

立法會
Legislative Council

LC Paper No. CB(2)2469/03-04
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS+SE

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

**Minutes of joint meeting
held on Monday, 26 April 2004 at 10:45 am
in the Chamber of the Legislative Council Building**

Strategy and measures to prevent and tackle family violence

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 LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon YEUNG Sum
Hon CHOY So-yuk
Hon LI Fung-ying, JP
Hon Henry WU King-cheong, BBS, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi
Hon Frederick FUNG Kin-kee

Panel on Security

Hon James TO Kun-sun (Chairman)
Hon WONG Yung-kan (Deputy Chairman)
Hon Albert HO Chun-yan

Hon CHEUNG Man-kwong
Hon LAU Kong-wah, JP
Hon Ambrose LAU Hon-chuen, GBS, JP

Members : Panel on Welfare Services
absent

Hon LEUNG Yiu-chung

Panel on Security

Dr Hon LUI Ming-wah, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
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-ye
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)

Miss Pamela LAM
Principal Assistant Secretary for Security/E (Acting)

Mr Victor LO
Assistant Commissioner of Police (Crime)

Ms Cecilia NG Suk-fun, Superintendent CRIME Support,
Hong Kong Police Force

Mr Frankie LUI, JP
Assistant Director (3), Home Affairs Department

Mr Vincent TANG, JP
District Officer/Yuen Long, Home Affairs Department

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

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

Dr Beatrice CHENG
Senior Executive Manager (Professional Services)
Hospital Authority

Deputations by invitation : Caritas Family Crisis Support Centre

Ms Paulina KWOK
Centre Supervisor

Society for Community Organization and the Concern Group
on the Rights of Migrant Women

Ms SZE Lai-shan
Community Organizer

Ms YAU Yik-yung
Member

Against Child Abuse

Mrs Priscilla LUI
Director

Ms Patricia IP
Chairperson

Ms Vera LAM Moon-hing
Solicitor
Joint Concern Group on Domestic Violence

International Social Service Hong Kong Branch

Mr Stephen YAU
Chief Executive

Ms Venus TSUI
Director of Tin Shui Wai (North) Integrated Family Service
Centre

Harmony House

Ms Margaret WONG
Executive Director

Association Concerning Sexual Violence Against Women

Ms NG Wai-ching
Service Co-ordinator

Hong Kong Association for the Survivors of Women Abuse
(Kwan Fook)

Ms LIU Ngan-fung
Chairman

Ms LEI Hiu-wan
Member

Hong Kong Single Parents Association

Ms Jessie YU Sau-chu
Chief Executive

Hong Kong Federation of Trade Unions Women Affairs
Committee

Ms LAI Chui-hung
Associate Director

Ms LEUNG Hung-hing
Committee Member

Against Family Violence - Professional Family Counsellors' &
Therapists' Concern Group

Ms Esther LAU
Member

Mrs Laurene MAN
Member

Mrs Florence KAN
Member

Hong Kong Family Welfare Society

Mrs Shirley TANG
Senior Social Work Practitioner

Ms Shirley NG
Principal Social Worker

Hong Kong Council of Social Service

Ms Christine FANG
Chief Executive

Ms Elsa CHIU
Officer, Service Development (Family and Community)

Yuen Long District Council member

Mr LUK Chung-hung

Hong Kong Social Workers Association

Mr CHUA Hoi-wai
President

Ms Lilian LAW
Director

Hong Kong Federation of Women's Centre

Ms LAW Ying-Tsz
Centre-in-charge

Association for the Advancement of Feminism

Ms LAM Wai-ha
External Organiser

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

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

Ms Amy LEE
Senior Council Secretary (2) 8

I. Election of Chairman

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

2. As the discussion to follow might touch on legal proceedings or Police investigation arising from the Tin Shui Wai family tragedy, Senior Assistant Legal Adviser 1 (SALA1) advised the meeting on the application of the sub judice rule in the meeting proceedings. Notably, the application of the sub judice rule was enshrined in Rule 41(2) of the Rules of Procedure of the Legislative Council which provided that "Reference shall not be made 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". Its purpose was to avoid hindering the court in reaching the right conclusion or lead it to reach other than the right conclusion. SALA1 also reminded deputations that they were not covered by the Legislative Council

(Powers and Privileges) Ordinance (Cap.382) which provided Members and designated public officers with the freedom of speech and debate in the Council. Such freedom of speech and debate in the Council was also not liable to be questioned in any court or place outside the Council.

