

立法會
Legislative Council

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(These minutes have been
seen by the Administration)

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**Panel on Welfare Services and
Panel on Security**

**Minutes of joint meeting
held on Monday, 24 May 2004 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Panel on Welfare Services

Hon CHAN Yuen-han, JP (Chairman)
Dr Hon LAW Chi-kwong, JP (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Fred LI Wah-ming, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee

Panel on Security

Hon James TO Kun-sun (Chairman)
Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon LAU Kong-wah, JP
Hon Ambrose LAU Hon-chuen, GBS, JP

Members : Panel on Welfare Services
absent

Hon LEE Cheuk-yan
Dr Hon YEUNG Sum
Hon CHOY So-yuk
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Albert CHAN Wai-yip

Panel on Security

Hon WONG Yung-kan (Deputy Chairman)
Hon Margaret NG
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, SBS, JP
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP

(# Also member of the Panel on Security)

Public Officers : Mr Paul TANG, JP
attending Director of Social Welfare

Mr FUNG Pak-yan
Assistant Director of Social Welfare (Family and Child Welfare)

Mrs SO WONG Wei-yee
Chief Social Work Officer (Domestic Violence)
Social Welfare Department

Mrs Loretta CHAU
District Social Welfare Officer (Yuen Long)
Social Welfare Department

Miss Susie HO, JP
Deputy Secretary for Health, Welfare and Food (Welfare)

Ms Winnie NG
Principal Assistant Secretary for Security/E

Mr WONG Pak-nin, Philip
Assistant Commissioner of Police (Crime) (Acting)

Ms NG Suk-fun, Cecilia
Superintendent (Crime Support), Hong Kong Police Force

Mr WONG Bay
Assistant Director (Estate Management) 2
Housing Department

Mr Cert Quinn LEE
Chief Manager/M (Support Services) 2, Housing Department

**Clerk
in attendance** : Miss Mary SO
Chief Council Secretary (2) 4

**Staff in
attendance** : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Lolita SHEK
Senior Council Secretary (2) 7

I. Election of Chairman

Miss CHAN Yuen-han was elected Chairman of the joint meeting.

II. Confirmation of minutes

(LC Paper Nos. CB(2)2469/03-04 and CB(2)2477/03-04)

2. The minutes of the joint meetings on 26 and 30 April 2004 were confirmed.

III. Continue discussion on strategy and measures to prevent and tackle family violence

(LC Paper Nos. CB(2)2445/03-04(01) to (07))

Replacement of the Chairman of the Review Panel on Family Services in Tin Shui Wai (the Review Panel)

3. Referring to the letter dated 7 May 2004 from Mr WAN Chi-keung,

Chairman of the Review Panel (LC Paper No. CB(2)2445/03-04(06)), the Chairman said that at the joint Panel meeting on 30 April 2004, the Administration was requested to provide a statement from Mr WAN to clarify his comments made to "Ming Pao" on 23 April 2004 that the existing immigration and welfare policies were the main causes of family violence. Members had agreed that upon receipt of the statement, they would decide on whether replacing the chairman of the review panel should continue to be pursued with the Administration.

4. Mr CHEUNG Man-kwong noted from Mr WAN's letter that the interview with the press had lasted for a few hours and had touched on a lot of topics. Mr CHEUNG pointed out that as Mr WAN had clarified that he had not mentioned that there was only one single factor leading to family violence, the Review Panel should be allowed to continue its work.

5. Expressing support of Mr CHEUNG Man-kwong's view, Mrs Selina CHOW added that Mr WAN's letter had not given the impression that he had any pre-conceived views on family violence.

6. Dr LAW Chi-kwong said that the Review Panel would be very cautious in maintaining its impartiality in the investigation after members and the public had clearly expressed their dissatisfaction towards Mr WAN's comments made to "Ming Pao" on 23 April 2004 as well as their concerns about the credibility of the Panel. Nevertheless, Dr LAW considered that the explanation offered by Mr WAN had failed to fully address the concerns of members and the public.

7. Mr James TO held a different view, as Mr WAN had not refuted in the letter that he had made the comments that the existing immigration and welfare policies were the main causes of family violence. Mr TO considered that Mr WAN's pre-conceived views on the causes of family violence, including that of the tragedy case in Tin Shui Wai, had adversely undermined public confidence in the Review Panel to come up with impartial and credible conclusions and recommendations.

8. Director of Social Welfare (DSW) said that Mr WAN had already clarified in his letter dated 7 May 2004 that during the press interview on 23 April 2004, he had only commented on family violence in general and had not drawn any conclusion as to the causes of the Tin Shui Wai incident.

