

立法會
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Paper for the Panel on Welfare Services
Meeting on 19 July 2004

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

Purpose

This paper reports on the deliberations of the Subcommittee to study issues relating to the strategy and measures to prevent and tackle family violence (the Subcommittee).

Background

2. At the joint meeting of the Panel on Welfare Services and the Panel on Security held on 24 May 2004, members decided to set up a subcommittee under the Panel on Welfare Services to study the most pressing issues concerning the strategy and measures to prevent and tackle family violence.

The Subcommittee

3. The terms of reference and the membership list of the Subcommittee are in **Appendices I and II**.

4. Under the chairmanship of Hon Albert CHAN, the Subcommittee has held two meetings with the Administration.

Deliberations of the Subcommittee

Improvement measures to prevent and tackle family violence

5. Members note that a three-person Review Panel on Family Services has been set up by the Administration, in light of the occurrence of the Tin Shui Wai

family tragedy on 11 April 2004. A member has asked what other improvement measures have been or would be taken by the Administration to prevent and tackle family violence.

6. The Administration has advised that the following actions are being/will be taken -

- (a) 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 has been providing seed funding to support community-initiated and neighbourhood-based projects that seek 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;
- (b) 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;
- (c) 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 is 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;

- (d) SWD has 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;
- (e) plan is in hand to update the guidelines stipulated in the "Guidelines for Handling Child Abuse Cases - Revised 1998" in 2004-05;
- (f) SWD has stepped up work with the Police and Hospital Authority on measures to further strengthen coordination;
- (g) SWD has issued reminders to its staff regarding handling of service users with aggressive and violent behaviour, including seeking of police assistance; and
- (h) a study is being undertaken by the Police to examine the feasibility of enabling the existing computer system to check past police records on persons who have sought police assistance in relation to domestic violence complaints. In the meantime, all frontline Police officers have been reminded to ask people who report domestic violence to a Police station as to whether they had earlier sought assistance from SWD and/or other non-governmental organisations (NGOs), so as to see whether any follow-up social services should be provided to the victims.

Review of the Domestic Violence Ordinance

7. Members urge the Administration to expeditiously amend the Domestic Violence Ordinance (Cap. 189) (DVO) to better combat family violence.

8. The Administration has advised that while waiting for the outcome of part one of the University of Hong Kong (HKU)'s study on child abuse and spouse battering on elements contributing to effective prevention and intervention, among others, which would be available in mid 2004, it is simultaneously examining the legislative provisions of the DVO. Key aspects being studied include mandatory counselling, definition of domestic violence, injunction order, etc. In this connection, due regard would be given to the views expressed by Members at the joint meetings of the Panel on Welfare Services and the Panel on Security held on 26 April and 30 April 2004, and the motion debate at the Council meeting on 5 May 2004. The Administration has also met members of the Committee on

Child Abuse and the Working Group on Combating Violence and the "關注家庭暴力問題聯席" to listen to their views on the matter.

9. A member has raised query about the need to wait for the outcome of HKU's study on child abuse and spouse battering before deciding on the way forward to amend the DVO.

10. The Administration explains that the reason why it needs 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 is that the study would shed light on the overseas experience in handling family violence and examine its applicability in the local context. Besides, time is needed to consult the Department of Justice on the legal feasibility of some of the various proposals put forward by various parties. These proposals include 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.

Enacting legislation on stalking

11. Members have asked when the legislation to criminalise stalking would be introduced into the Legislative Council.

12. The Administration has advised that the Home Affairs Bureau (HAB) has studied in depth the Law Reform Commission's report on criminalising stalking acts committed by family members and others such as investigative journalists. It is well aware of the diverse views on the proposed legislation. Some sectors of the community are concerned about the stalking problem and urge for legal measures against such acts, while others are strongly against any legislative move that might pose as a threat to freedom of information. HAB, however, appreciates that stalking is a problem that needs to be tackled. The Administration assures members that it 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.

Setting up post-event multi-disciplinary review committees

13. A member is of the view that post-event multi-disciplinary review committees, to be set up by the Administration, should also include person(s) who could represent the interests of the victims.

14. The Administration has pointed out that in considering whether to set up post-event multi-disciplinary review committees, the main aim is to identify room

for improvement in the handling of family violence, rather than to find out who should be held culpable. Also, such reviews should not interfere with investigation by the Police and/or the Coroner Court. Nevertheless, the Administration agrees to give the member's suggestion in paragraph 13 above further thoughts.

