

立法會
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seen by the Administration)

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Panel on Welfare Services

**Subcommittee to study issues relating to the
strategy and measures to prevent and tackle family violence**

**Minutes of the second meeting
held on Tuesday, 6 July 2004 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Albert CHAN Wai-yip (Chairman)
Hon LEE Cheuk-yan
Hon CHAN Yuen-han, JP
Hon LI Fung-ying, BBS, JP
Hon WONG Sing-chi

Members absent : Hon Cyd HO Sau-lan
Dr Hon LAW Chi-kwong, JP
Hon Michael MAK Kwok-fung
Hon Frederick FUNG Kin-kee, JP

Public Officers attending : Miss Susie HO, JP
Deputy Secretary for Health, Welfare and Food (Welfare)

Mr Paul TANG, JP
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)

Ms PANG Kit-ling
District Social Welfare Officer (Yuen Long) (Atg)

Ms Winnie NG
Principal Assistant Secretary for Security/E

Mr Victor LO
Assistant Commissioner of Police (Crime)

Ms NG Suk-fun, Cecilia
Superintendent (Crime Support)

Mr Cert Quinn LEE
Chief Manager/Management (Support Services) 2

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

Staff in attendance : Ms Amy LEE
Senior Council Secretary (2) 8

I. Meeting with the Administration
(LC Paper No. CB(2)3023/03-04(01))

Ms LI Fung-ying asked, apart from the strategies and measures in handling family violence set out in the above Administration's paper, whether the Administration had concrete plan to implement any improvement measures, such as setting up a 24-hour hotline and strengthening manpower, in the near future to avoid the recent Tin Shui Wai family tragedy from recurring.

2. Director of Social Welfare (DSW) and Assistant Director of Social Welfare (ADSW) responded as follows -

(a) whilst awaiting for the University of Hong Kong (HKU)'s study on

child abuse and spouse battering, the Administration was simultaneously examining the proposals to amend the Domestic Violence Ordinance (DVO) put forward by the relevant parties. The Administration would hope to be able to map out the way forward by the end of this year. Members would be consulted in due course;

- (b) apart from continuing to conduct overall publicity at the central level to convey key messages on family cohesion and prevention of domestic violence, the Social Welfare Department (SWD) would organise district programmes/activities to put across the messages locally and to rally local support. In this context, the Community Investment and Inclusion Fund had been providing seed funding to support community-initiated and neighbourhood-based projects that sought to build the capabilities of individuals and groups for self-help, mutual help and support, and to mobilise cross-sectoral collaboration to tackle local problems;
- (c) in view of the proven effectiveness of integrated family service centres (IFSCs), all existing family service centres (FSCs)/counselling units would be transformed into IFSCs in 2004-05. Each IFSC would comprise three components, namely, Family Resource Unit, Family Support Unit and Family Counselling Unit. A continuum of preventive, supportive and remedial services would be provided with regular extended hour services in the evening/Saturday/Sunday. Although no additional resources would be put in to the IFSCs, more effective use of existing resources would be achieved through such re-engineering exercise to remove duplication/overlapping of services and to re-distribute resources among districts based on factors such as the population to be served and complexity of social problems and district needs. The total number of social workers would be increased from 800-odd (in existing FSCs/counselling units) to 900-odd (in future IFSCs) through the re-engineering exercise due to pooling of various family service resources;
- (d) by the end of 2004-05, there would be 61 IFSCs covering the whole territory. A typical IFSC would have the following setup - a clear and independent service boundary, with a population ranging from 100 000 to 150 000; a minimum of 12 social workers apart from a supervisor; and flexible deployment of social workers in the three service units. Depending on the population to be served and complexity of the problems in the district, some IFSCs might have

more social workers, say 16 to 19. The average number of social workers per centre would be between 14 and 15. Although each IFSC was planned on a basis of serving a population between 100 000 to 150 000, most of the IFSCs would be serving a population below 130 000;

- (e) family services in new towns would be enhanced following the re-engineering of FSCs. For instance, in Tin Shui Wai, the existing two IFSCs and one FSC with a total of 28 social workers would be transformed, through the re-engineering exercise, to become three IFSCs with a total of 41 social workers. For Tseung Kwan O, the existing two FSCs/counselling units with a total of 17 social workers would be transformed to become three IFSCs with a total of 40 social workers;
- (f) SWD had temporarily deployed 12 social workers to its Family and Child Protective Services Units (FCPSUs) since 3 May 2004. Following the re-engineering of family resources, further resources would be pooled to establish one more FCPSU to make a total of six specialised teams to provide intervention to child abuse and spouse battering cases in 2005-06; and
- (g) although the SWD hotline ceased to receive calls after 10:00 pm, callers who dialled up the SWD hotline outside the duty hours of the social workers could either leave their message on the recording machine, seek assistance from the Police, or press "0" to directly transfer their calls to the 24-hour hotline services of the Family Crisis Support Center (FCSC) operated by Caritas - Hong Kong. At present, the 24-hour hotline of the FCSC had eight lines, including three warm lines answered by trained volunteers, to provide immediate counselling or support to persons in family crisis. Additional funding had also been arranged by SWD to strengthen the 24-hour hotline services of the FCSC.

