

In Peace and Stability We Develop Our Total Fitness

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Introduction

"Yesterday is history. Tomorrow is a mystery. Today is a Gift. That's why it's called the Present!" Let's maximize what we have today to create peace and retain stability with children for their total fitness.

I am very honoured to be given this opportunity to present the first paper on this country paper session. This is two years after 1997. Hong Kong a once borrowed place on borrowed time, with 6.8 million people,¹ reunited with its motherland China and became a Special Administrative Region. We have been promised: one country two systems 50 years unchanged, guided by our basic law with a highly autonomous administration.

While every country and community is enthusiastically preparing to face challenges of the new millennium, we are here today to explore the status of our children. It is important to find out whether we in Hong Kong and you in your country provide a safe and healthy, peaceful and stable environment for this youngest group to develop their total fitness. Whether children in Hong Kong and children in your country are fit and healthy and whether they are well prepared with inner strengths, strengths in the system, adequate knowledge and skills to adequately manage threats and challenges confronting them.

Overview of Child Protection in Hong Kong²

Twenty years ago a child was considered healthy if the child was not sick or malnourished. Physical fitness was what one cared for. Twenty years ago child abuse was not only considered a family affair, but also a problem unreal to Hong Kong. The term "child abuse" was only used in extremely serious if not fatal cases with children in horrific situations. Physical injury was what people looked for.

The majority of cases handled in the past two decades were intra-familial physical abuse cases. (87.2% among 429 cases in 1990 and 50.4% among 804 cases in 1998). Child sexual abuse cases rapidly increased only in the 90's, from 2% of all child abuse cases in 1990 to almost 30% of all child abuse cases in 1998. Neglect in the form of unattended children received considerable discussion because of fatal cases hitting the headlines. The Coroner's Report recorded a total of 135 children died unattended from 1989 to 1997.³ The neglect situation though prevalent was not widely reported through the years (4.6% in 1990 and 6.1% in 1998). Psychological abuse remained the

lowest in reported rate in our child protection registry (1.6% in 1990 and 3.2% in 1998) because of its complex nature and the harm done on children may not be readily observable.⁴ The situation of child suicide, has increasingly hit the headlines and aroused discussion about the emotional crisis of our young.⁵

A piece-meal and remedial approach was adopted in the past. Action was only taken when one simply could no longer remain inactive. This attitude of denial had deprived many of our little ones of their right to adequate provision, protection and participation. Our little ones were therefore left to fend quietly and painfully for themselves and some of them have already carried their bitter experience into adulthood, if not parenthood, and perpetuated the vicious cycle of aggression, violence and neglect.

Child Protection Pioneer

From a policy of looking at society's concerns in a generic approach, child protection progressed into a specialized service since the International Year of the Child, 1979.⁶ As a specialized non-governmental organization, the Against Child Abuse in the past twenty years demonstrated the importance of four significant roles: the role of a child protection agent, a counselor/therapist, an educator/trainer and a child advocate. From a remedial, piece-meal approach, it recommended a strategic prevention approach tackling all three levels of prevention, primary, secondary and tertiary stressing the importance to save a child by the entire community: GOs and NGOs, professionals, volunteers and lay public, adults and young people themselves.⁷ With limited resources and support, the agency piloted prevention projects well documented as effective in other parts of the world such as the Healthy Start Home Visiting Projects, the child empowerment project called Let the Dolphin Lead and Training of Trainers in the prevention of child sexual abuse.⁸

State Policy and Intervention

The abuse statistics and cases handling reflected that some parents and carers were harming children, inadequately performing a responsible role, or covering up abusive incidents for whatever reasons. We could no longer leave our children merely to their discretion. A laissez faire approach is considered passive and undesirable.

The life stories of children and enthusiastic child advocates made children's voice known to the community and eventually also to the legislators. There were at least 6 major debates in the Legislative Council on child safety,

childhood injury, child care and child protection. Though much of what was said by these legislators and policy makers still remained rhetorical until today, there were significant transformations in legislation, policy, the service delivery system, training of personnel and community participation.

Policy, Service Delivery System and Training of Professionals

Recognition that children have rights, they are unique and should not have been considered subordinates are an unusual advancement in our history.

