

立法會
Legislative Council

LC Paper No. CB(2)638/04-05
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

**Minutes of special meeting
held on Monday, 22 November 2004 at 2:00 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon CHAN Yuen-han, JP (Chairman)
Dr Hon Fernando CHEUNG Chiu-hung (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Dr Hon YEUNG Sum
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Frederick FUNG Kin-kee, JP
Hon LEUNG Kwok-hung

Members absent : Hon Bernard CHAN, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert Jinghan CHENG

Members attending : Hon Margaret NG
Hon WONG Kwok-hing, MH

Public Officers attending : 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)

Review Panel on Family Services in Tin Shui Wai

Mr Aaron WAN, JP, BBS
Chairman

Prof Nelson CHOW, JP
Member

Dr Sandra TSANG
Member

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Miss Mary SO
Senior Council Secretary (2) 8

I. Report of the Review Panel on Family Services in Tin Shui Wai
(LC Paper No. CB(2)262/04-05(01))

Members noted the Report of the Review Panel on Family Services in Tin Shui Wai (the Report) and the covering information paper prepared by the Administration tabled at the meeting.

2. Director of Social Welfare (DSW) said that he only received the Report on 20 November 2004 but wished to brief the Panel on the recommendations of the Report as soon as possible. The Social Welfare Department (SWD) would study these recommendations carefully with other government departments and non-governmental organisations (NGOs) with a view to making continuous improvements. DSW thanked members of the Review Panel on Family Services in Tin Shui Wai (the Review Panel) for their hard work over the past few months, and their agreement to conduct a further review on the progress made with respect to the Report's recommendations in nine months' time.

3. DSW said that SWD had already launched several enhancement and improvement measures in service delivery. These included setting up the sixth Family and Child Protective Services Unit (FCPSU) in April 2005, reviewing the guidelines for handling child abuse cases, reviewing the shelter service for victims of domestic violence, re-engineering family services, reviewing the Domestic Violence Ordinance (Cap. 189) (DVO), strengthening professional training on managing family violence, enhancing district co-ordinating mechanism, and exploring the feasibility of setting up a mechanism for convening an independent review committee to examine fatal and serious cases. DSW pointed out that the Review Panel's observations relating to the family tragedy on 11 April 2004 had not been included in the Report at this stage, taking into account legal advice that these might affect any possible death inquest.

4. Mr Aaron WAN, Chairman of the Review Panel, briefed members on the background, objective and methodology of the review on family services in Tin Shui Wai through a power point presentation. This was followed by briefings by Prof Nelson CHOW and Dr Sandra TSANG, members of the Review Panel, who introduced members to the recommendations of the Report from the macro and micro perspectives respectively.

Discussion

5. Dr YEUNG Sum expressed regret about the poor town planning and development in Tin Shui Wai (TSW). Despite the fact that the population of TSW had already exceeded 200 000 in 2000 and the high portion of the population residing in public housing estates, the area still did not have its own Family Services Centre (FSC) until March 2002. According to the Report, in the past, a FSC was planned for a population of 150 000. With reference to the consultancy study on family services and experiences of the pilot study on Integrated Family Service Centre (IFSC), an IFSC was planned for a population from 100 000 to 150 000. In the light of this, Dr YEUNG asked whether SWD would apologise for the delayed provision of family services in TSW. Dr YEUNG further asked DSW to provide the timetable for implementing the recommendations made by the Review Panel and whether he and the Secretary for Health, Welfare and Food (SHWF) would take up with the Financial Secretary (FS) on allocating more funding for welfare services next year.

6. DSW responded that SWD accepted the criticism that the provision of family services in TSW in the past had failed to tie in with the residents' needs. To rectify the situation, various improvement measures were and would continue to be made by SWD and other Government departments. DSW believed that with the enhanced functions of the District Social Welfare Officers (DSWOs) whose main responsibilities were, among others, to plan welfare services on a district level to meet community needs, the problem of

underprovision of welfare services would be addressed. DSW further said that to better mobilise and raise the awareness of NGOs, community groups and the community at large in the prevention and tackling of family violence, a pilot project on developing such a network was being carried out in the Kwun Tong district.

