs including how to provide child's welfare and how to develop his/her potentials in view of child's best interest) for children at risk should be the paramount objective of the CRSRC;
- ii) setting up a time frame to reduce the possibility of child staying residential home and being subjected to unnecessary psychological trauma. It is recommended to refer to the UK's 26-week time frame to develop permanency plan for child;
- iii) prioritizing child's best interest over parents or legal guardian's consents when establishing permanency plan.

Residential child care service is only a short term support, it can never replace a family environment. Establishing a permanency plan is an effective intervention and is long-lasting for the development of child, as well as relieve the backlog of residential child care service.

Thank you.