9. To be fair to Mr WAN and the reporter, Mr James TO requested that a verbatim transcript of the part of the press interview on 23 April 2004 relating to the above comments should be provided to members so as to ascertain whether Mr WAN had been misunderstood. The Chairman requested DSW to relay Mr TO's request to Mr WAN.

Handling of the incidents involving the victimised family of the Tin Shui Wai tragedy by the Police and the Social Welfare Department

Suspected child sexual abuse incident raised by Madam JIN on 18 February 2004

10. Mr WONG Sing-chi noted from the further report on the Tin Shui Wai family tragedy provided by the Administration (LC Paper No. CB(2)2445/03-04(02)) that on 18 February 2004, Madam JIN first sought assistance from the International Social Service Hong Kong Branch. On 19 February 2004, the case was referred to the Social Welfare Department (SWD) for investigation of a suspected child sexual abuse incident raised by Madam JIN. Following a joint investigation by the Police and SWD, there was insufficient evidence to substantiate the sexual abuse allegation against Mr LI Pak-sum, Madam JIN's husband. Mr WONG asked who had made that decision that there was insufficient evidence to substantiate the sexual abuse allegation against Mr LI and based on what evidence the decision was made.

11. Superintendent (Crime Support) of Hong Kong Police Force (SP(CS)) advised members that a Child Protection Special Investigation Team comprising officers from the Police and SWD was formed to investigate into the allegation Madam JIN was interviewed with statement taken, whilst her two daughters were separately interviewed on video. Mr LI was also interviewed as a suspect. The investigation revealed that there was insufficient evidence to substantiate the allegation. A multi-disciplinary case conference was subsequently held to discuss the welfare aspects of the case. SP(CS) added that the same procedure was adopted in the investigation of other similar cases.

12. Mr WONG Sing-chi expressed concern that the decision was made only based on the statements from Madam JIN and Mr LI. SP(CS) replied that as the Tin Shui Wai homicide had been referred to the Coroner for a decision whether a death inquest should be held, it would not be appropriate to discuss the details of case at the present stage.

13. Mr Albert HO enquired about the duration of the joint investigation and whether clinical psychologists had interviewed Madam JIN, her two daughters and her husband.

14. Chief Social Work Officer (Domestic Violence) (CSWO) replied that an interview, which was video-taped, with the daughters of Madam JIN had been conducted by a clinical psychologist. Social enquiry had also been conducted by the social workers of SWD who had contacted both Madam JIN and Mr LI. It was then concluded at the multi-disciplinary case conference on 5 March 2004 that the sexual abuse allegation was not substantiated.

15. Mr Albert HO said that investigation into child sexual abuse incidents usually took a longer time to complete as the Police and SWD had to be very careful and patient in taking statements from the children involved and in verifying the credibility of their statements. He was therefore surprised that the joint investigation into the child sexual abuse allegation could be completed within only a few weeks' time. Mr HO added that the Police should have continued to follow up on the case, even though there was insufficient evidence to substantiate the allegation at that time.

16. Mr Albert HO further pointed out that since sexual abuse was a very serious crime and the offender was liable to imprisonment, advice should be sought from the Department of Justice (DoJ). He asked whether the case had been referred to DoJ for advice.

17. SP(CS) clarified that it was not necessary for DoJ's advice to be sought on every criminal case. In this case, since there was not sufficient evidence to substantiate the sexual abuse allegation, it had not been referred to the DoJ for advice.

18. Ms Cyd HO asked whether both Madam JIN and Mr LI had been invited to attend the multi-disciplinary case conference. She considered that Madam JIN might have decided subsequently not to give evidence against Mr LI out of fear for her personal safety. The multi-disciplinary case conference should have followed up on the case and ascertain the reasons for her change of mind. Ms HO added that social workers should have handled this case with sensitivity and helped Madam JIN solve her problem.

19. In reply, CSWO clarified that the purpose for inviting the parents concerned to the case conference was to enlist their involvement in formulating a suitable welfare plan for the children concerned. As in other similar cases, Madam JIN had been invited to the multi-disciplinary case conference. However, she had decided not to attend the conference. CSWO considered it not appropriate to provide details of the case at the meeting due to the possible death inquest.

20. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW) added that if the parents did not attend the case conference, the decision arrived at the conference would be relayed to them afterwards. ADSW reiterated that the case conference was not a venue to collect evidence to substantiate the allegation. Investigation had already been conducted by the Police and SWD prior to the case conference.