7. Regarding next year's funding for family services, DSW said that he and SHWF would do their best to secure more funding from FS. As to the timetable for implementing the recommendations of the Review Panel, DSW said that he could not provide such at this stage as SWD was still studying the Report. Moreover, some of the recommendations of the Review Panel, if implemented, would involve other Government departments and/or NGOs. DSW assured members that SWD would not drag its feet on implementing the recommendations of the Review Panel. The Review Panel would conduct a further review on the progress made in nine months' time.

8. Ms LI Fung-ying considered that nine months was too long a period for SWD to come up with a progress report on implementing the recommendations of the Review Panel, and urged that this be sped up. The Chairman and Mr WONG Kwok-hing expressed similar views. Mr WONG further requested the Administration to provide information on the number and percentage of new arrival women involved in family violence cases in the past three years.

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9. DSW responded that although the Review Panel would conduct a further review on the progress made with respect to the Report's recommendations in nine months' time, it did not mean that no action would be taken in the interim. As mentioned in paragraph 3 above, SWD had already launched several enhancement and improvement measures in service delivery. The reason why a comprehensive reply could not be given regarding the implementation timetable at this stage was because SWD only received the Report two days ago on 20 November 2004. It was the Administration's intention to provide members with a progress report on the implementation of the Report's recommendations at a later stage. As to the information requested by Mr WONG Kwok-hing in paragraph 8 above, DSW agreed to provide it after the meeting.

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10. Ms LI Fung-ying hoped that the progress report to be provided by SWD would include the aspect with regard to SWD's co-ordination with other policy bureaux/Government departments in implementing the recommendations of the Review Panel. DSW agreed.

11. Noting that one of the Report's recommendations was that the Wai On Home for Women of SWD should be hived off for operation and management by an NGO, Ms LI Fung-ying asked the Review Panel to explain the rationale for putting up such a recommendation.

12. Prof Nelson CHOW responded that the reason for recommending that the Wai On Home for Women of SWD should be hived off for operation and management by an NGO was because this could achieve greater cost-effectiveness, having regard to the fact that NGOs were better placed to recruit volunteer workers and could solicit donations to enhance their services.

13. Dr Fernando CHEUNG welcomed the recommendations of the Review Panel. While agreeing with the direction of the proposed reforms, Dr CHEUNG said that he was disappointed that the Report failed to identify the problem areas which had given rise to the TSW family tragedy on 11 April 2004 and the lessons learnt. Dr CHEUNG was also disappointed that the Report had not provided any comprehensive framework for ensuring “zero tolerance” of family violence and had made no mention of the resources required to implement the recommendations, save that of exercising greater flexibility in mobilising district resources under crisis situation.

14. Prof Nelson CHOW responded that the Review Panel had examined how the TSW family tragedy case had unfolded. As mentioned by DSW earlier at the meeting, the reason for not including the Review Panel’s observations in the Report at this stage was because, according to legal advice, this might affect any possible death inquest. As regards providing a comprehensive framework for ensuring “zero tolerance” of family violence, Prof CHOW said that the task of the Review Panel was to come up with recommendations on the direction for strengthening the effectiveness, co-ordination and other aspects concerning the handling of family cases taking into account how the TSW family tragedy case was handled. It was up to the Administration to formulate detailed plans for implementation. The Review Panel would be happy to assist in any possible way during its nine months’ review on the progress made by the Administration with respect to the Report’s recommendations. As to why resource requirements were not included in the Report, Prof CHOW explained that this was because the Administration was better placed than outsiders to figure out the requisite resources for implementing the Report’s recommendations.