The government has moved towards a specialized role by setting up specialized team and units to handle child abuse situations:⁹

- First in 1983 by setting up their Child Protective Services Unit (CPSU) under the Social Welfare Department (SWD),
- The Police set up their Child Abuse Policy Unit (CAPU) and the Child Abuse Investigation Unit (CAIU) in 1995,
- The Hospital Authority appoints their Medical Coordinators on Child Abuse (MCCA) in 1996,
- Interdepartmental procedures for GOs and NGOs were introduced in 1981, revised through the decades and the new procedure stressing working together and trusting each other including specific guidelines to handle sexual abuse – formulated in 1995 and was revised in 1998.

Child Related Legislation¹⁰

We do not have mandatory reporting of suspected child abuse situation in Hong Kong. We do not have a central data bank reflecting child health indicators nor do we have a central and independent body analyzing such data, disseminating them and working out proactive prevention and treatment strategies. We do not have a registry for child minders. Vigorous discussion about their pros and cons are lacking but needed.

The government before and after 1997 had no time for a comprehensive review on child legislation because of other more pressing political issues such as the Public Security Ordinance, the interpretation of Basic Law regarding children born in Mainland by Hong Kong residents, etc. The urge for a Children's Act similar to the one introduced in UK was rejected. However through the years there were significant legislative reforms which reflected community's changes in perception of children and their related treatment.

- The Hong Kong courts have abolished flogging of delinquents in 1990.
- The Education Ordinance abolished corporal

punishment in schools in 1991.

- The Protection of Women & Juveniles Ordinances was renamed as the Protection of Child & Juveniles Ordinance and amended to include a wider context for the state to intervene protecting children: attending to physical and psychological well-being of a child.
- The new Criminal Procedure Ordinance in 1995 took advantage of high-tech advancement in the best interest of children. It made better provisions to protect vulnerable witnesses including child abuse victims to install life television links in courts and made the video taping of their interviews in child friendly police suites admissible in courts.
- Control of Obscene and Indecent Article Ordinance (COIAO) was passed in 1995.
- The Crimes (Amendment) Bill 1997 introduced into the Legislative Council on March 1998 proposes to increase the maximum imprisonment terms of certain sexual and related offences to 10 years. It was also proposed to increase the maximum penalty of incest with women between the age of 13 and 16 from seven to 20 years.
- The Child Care Centres Ordinance (cap 243) was amended in 1997 and renamed as the Child Care Services Ordinance. The amendment was to facilitate the formation of mutual help childcare groups to attend to the situation of unattended children. The Ordinance also prevents certain unsuitable categories of persons as child minders (e.g. those convicted of specific offences).

There were other advancements impacting upon children such as the extension of the UN Convention on the Rights of the Child to Hong Kong by Britain in 1994,¹¹ providing a global framework on children's rights. There were advancements, perhaps less directly, such as the Privacy Ordinance and the establishment of the Equal Opportunity Commission¹² ensuring protection of privacy and equal opportunity of women and the disabled in the community.

The Hong Kong community is looking at areas such as the age of criminal responsibility since the current age of seven is among the youngest group in the world exposing our very young unnecessarily to criminal consequences. Some child advocates and the Hong Kong Committee on Children's Right suggest 14.¹³

The current consultation on Guardianship and Custody recommended the provision of mediation services for family disputes resolution and new provisions in relation to child abduction. The best interest of the child should be the paramount concern in all proceedings and joint-parenting and parental responsibilities should be the benchmark in the future parent-child relationships and not parental rights.

The proposed legislation Against Child Pornography and Child Sex Tourism is also most timely. It creates new offences in respect of the procurement or employment of children for such purposes and criminalises the arranging and advertising of child sex tourism-giving extra-territorial effect to the existing legal provisions against child sexual abuse.

The Role of the NGO

While we applaud the Government taking a more active role and we are proud to witness the legal reforms in the past two decades, we urge that the unique facilitating and preventive role of the NGOs must not be undermined. Families in their early prognosis and families hesitant to turn to statutory services could obtain non-punitive services from the NGOs.

Innovative prevention projects at different levels were also spearheaded by the NGOs and found effective arousing public concern and encouraging community participation. Effective therapy and treatment models must be explored and developed. Resources must be devoted not only to investigation and criminalization of abuse but more to therapy and treatment of all parties involved.

