

## OPEN AGENDA PUBLIC DOCUMENT

Copy No:

No: 60/2017

### Memorandum for Executive Council

#### SUBJECT

#### Welfare of Children Ordinance (Cruelty to Children)

Memorandum by Chairman, Social and Community Development  
Committee

#### ADVICE SOUGHT

1. Council is asked to consider the attached Welfare of Children (Cruelty to Children and Young Persons) (Amendment) Bill, 2017 and to recommend it for publication in advance of its presentation at the Legislative Council session of 15th December 2017.

#### BACKGROUND & CONSIDERATIONS

2. The objective of this amendment Bill is to expand the definition of the offence in s. 144 of the Welfare of Children Ordinance (WOCO). The Bill also makes amendments to the Police and Criminal Evidence Ordinance (“PACE”) to add offences under s. 144 of WOCO to the list of offences for which the Police may arrest a person without a warrant.
3. At present, a person commits an offence under s. 144 of WOCO if he wilfully assaults, ill-treats, neglects, abandons or exposes a child in a manner likely to cause unnecessary suffering or injury to health. That wording is derived from the English Child and Young Person Act 1933. The English Act was amended some time ago to make it clear that ill-treatment includes forms other than physical abuse. This bill amends s. 144 to extend the offence in the same way.
4. There are also some minor amendments to subsection (2) and an additional subsection (2A). These update the circumstances in which a person commits the offence when he has suffocated an infant whilst asleep and intoxicated. The additional words concern the time at which the alcohol was consumed and the place where the sleeping occurred.
5. At present, offences under s. 144 of WOCO are not arrestable offences which means that a Police Officer must obtain a warrant before arresting a suspect. This can delay the investigation and hamper the collection of evidence. This Bill amends s. 22(2) of PACE to add such offences to the list of offences for which the Police may arrest a person without a warrant.

#### FINANCIAL

6. None.

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### IMPLICATIONS

#### ECONOMIC IMPLICATIONS

7. None.

#### CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

8. N/A

#### PUBLIC / SOCIAL IMPACT

9. The proposed amendments will provide greater protection for children from ill-treatment.

#### ENVIRONMENTAL IMPACT

10. None.

#### PREVIOUS CONSULTATION / COMMITTEE INPUT

11. The Social and Community Development Committee (SCDC) considered this Bill on 13<sup>th</sup> September 2017 and recommended that members of the public could be informed about the provisions of this Bill by radio interviews. The SCDC recommended that the Crown Counsel (Community Care) and A/ Detective Inspector should make themselves available for radio discussions, along with a Member of the SCDC. It was further agreed that an email address should be provided for members of the community to feed in any comments which can then be collected and circulated to Councillors.

#### PUBLIC REACTION

12. The public is expected to welcome these measures to protect children.

#### PUBLICITY

13. If approved, mention should be made in the Ex Co report and associated broadcast. In addition, information about these amendments should be provided to the public through media interviews by the Chair of Social and Community Development Committee, accompanied by relevant SHG officers.

#### SUPPORT TO STRATEGIC OBJECTIVES

14. This proposal supports the following National Goals:  
1. Altogether safer; and,  
2. Altogether better for children and young people.

#### OPEN /CLOSED AGENDA ITEM

15. Recommended for the open agenda.

Corporate Support  
Corporate Services  
*DATE OF MEMO*

AAG

19 September 2017