3. Mr LEE Cheuk-yan said that there was no need for the Administration to wait for the outcome of the HKU's study on child abuse and spouse battering before deciding on the way forward to amend the DVO. Mr LEE pointed out that the inability of the existing legislation to effectively deter family violence was made clear by many non-governmental organisations (NGOs) and local experts on family violence.

4. DSW explained that the Administration needed to wait for the outcome of the HKU's study on child abuse and spouse battering before deciding on the way

forward to amend the DVO because the study would review the overseas experience in handling family violence and examine its applicability in the local context. Besides, time was needed to consult the Department of Justice on the legal feasibility of some of the various proposals put forward by various parties. These proposals included expanding the definition of family violence to include not only physical abuse but also psychological abuse, abandonment and neglect, requiring the abusers to undergo mandatory counselling, and permitting a third party to apply for an ex parte injunction for a victim provided that the victim was aware of the application. DSW reiterated that the Administration would hope to map out the way forward by end of 2004. Members of the Panel on Welfare Services would be consulted on the legislative proposals before introducing into the Legislative Council (LegCo).

5. Ms LI Fung-ying expressed dismay that SWD should rely on an NGO to provide 24-hour hotline services to help people facing family crisis. Ms LI was of the view that the 24-hour hotline manned by the Government's Efficiency Unit should be enlisted to help SWD to receive calls for people facing family crisis after 10:00 pm.

6. DSW responded that it was not surprising for SWD to designate the FCSC operated by Caritas - Hong Kong to man a 24-hour hotline to help people facing family crisis as SWD and NGOs worked in partnership in meeting various welfare needs. ADSW supplemented that unlike the SWD hotline which also provided enquiry and information-giving services, the FCSC of Caritas - Hong Kong with its 24-hour hotline was a specialised service providing crisis intervention and emotional support to people facing family crisis. It had the back up of other facilities including temporary accommodation.

7. Miss CHAN Yuen-han referred members to paragraph 21 of the Administration's paper which mentioned that to assist victims of family violence to resolve their housing problems, different forms of housing assistance including Compassionate Rehousing, Conditional Tenancy, Splitting of Household and Housing Transfer etc. were arranged for cases with genuine housing need and social/medical ground. Miss CHAN hoped that the Administration would make good on such undertaking by arranging splitting of household for people affected by the redevelopment of Wong Chuk Hang public housing estate without requiring them to undergo means test.

8. Chief Manager/Management (Support Services) 2 responded that the Housing Department (HD) had stepped up liaison with SWD and other concerned parties to better meet the housing needs of the people affected by the redevelopment of the Wong Chuk Hang public housing estate.

9. Miss CHAN Yuen-han then asked the following questions -
- (a) whether the Police had revised its guidelines to raise the sensitivity of its frontline officers on handling domestic violence cases, in light of the recent occurrence of the Tin Shui Wai family tragedy;
 - (b) when would the legislation to criminalise stalking be introduced into LegCo, and whether the Administration would take into account the findings of the studies conducted by some NGOs and local universities on stalking in formulating the proposed legislation;
 - (c) whether the content of SWD's training programmes on family violence for its staff would abandon the adoption of such outdated "family integrity" philosophy in handling family violence; and
 - (d) when would the proposal of setting up post-event multi-disciplinary review committees on cases in which family violence had caused serious injuries or deaths, as referred to in paragraph 44 of the Administration's paper, be implemented.

10. Responding to Miss CHAN's first question, Assistant Commissioner of Police (Crime) (ACP) said that since the homicide, the Police had reminded all officers of the need of handling domestic violence cases with care, including checking/asking whether the person who reported as being abused by his/her family member(s) had previously sought assistance from the Police. The Police guidelines on handling domestic violence would be formally revised to reflect the aforesaid procedure upon the enhancement of the Police Communal Information System to check whether a member of the public had made previous domestic violence complaint(s) and other related information.

11. Regarding Miss CHAN's second question, Deputy Secretary for Health, Welfare and Food (DSHWF) said that the Home Affairs Bureau (HAB) had studied in depth the Law Reform Commission's report on criminalising stalking acts committed by family members and others such as investigative journalists. It was well aware of the diverse views on the proposed legislation. Some sectors of the community were concerned about the stalking problem and urged for legal measures against such acts. Whilst others were strongly against any legislative move that might pose as a threat to freedom of information. However, HAB appreciated it that stalking was a problem that needed to be tackled. DSHWF assured members that the Administration would not close its ears to any proposals put forward by the community on the legislation of stalking. Members of the relevant Panel(s) would be consulted before deciding on the way forward on the proposed legislation.

12. As to Miss CHAN's third question, Chief Social Work Officer (Domestic Violence) clarified that to enhance the skills and knowledge on handling family violence and multi-disciplinary collaboration in combating violence, SWD had continuously conducted different training programmes for social workers as well as other professionals, such as the Police, teachers and medical professionals etc. The programmes covered various topics including intervention on child abuse and spouse battering cases, risk and safety assessment, treatment for perpetrators, victims and children witnessing domestic violence, and the understanding of domestic violence from different perspectives. The trainers included local academics from the tertiary institutions, overseas experts and experienced professionals from different disciplines such as clinical psychologist.