Community Education and Community Participation

The Swedish Anti-Spanking policy did not convince Hong Kong to abolish hitting of children in families. Though corporal punishment is no longer considered the only means of discipline yet, a large number of families still considered it an acceptable and effective means of discipline. Cases with minor injuries were not considered as abuse. Leaving children unattended is still not considered abuse by at least half of the respondents of a major opinion survey conducted by the Hong Kong Chinese University in 1996. Continued community education with emphasis on a caring and non-violent relationship targeted at different sectors is essential.

The realization of child and family participation through various stages of intervention has come too slowly. Though written into policy documents this must be more honoured in action. Busy professionals must be provided with more time and support to ensure quality communication with children and families in assessment, management, treatment and prevention. An automatic practice to involve the family, including the child, must be more widely promoted. Professionals should overcome their doubt and reservation by involving parents in child protection case conferences and in permanency planning

of children.

A well informed, well-strengthened community provided with channels of participation is what we all strive for. Community and children empowerment programs strengthen citizens, including our children and youth, to be well informed and to voice their views and feelings in a caring and non-violent manner.

Threats and Challenges

In the past, we have focused on intra-familial threats and harm to our children. Facing the many challenges into the millennium, perhaps we need to adopt a macro view and identify threats in a wider context and turn them into opportunities. Threats and challenges appear in different forms: in physical, social, psychological, moral and spiritual forms.

Natural Calamities and Human Disasters

Typhoon is so common in Hong Kong that we sometimes under-estimate the harm done. Yet Typhoon York turned Shek Kep Mei Public Housing Estates residents homeless overnight. They were evacuated from home totally unprepared.

The natural calamities and human disasters such as the hill fire of Indonesia, the Taiwan and Los Angeles Earth Quakes, the battle in Timor, the fighting and bombing in Kosovov were heart breaking and soul fetching.

Perhaps we cannot stop the natural catastrophe but we can try to minimize the harm done and we must try to prevent the human disasters from adversely affected our children and families. When the world is getting smaller and we get closer, we could take these challenges and lend each other a hand.

Economic and Environment Concerns

The Chief Executive of HKSAR, Mr Tung Che Hwa, in his policy speech Quality People, Quality Home (Positioning Hong Kong for the 21st Century),¹⁴ October 1999, reviewed the two major challenges we encountered in the past two years: implementing the one country, two systems and the considerable readjustment to our economy triggered by the regional and even global effects of the Asian financial crisis. That these two happened almost simultaneously made them all the more difficult to manage. As his long-term strategy he stressed that Hong Kong should not only be a major Chinese City but a World Class City with a vibrant economy and financial strengths comparable to New York and London. In his speech he stressed Cultivating Talents for a Knowledge-based Society and Making Hong Kong an Ideal Home. One third of efforts of the policy speech landed on Pollution and Environment Protection.

Our physical environment poses a serious threat to the total fitness of our children. System, mentalities and practices must be revamped to restore peace and stability and to create a safe environment with the involvement of our little citizens in an early stage.

Nevertheless other than the financial and physical aspect of an Ideal Home, we must not over-look important emotional and psychological aspects.

Transition in Family System and Structures

The vigorous and diversified changes in the family system and in young people's perception of marriage, sex and families if not properly handled pose great threats to our children in the next millennium. Unattended and inadequately cared for and supervised children were left alone to tackle their own problems and to face their own boredom. The increase in divorce rate, the aggressive and sometimes horrific ways in the handling of family break ups have shaken the community's heart and our children's souls. The saddest case was that of a Mrs Chan who threw their two children and then herself from the high-rise as a protest to Mr Chan who had an affair in the mainland. Even sadder was Mr Chan's lack of affect and remorse after learning the tragic episode.

Exposing children to constant conflicts and domestic violence is becoming more frequent and the harm caused was observed in some self-mutilation, bullying and child suicide cases. Some children resort to drug abuse, runaways or becoming an abuser in the long run.

Furthermore the massive number of split families and children born in China to Hong Kong residents (200000 to 1.67 million as reported at different times) impacted upon the community.¹⁵ Their unification and adjustment with their families in Hong Kong must be properly supported. Some local families including young children were sadly isolating and rejecting these new comers, a situation that must be stopped.