Providing housing assistance to victims of family violence

15. Members consider that no matter how carefully written the guidelines on handling family violence are, victims of family violence would still suffer serious injuries or even death if timely assistance is not provided to them. To members' understanding, many victims are forced to return home because no long-term accommodation could be provided to them.

16. The Administration has pointed out that no victim of family violence would be forced to return home. Although these victims could live in refuge centres on a temporary basis, different forms of housing assistance, including Compassionate Rehousing, Conditional Tenancy (CT), Splitting of Household and Housing Transfer, are available to assist them in resolving their long-term housing problems. Moreover, charitable trust funds would be released to assist these victims to rent private tenements as appropriate. CT and Compassionate Rehousing also apply to the aggrieved party without dependent children who has genuine need for a separate public rental housing unit.

17. A member has asked what action(s) would be taken by Housing Department (HD) to assist battered spouses with or without dependent children on divorce proceedings who live in Home Ownership Scheme flats and Tenant Purchase Scheme flats to obtain CT under the Compassionate Rehousing Category.

18. The Administration has replied that in considering Compassionate Rehousing or CT for domestic violence cases, SWD has to be satisfied that these cases have the need for long-term housing assistance and have special social or medical grounds to support their application. Besides, they have 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 seem to have social or medical grounds for special consideration, HD might seek SWD's advice. For SWD known cases who approach SWD in the first place and SWD has 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.

Workload and work pattern of FCPSUs

19. A member urges SWD to review the workload of the FCPSUs, as he understands that each social worker on average has to handle some 40 cases.

20. The Administration clarifies that social workers of FCPSU work as a team. 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 provide support and services to prevent and tackle family violence. The recent deployment of social workers to FCPSU and the plan to establish one additional FCPSU by 2005-06 are measures to alleviate the workload of FCPSUs.

21. The member further urges 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 is contradictory.

22. The Administration has pointed out that separating the investigative and counselling functions of social workers might lead to fragmentation. At present, for cases where the investigating officer is deemed not appropriate to render follow-up counselling, say, rejection by the abuser, they might be transferred to another officer of the unit. It is not uncommon for cases to be referred to clinical psychologists for treatment.

Setting up a 24-hour hotline to assist victims of family violence

23. Members note that SWD has a hotline to provide assistance to victims of family violence. Such a hotline, however, does not take calls after 10:00 pm. Callers who dialled up the SWD hotline outside the operating hours 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. In the light of this, a member has suggested 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. The member has expressed dismay that SWD should rely on a NGO to provide 24-hour hotline services to help people facing family crisis.

24. The Administration considers it understandable 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 work in partnership in meeting various welfare needs. Moreover, the FCSC of Caritas - Hong Kong, with its 24-hour hotline, is a specialised service providing crisis intervention and emotional support to people facing family crisis. It has the back up of other facilities including temporary accommodation. At present, the 24-hour hotline of the FCSC has eight lines, including three "warm lines" answered by trained volunteers, to provide immediate counselling or support to persons in family crisis. Additional funding has been arranged by SWD to strengthen the 24-hour hotline services of

the FCSC.

Conclusion

25. Members generally consider the existing strategies and measures to prevent and tackle family violence inadequate. They 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 up-to-date 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.

Members further recommend that the Panel on Welfare Services should follow up the aforesaid recommendations and other issues raised by the Subcommittee in the next legislative session.

Advice sought

26. Members are invited to note the deliberations of the Subcommittee.

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Panel on Welfare Services

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

Terms of Reference

To study the most pressing issues relating to the strategy and measures to prevent and tackle family violence, taking into consideration the views of the public and the non-governmental organisations providing welfare services.

Panel on Welfare Services

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

Membership List

Chairman	Hon Albert CHAN Wai-yip
Members	Hon Cyd HO Sau-lan Hon LEE Cheuk-yan Hon CHAN Yuen-han, JP Dr Hon LAW Chi-kwong, JP Hon LI Fung-ying, BBS, JP Hon Michael MAK Kwok-fung Hon WONG Sing-chi Hon Frederick FUNG Kin-kee, JP (Total : 9 Members)
Clerk	Miss Mary SO
Legal Adviser	Mr LEE Yu-sung
Date	1 July 2004