21. Ms Cyd HO remained of the view that while formulating the welfare plan, the case conference should also investigate into the change of mind of Madam JIN. She urged that similar issue be followed up in future cases. The Chairman expressed support.

The stay of Madam JIN and her daughters in Wai On Home for Women (WOHW)

22. Ms Cyd HO noted from the further report on the Tin Shui Wai family tragedy provided by the Administration that Madam JIN had stayed in WOHW in February and March 2004 with her daughters and on 10 April 2004 alone. Ms HO enquired about the basis on which staff of WOHW had made the judgement that Madam JIN would be safe to return home from the Centre on these occasions. She also queried why WOHW staff had not followed up on the reasons for Madam JIN to stay in WOHW unaccompanied by her children given that a child sexual abuse allegation had been made against Mr LI earlier.

23. CSWO explained that WOHW staff had on those occasions attended to Madam JIN's plan to return home. However, being an adult, Madam JIN made her own decision to return home.

24. Ms Cyd HO was of the view that if Madam JIN had been advised of the choices available to her, she might choose not to return home. The Chairman suggested that SWD should review the risk assessment conducted in this case so as to improve the handling of similar cases in future.

25. Ms Cyd HO further pointed out that paragraph 95 of the Procedural Guidelines for Handling Battered Spouse Cases (2004) should be revised to the effect that the primary concerns of the Police and SWD was to ensure the safety of victims of family violence, but not just in the short run. CSWO informed members that the Guidelines had been implemented since 1 May 2004. She said that, if necessary, the Guidelines could be further revised, taking into consideration members' views.

The "999" call made by Madam JIN to the Police on 9 April 2004

26. Referring to paragraph 6 of the further report provided by the Administration on the Tin Shui Wai family tragedy, both Mr WONG Sing-chi and Mr Albert HO asked whether violence had been reported when Madam JIN made the "999" call to the Police in the evening of 9 April 2004, and whether she had made any request for assistance to the Police.

27. ACP informed members that in response to the "999" call made by Madam JIN on 9 April 2004, two Police officers went to her home and found Madam JIN sustaining injuries on her feet. ACP assured members that if Madam JIN had

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reported of assault, the Police would take firm and positive action against the alleged offenders and investigate into the alleged offence. However, as Madam JIN had only reported that she had stepped on some broken glass, she was sent to the hospital. ACP added that when the Police officers asked for her consent to refer the incident to SWD, Madam JIN said that a social worker had been following up on her case already. In spite of this, the officers still served Madam JIN with a Family Support Services Information Card, which contained a list of agencies providing family support services.

28. Mr WONG Sing-chi and Mr Albert HO pointed out that in other similar cases, the Police would require both parties to go to the Police station and provide statements. They queried why the Police had not followed up on this incident especially when Madam JIN might have reported of violence in her “999” call and the Police had subsequently found her sustaining injuries. Mr James TO expressed similar concern. Mr WONG Sing-chi considered that the Police should also report the incident to SWD knowing that Madam JIN was its client.

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29. SP(CS) clarified that the Police had followed up on the incident by faxing a Domestic Incident Notice to SWD. ACP added that the handling of this incident would be investigated by the death inquest, if held. At the request of the Chairman, ACP undertook to provide the audio tape on the “999” call made by Madam JIN on 9 April 2004 for members’ reference, subject to legal advice.

30. Mrs Sophie LEUNG pointed out that Police frontline staff should learn the pattern of behaviour of victims of family violence who very often changed their mind and became unwilling to give evidence against the abusers after reporting the cases to the Police.

31. ACP responded that Police officers were trained to handle family violence cases in the training school when they first joined the Police Force, as well as on training days for serving officers.

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32. Both the Chairman and Mrs Sophie LEUNG opined that the occurrence of the Tin Shui Wai tragedy had revealed that the Police training in this respect was not adequate. The Chairman suggested that the Police should review and improve its training programmes. She added that the Administration should also consider the recommendations put forth by Against Family Violence - Professional Family Counsellors and Therapists’ Concern Group in this respect. Mrs LEUNG suggested that it should be stipulated in the Police guidelines for handling family violence that Police officers should handle these cases with special care and sensitivity. ACP undertook to convey members’ views to the Administration for consideration.