Education Reforms

In August, 1999 the announcement of 22000 secondary students failing flat in all the subjects they have sat for their form 5 examination has not only broken their parents' heart but also shaken the entire community's conscience. Adequate care and support, academically and emotionally, must be made available for our children to find meaning in learning as well as in living. We should be socializing secure, responsible, independent, dignified and caring children and assisting them to acquire inner peace and strength in addition to the necessary know-how to support a decent life.

Learning brings enjoyment, learning creates opportunities and learning for life are the proposed aims and direction of education by the Hong Kong Education Commission, September, 1999 after receiving a total of

14,000 submissions for a current public education consultation.¹⁶ The public is indeed very concerned whether our education system is adequately preparing our children to face new challenges and to develop their total fitness.

Media and Information Technology

We must also acknowledge the developmental role, responsibility and power of all forms of media to inform, entertain, educate and influence. We must also acknowledge that all media should protect and respect the diverse cultural heritage of a society and make such information accessible to all children, including children in difficult circumstances.¹⁷

The Hong Kong Media have always been very active and aggressive in general and specifically in the area of child protection. The 10-year-old battered girl who stumbled into a police station in 1979, the International Year of the Child was brought to the lime light by the media and led to changes mentioned above. The vigorous reporting of Kwok Ah Nui, a 6-year-old girl contributed to the review of the Mental Health Ordinance.

The media have an active role in advocacy of children's rights, which is often not used properly. A recent opinion survey of a group of young people¹⁸ reflected that 70% of respondents watched TV at least three hours almost every night. Over half of them considered the stories in soap operas as genuine. Over 40% of the respondents imitated what entertainers do and how they behaved. TV is affecting our young people's knowledge and cognition about the world and how they would behave when they grow up.

The fact that children and families were too easily exposed to sex, violence and sensational reporting of news led an advocacy group to campaign against unethical media reporting. Some of these reports were accused to be fictitious, others obtained at the cost of people's privacy.

The Hong Kong Media at a crossroad lately has to strike a delicate balance of protecting freedom of press on one hand and not going too far to disseminate harmful information to our children and the community. Who should check on the press has become a current debate. The Law Reform Commission is looking at the Regulation of Media Intrusion and exploring the need to set up a monitoring body.¹⁹ The Media preferred self-censorship and internal monitoring. In this meaningful review and debate, we urge the media to adopt a child perspective to include voices and needs of children more carefully and more intensively.

The high technological era brought new concerns physically, psychologically, socially and morally to children. It also made information widely accessible. Such technology has also changed our social network and

affected our means of human contacts. Adults need to make time available, and be adequately prepared to guide and supervise to maximize the benefit of the technology and minimize the harm done to mankind.

Conclusion and Recommendation

We need a child perspective in the community and the recent Harvard Consultancy Report on Health Care Reform in Hong Kong reviews Hong Kong's current health care system and its financing and recommended 5 options.²⁰ The report adopted an administrative and finance oriented approach, an approach indeed very important to the long-term benefit of the community but regretfully, without adopting a child perspective at all. Furthermore administrative and financial concerns should not remain the only areas of concerns. Preventive, primary health care and the discussion of total fitness are essential.

If we are steering our community into the next millennium in a wrong direction, then we are heading for destruction. External stresses and threats if predictable must be prevented but often times they are unpredictable. It is fundamental to create internal peace and stability and strengthen the capability of our children not only academically or intellectually. In order to create internal peace and stability and strengthen our children, parents, teachers and our media's positive influence are essential. Parents must be adequately supported through their parenthood. We must not leave this solely to the hands of mothers. Effective parenting programs must be made available for as wide a spectrum of parents, including fathers. Teachers must be trained to be caring and effective educators and role models.

We aspire to become a fair and democratic society, which provides opportunities for all children, not just for the talented ones. We consider a home and a society ideal, not only because it is physically safe, or economically sound, but also because it treasures you and gives you self-worth. You receive care, support and guidance when you need it. It is only in this environment that you acquire positive life values and a healthy life style and it is with this environment that peace and stability can be created and our children can stand tall and feel free.

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