

Welcome address by SJ at the Second Children's Issues Forum
(English only)

Following is the welcome address by the Secretary for Justice, Mr Rimsky Yuen, SC, at the Second Children's Issues Forum at the University of Hong Kong this morning (August 27):

Judge (Bebe) Chu, Mr Justice Hartmann, distinguished guests, ladies and gentlemen,

I am very delighted that the Second Children's Issues Forum is held in Hong Kong today and tomorrow, following the success of the first forum three years ago. Let me first of all extend my very warm welcome to all of you, including in particular speakers and guests from overseas and Mainland China.

The Convention on the Rights of the Child

Hong Kong has all along attached great importance to the protection of human rights. Needless to say, children's rights are no less important than adults' rights. As children are often helpless and sometimes cannot protect themselves, the protection of children's rights merits special attention.

The provisions of the UN Convention on the Rights of the Child, first extended to Hong Kong in 1994, continue to apply to the Hong Kong Special Administrative Region (HKSAR) after July 1, 1997. This demonstrates the HKSAR's continuous commitment to respect and promote children's rights.

In July 2010, the Government made our second periodic report to the United Nations. The report will be examined by the UN Committee on the Rights of the Child. We will study the observations made during the hearing process, and will endeavour to make such appropriate improvements as may be necessary.

Reports of the Law Reform Commission

Unlike some other areas of the law, it is widely recognised that family law involves not only a legal process, but a social and psychological one. Children in particular are deeply affected as a result of going through the experience of their parents' divorce.

The Hong Kong Law Reform Commission (LRC) published a series of four reports on the law concerning guardianship and custody between 2002 and 2005. Whilst time does not allow me to go into the details, may I highlight two aspects of recent development.

First of all, the Guardianship of Minors Ordinance has been amended to implement recommendations in the LRC Report on Guardianship of Children, so as to improve the legal arrangements concerning the appointment, removal and powers of guardians under the Ordinance. These amendments came into effect on April 13, 2012.

Second, the Law Reform Commission has recommended in its Report on Child Custody and Access that the "joint parental responsibility model" should be implemented by legislative means. This new approach emphasises the continuing responsibilities of both parents (even after divorce) towards their children rather than their parental rights. In April, the Administration completed a four-month consultation, and further follow-up actions will be taken in due course after taking into account the opinions collected in the consultation process.

Dispute Resolution

Alternative Dispute Resolution process dealing with issues relating to children is another major theme of this Forum.

In Hong Kong, family law practitioners are one of the pioneering groups that embraced mediation as a means of dispute resolution. In the past decade or so, mediation has gained much momentum in Hong Kong and we have just had the Mediation Ordinance passed in June. I am sure Hong Kong will benefit from the views to be exchanged in this Forum on children's dispute resolution, especially on how to ensure children's voices are heard in the process.

Concluding remarks

The HKSAR Government is, as always, committed to promoting children's welfare and their rights. The Second Children's Issues Forum provides a timely and useful opportunity for experts and stakeholders to get together and exchange views on the issues concerned. I am sure you'd all share with me the same hope that the discussion can bring better welfare and well-being to our coming generations.

May I, on this note, wish this Forum every success.

Thank you very much.

Ends/Monday, August 27, 2012