3. As the last surviving person of the Tin Shui Wai family tragedy had just passed away, Mr James TO asked whether it was now appropriate for the meeting to ask questions on the Police investigation on the homicide as it was unlikely there would be criminal proceedings on the tragedy.

4. SALA1 responded that although strictly speaking the sub judice rule was only applicable to a case pending in court, restraint might be called for in the meeting proceedings where public interest considerations were relevant.

II. Meeting with deputations and the Administration

(LC Paper Nos. CB(2)2131/03-04(01) to (17), CB(2)2170/03-04(01) to (02) and CB(2)2248/03-04(01))

Briefing by the Administration

5. At the invitation of the Chairman, Assistant Director of Social Welfare (Family and Child Welfare) updated members, through a power point presentation, on strategy and measures to prevent and tackle family violence, details of which were set out in the above Administration's paper (LC Paper No. CB(2)2131/03-04(01)).

Views of the deputations

6. The Chairman then invited deputations to give their views on the strategy and measures to prevent and tackle family violence, details of which were set out in their respective written submissions (LC Paper Nos. CB(2)2131/03-04(04) to (17), CB(2)2170/03-04(01) to (02) and CB(2)2248/03-04(01)).

Holding of another joint-meeting

7. Due to time constraint, Ms LI Fung-ying suggested holding another joint-meeting to continue discussion on the strategy and measures to prevent and tackle family violence. Mr WONG Sing-chi, Mr LEE Cheuk-yan and Ms Cyd HO expressed support. Mr LEE further requested the Administration to provide a written response to the deputations' views for discussion at the next joint-meeting. The Administration agreed.

Discussion

Dissolution of the three-person review panel set up by the Administration to look into provision of family services in Tin Shui Wai (the review panel)

8. Mr CHEUNG Man-kwong questioned the appropriateness of Mr WAN Chi-keung continuing to be the Chairman of the review panel, in view of his speech made to the press that the existing immigration and welfare policies were the main causes of the Tin Shui Wai family tragedy. This was regrettable, as the review panel had not yet completed its work. Moreover, domestic violence was a social problem not unique to Hong Kong.

9. Mr LEE Cheuk-yan said that the speech made by the Chairman of the review panel had not only damaged the credibility of the review panel, and had also aggravated the divisiveness of the community. This, coupled with the subsequent Police's admission that one of the victims of the Tin Shui Wai family tragedy had indeed visited the Tin Shui Wai Police Station prior to the homicide, an inter-departmental committee should be set up by the Administration to review the handling of domestic violence, including that of the Tin Shui Wai family tragedy specifically.

10. In view of the prejudiced comments made by Mr WAN Chi-keung and the limited ambit of the review panel, Ms Cyd HO urged for the setting up of an independent commission of inquiry to replace the review panel so that lessons from the Tin Shui Wai family tragedy could be learnt. Mr Michael MAK and Mr James TO concurred with Ms HO.

11. Director of Social Welfare (DSW) responded that the review panel would review the roles of Government departments including the Police and other relevant parties, such as the non-governmental organisations, in delivering family services covering the handling of domestic violence and come up with recommendations on areas for improvement. Although the review panel was not tasked to identify who should be held responsible for the Tin Shui Wai family tragedy, it would review the handling of the Tin Shui Wai case in order to identify issues involved and recommend improvements. On the comments made by the Chairman of the review panel, DSW said that he was not in a position to speak for the Chairman. DSW however was of the view that any views held by the Chairman of the review panel should not have any impact on the conclusion of the review panel, as any conclusion to be drawn by the review panel would be based on facts and reflect the views of all three members. As the review panel had just commenced work, DSW hoped that members would first see the conclusions and recommendations of the review panel before passing judgement on the objectivity of the review panel.

Action

12. The Chairman urged the Administration not to rule out replacing the Chairman of the review panel at this stage. Mr CHEUNG Man-kwong also urged the Administration not to turn down all the suggestions made by members on the review panel without giving them due consideration. At the request of the Chairman, Deputy Secretary for Health, Welfare and Food (Welfare) agreed to give a response to members' views mentioned in paragraphs 8-10 above at the next joint-meeting.

Date of next joint-meeting

13. Members agreed to hold the next joint-meeting on 30 April 2004 at 8:30 am to continue discussion on the strategy and measures to prevent and tackle family violence.

14. There being no other business, the meeting ended at 1:40 pm.

Council Business Division 2
Legislative Council Secretariat
20 May 2004