Visit to the Tin Shui Wai Police Station made by Madam JIN on 11 April 2004

33. Mr James TO said that according to some friends of Madam JIN, Mr LI had threatened Madam JIN that their daughters would be in danger if she did not return home from WOHW. Madam JIN therefore visited the Tin Shui Wai Police Station on 11 April 2004 requesting Police to accompany her home to ascertain the safety of her daughters. Mr TO noted from paragraph 10 of the further report on the tragedy provided by the Administration that based on the information given, the Police officer handling her request had chosen not to provide any police escort for Madam JIN to return to her home. However, according to Madam JIN's friends, Madam JIN had informed them on 11 April in their telephone conversation that the Police would escort her home. Mr TO sought clarification whether Madam JIN had insisted on requesting the Police to accompany her home even though she had discovered that her husband and daughters were not at home after making several phone calls at the Police station.

34. In reply, ACP informed members that after making several phone calls whilst in the Tin Shui Wai Police Station, Madam JIN became aware that there was nobody home. The Police officer concerned had therefore assessed that there would not be danger for Madam to return home. Besides, Madam JIN had indicated that she would be back later before she left the Police station to find her daughters. Under such circumstances, the Police officer had decided not to provide Police escort for Madam JIN to return home.

35. Mr James TO expressed concern that the Police had not provided escort for Madam JIN to return home or followed up on her request for assistance even though her daughters' safety was being threatened. He was of the view that the Police should follow up on the case proactively instead of waiting for Madam JIN to return to the Police station. He urged the Police to improve the handling of similar cases in future. Mr TO also pointed out that if the Police officer had checked against past records, he would have learnt about the history of the problems of the family which would facilitate the risk assessment made on the incident.

36. The Chairman expressed support of the views of Mr James TO. She suggested that it should be clearly laid down in the Police guidelines that these cases should be followed up properly.

37. ACP informed members that a separate enquiry into the handling of all the incidents involving the victimised family by the Police was being conducted, and the handling of the request for assistance by Madam JIN on 11 April 2004 would be investigated. SP(CS) added that as the investigation was still in progress, it would not be appropriate to discuss the details of the incident at this meeting.

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38. Ms Cyd HO requested the Police to provide the video tape on Madam JIN seeking assistance at the Tin Shui Wai Police Station on 11 April 2004 to members for reference. ACP advised that the video tape had been sent to the Coroner and might be produced as an evidence in the death inquest, if held. SP(CS) added that DoJ's advice had to be sought on whether the tape could be provided to members for reference.

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39. Senior Assistant Legal Adviser 1 (SALA1) explained that in accordance with Rule 41(2) of the Rules of Procedure, reference should not be made by Legislative Council (LegCo) Members to a case pending in a court of law in such a way as, in the opinion of the President or Chairman, might prejudice that case. In the present case, since the handling of Madam JIN's request for assistance at the Tin Shui Wai Police Station on 11 April 2004 was not involved in any cases pending court ruling, the Administration might provide the video tape requested by members for their reference. The Chairman requested the Administration to provide the tape as requested by members. Principle Assistant Secretary for Security/E said that the Administration would consider the request in consultation with DoJ.

40. Mr LAU Kong-wah asked whether the Police officer handling Madam JIN's request for assistance on 11 April 2004 had checked against the past records before assessing the risk and the safety of Madam JIN and her daughters. Mr LAU also asked whether the Police officer concerned had made a correct decision on not to provide Madam JIN with any Police escort.

41. ACP replied that the Police officer had checked the past records of Madam JIN. He added that the homicide case had been submitted to the Coroner for a decision whether a death inquest should be held. A separate enquiry into the handling of the incidents involving the family by the Police was also in progress. It was therefore not appropriate to discuss the details of the incident further in this meeting.

(Post meeting note : It was confirmed that the Police Officer concerned had checked the past records in the presence of Madam JIN.)

42. SALA1 reiterated that since the handling of this incident was only a subject of an internal Police investigation instead of a court case, discussion on the incident would not be in contravention to Rule 41(2) of the Rules of Procedure.

43. ACP said that pending the outcome of the internal investigation and the death inquest, if held, judgement should not be made on the decision of the Police officer at the present stage. He assured members that the outcome of the internal investigation would be released to the public, when available.

44. Mr CHEUNG Man-kwong asked whether it was stipulated in the Police guidelines that Police officers were required to check past records when handling all reported family violence cases. In response, ACP advised that the guidelines would be revised to include this requirement.

Improvement to the Police procedures and guidelines for handling family violence

45. Mr LAU Kong-kong sought information on the revisions made to the Police guidelines and procedures for handling family violence recently. ACP advised that the Formation Information Communal System would be enhanced to facilitate the checking of past records. SP(CS) supplemented that after the Tin Shui Wai family tragedy, Police officers had been reminded to handle family violence cases with sensitivity. This requirement had also been included in the guidelines. She added that in the training day in July 2004, some victims of family violence would be arranged to share their experience so as to enhance frontline staff's understanding of the emotions of the victims.