13. On Miss CHAN's last question, DSW said that the proposal of setting up post-event multi-disciplinary review committees was being examined and the Administration would seek the views of members of the Panel on Welfare Services in due course.

14. Mr LEE Cheuk-yan was of the view that to better combat family violence consideration should be given to first enact legislation to criminalise stalking committed by family members. Mr LEE then asked the following questions -

- (a) what action(s) would be taken by the Police to change the mindset of its frontline officers that spouse battering was unacceptable under any circumstances, having regard to the findings of a survey on police officers which revealed that 30% of the respondents considered wife battering acceptable; and
- (b) what action(s) would be taken by HD to assist battered spouses with or without dependent children on divorce proceedings who lived in Home Ownership Scheme (HOS) flats and Tenant Purchase Scheme (TPS) flats to obtain conditional tenancy under the Compassionate Rehousing Category.

15. ACP responded that it was doubtful how much the survey mentioned by Mr LEE in paragraph 14(a) above actually represented the views of all police officers as the survey only interviewed about 74 officers between September 2000 and May 2001. ACP further said that since the Tin Shui Wai homicide, the Police had stepped up training of police officers in handling family violence. New and improved teaching package to raise the sensibility of police officers in handling family violence was close to completion. Responding to Mr LEE's further enquiry as to whether the Police would conduct its own survey on police officers' attitude towards the zero tolerance policy against family violence, ACP

said that there was no need for such kind of survey as the command structure had provided sufficient safeguard to ensure that such policy was strictly adhered to.

16. ADSW said that in considering compassionate re-housing or conditional tenancy for domestic violence cases, SWD had to be satisfied that these cases had the need for long-term housing assistance and had special social or medical grounds to support their application. Besides, they had to pass the Comprehensive Means Test and Domestic Property Test. For applications concerning splitting of household and housing transfer, HD would undertake the initial screening and in case some of these requests could not be acceded to under HD's prevailing policies but seemed to have social or medical grounds for special consideration, HD might seek SWD's advice. For SWD known cases who approached SWD in the first place and SWD had sufficient information about their housing request, SWD would inform HD the social and/or medical circumstances of these cases to accelerate the decision-making process.

17. Mr WONG Sing-chi urged SWD to review the workload of the FCPSUs, as to his understanding each social worker on average had to handle some 40 cases. Mr WONG further urged SWD to assign different social workers to conduct social enquiry on a family violence case and provide follow-up counselling to the victim and the abuser, as the nature of investigative and counselling functions was contradictory.

18. DSW pointed out that the workers of FCPSU worked as a team, and apart from FCPSUs, other service units such as the existing FSCs/counselling units, District Elderly Community Centres, Neighbourhood Elderly Community Centres, Integrated Children and Youth Services Centres, school social workers and clinical psychologists also provided support and services to prevent and tackle family violence. On separating the investigative and counselling functions of social workers, DSW said that this might lead to fragmentation. DSW pointed out that for cases where the investigating officer was deemed not appropriate to render follow-up counselling, for instance, rejection by the abuser, they might be transferred to another officer of the unit. It was not uncommon for cases to be referred to clinical psychologists for treatment. ADSW added that the recent deployment of social workers to FCPSU and the plan to establish one additional FCPSU by 2005-06 were measures to alleviate the workload of FCPSUs.

19. The Chairman was of the view that consideration should be given to appointing legal representation for children in custody cases brought about by family violence, as practised in many developed jurisdictions. In response, ADSW said that a legal representation scheme had been put in place in 2003 to provide legal representation to children/juveniles involved in Care or Protection proceedings who were deprived of liberty so as to protect their interests.

Conclusion

20. On closing, the Chairman concluded that members generally considered the existing strategies and measures to prevent and tackle family violence inadequate. The Chairman suggested and members agreed to recommend the following measures for implementation by the Administration as a matter of priority -

- (a) SWD should set up its own 24-hour hotline, preferably in each SWD district, to help people facing family violence;
- (b) experienced practitioners should be enlisted to provide training to workers handling family violence;
- (c) eligibility criteria for providing housing assistance to battered spouse and family members in conflict should be relaxed;
- (d) workload of the FCPSUs should be reviewed, including setting down the maximum number of cases which each unit should handle; and
- (e) appropriateness of having one social worker handling family violence taking up both the investigative and counselling functions should be reviewed.

As the current session was drawing to a close, the Chairman further suggested not to hold further meetings and to recommend to the Panel on Welfare Services to follow up on the aforesaid recommendations and other issues raised by the Subcommittee in the next legislative session. Members agreed, and noted that a report of the Subcommittee would be submitted for the meeting of the Panel on Welfare Services on 19 July 2004.

21. There being no other business, the meeting ended at 5:55 pm.

Council Business Division 2
Legislative Council Secretariat
29 July 2004