46. Mr LAU Kong-wah opined that it was not necessary to wait for the result of the death inquest to introduce improvements to the procedures and guidelines. He suggested that improvements should be made to the guidelines immediately so that frontline staff were required to seek the advice of their supervisors as well as professionals, such as social workers serving the same clients, as a second opinion in handling family violence cases.

47. ACP responded that while the guidelines could be revised to include the requirement to seek the supervisors' advice, the suggestion of seeking professional advice might need to be further examined.

48. Mr James TO suggested that family violence cases should be handled by more experienced Police officers or by a specialised Police team.

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49. The Chairman requested the Administration to provide the latest edition of the Police guidelines for handling domestic violence to members for reference.

Attendance of Madam JIN's friends and non-governmental organisations (NGOs) at the death inquest

50. Mr Albert HO suggested that NGOs which knew about all the incidents of Madam JIN seeking assistance prior to the homicide should be invited to attend the death inquest, if held, so as to facilitate the investigation.

51. Echoing the views of Mr HO, Ms Cyd HO added that Madam JIN did not have any relatives in Hong Kong, and her relatives in the Mainland might not know about the incidents occurred before her death on 11 April 2004. On the

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other hand, those NGOs which had provided assistance to her, as well as her friends there, might know those incidents better. They should therefore be invited to the death inquest.

52. Mr James TO said that he agreed with Mr Albert HO that the attendance of relevant NGOs might facilitate investigation, and enable the Coroner to better understand the case and hence formulate practicable recommendations. However, he expressed reservation that such arrangement was allowed under the Coroners Ordinance (Cap. 504). He therefore suggested that the policy bureau concerned should review and amend the Ordinance.

53. SALA1 explained that under section 32 of the Ordinance, a properly interested person, who was normally a relative of the deceased, would be entitled to examine a witness in person or by counsel or solicitor at a death inquest. SALA1 further explained that although NGOs were not expressly defined as properly interested persons under Schedule 2 to the Ordinance, item 9 of the Schedule provided that the coroner might regard any other person as a properly interested person by reason of any particular interest in the circumstances surrounding the death of the deceased.

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54. ACP responded that the Police would discuss this suggestion with SWD and revert to members later.

Way forward

55. The Chairman said that members and deputations had raised many concerns and suggestions on the strategy and measures to prevent and tackle family violence at the joint meetings of the Panel on Welfare Services and Panel on Security since the Tin Shui Wai family tragedy in April 2004. Since some of these concerns and suggestions had not been fully discussed and considered by the two Panels, the Chairman invited members' views on how the issue should be followed up.

56. Mr WONG Sing-chi suggested that a subcommittee should be formed to follow up on the outstanding issues to prevent and tackle family violence.

57. Dr LAW Chi-kwong, however, considered that setting up a subcommittee might not be the most appropriate and efficient approach in following up on the issue of preventing and tackling family violence, given the limited time left before the end of the current legislative term. If a subcommittee was formed, its recommendations might still need to be further considered and endorsed by the Panel concerned. He pointed out that members had already fully expressed their views on the issue at the joint meetings of the two Panels since April 2004 as well as at the debate of the motion on family violence at the Council meeting on 5 May

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2004. Dr LAW suggested that members might defer the decision on the way forward until they had considered the outcome of the three separate investigations on the Tin Shui Wai tragedy conducted by the Police and the Review Panel. Mrs Selina CHOW concurred.

58. The Chairman said that if there was insufficient time to discuss the concerns and suggestions on the issue in detail before the end of the current legislative term, LegCo might be recommended to follow up on the issue in the next term.

59. Mr WONG Sing-chi was of the view that discussion on the recommendations on the prevention and tackling of family violence should not be deferred to the next legislative term. He suggested that the subcommittee, if formed, might select one or two topics, which were more pressing for discussion. Dr David CHU expressed similar view.

60. Mr CHEUNG Man-kwong expressed concern about the attendance of members if further joint meetings of the two Panels were to be held to discuss the issue, given that members had already been heavily loaded with the committee work. Both Mr CHEUNG and Mr James TO considered it more appropriate for the Panel on Welfare Services to follow up on the issue. Hence, the subcommittee, if formed, would be under the Panel on Welfare Services. Members of the Panel on Security might be invited to attend the meetings of the subcommittee.

61. Members agreed that a subcommittee be formed under the Panel on Welfare Services to follow up on the most pressing issues. The Chairman said that the LegCo Secretariat would issue a circular to invite membership and inform members of the date of the first meeting of the subcommittee.

62. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
27 July 2004