15. DSW supplemented that all along, the Administration had adopted a multi-disciplinary and cross-sectoral approach in preventing and tackling family violence. However, it should be pointed out that given the complexity of the problem, it was not realistic to expect family violence could be completely avoided. Putting more efforts into helping the abused to help themselves would also ameliorate the problem. DSW further said that the ambit of the Review Panel did not include assessing the resources required for carrying out its recommendations. That was why some time was needed for SWD to examine whether and how the Report’s recommendations could be put into practice. SWD, however, agreed with the recommendation that NGOs could deploy their resources more flexibly in collaboration with the DSWOs on

an ad hoc basis to meet immediate district welfare needs from different perspectives. For instance, where necessary, an NGO providing youth services might attune their services towards helping young people to deal with their family problems.

16. Dr Sandra TSANG also said that although the Review Panel recommended SWD to review the existing guidelines for handling child abuse and battered spouse cases, a lot of valuable comments and suggestions brought up by some professional groups during the review had been submitted to SWD for further examination.

17. Dr Fernando CHEUNG asked which Government department was responsible for ensuring the implementation of the Report's recommendations, having regard to the fact that the implementation of such involved multi-disciplinary and cross-sectoral participation.

18. DSW responded that the multi-disciplinary Working Group on Combating Violence would oversee the progress made with regard to the Report's recommendations.

19. Dr Fernando CHEUNG queried the appropriateness of appointing the Working Group on Combating Violence to oversee the progress made with regard to the Report's recommendations, as to his knowledge the Working Group only met every six months. DSW responded that there was no cause for such concern, as the Working Group would meet as and when necessary.

20. Mr LEE Cheuk-yan commented that to merely undertake to take up with FS on increasing funding for family services was far from adequate to address the problem of family violence. In his view, one way to prevent family violence cases from occurring was to alleviate the heavy workload of social workers by setting a ceiling on the number of family cases each social worker should handle. Mr LEE was also of the view that apart from providing training to frontline Police officers to enhance their sensitivity and knowledge in understanding and helping those affected by family violence, the Police should consider appointing a dedicated team or officer to make risk assessment of reported family violence cases at all Police stations so that appropriate follow-up actions could be taken.

21. Mr Fred LI expressed regret that no one from the Health, Welfare and Food Bureau (HWFB) was present at the meeting, as the implementation of the Report's recommendations invariably had resource implications. Mr LI also considered that the reason given by the Administration for its belated provision of family services to residents of TSW was the problem of securing suitable and available premises in TSW unacceptable. As the majority of the buildings in TSW were public housing estates, there should be no problem for the Administration to set up a new family service unit in TSW earlier in view

of the rapid population growth and the increasing service demand. Mr LI was of the view that some one in the Administration should be held accountable for such human error. Concurring with LEE Cheuk-yan's view that a ceiling should be set on the number of family cases handled by each social worker, Mr LI sought information on the average number of family cases handled by each social worker.

22. DSW responded that past experience had demonstrated that merely increasing social workers to handle family cases was not the only nor the most effective way to prevent and tackle family violence, as the problem required the collaboration of many parties such as medical social workers, Police officers, clinical psychologists and other professionals. This, however, did not mean that SWD would not increase the number of social workers to handle family cases to meet service need. DSW further said that apart from increasing manpower to provide timely intervention and remedial services, publicity effort would continue to be stepped up to enhance public awareness of the need to strengthen family solidarity, encourage early help-seeking and prevent family violence.

23. As regards the average number of family cases handled by each social worker, Assistant Director of Social Welfare (ADSW) said that each social worker of FCPSU used to handle 40-odd cases on average. In view of the recent upsurge in cases, additional resources were deployed to FCPSUs and an additional team would be set up in April 2005. As for FSCs, each social worker used to handle 60-odd cases on average. However, as FCSs/counselling units were now being transformed into IFCSs by phases, the recent statistics of FSC / IFSCs could not be taken as the normal trend. ADSW further said that the mere casework approach adopted by the traditional FSCs would no longer be adopted by IFSCs which sought to provide a continuum of preventive, supportive and remedial services.

24. Mr Albert CHAN expressed dissatisfaction that the Administration could allow the poor planning of TSW new town to happen after its mistake made in the poor planning of the Tuen Mun new town some 20 years ago. Mr CHAN considered that the whole Administration should be held accountable for the present inadequate family and welfare services in TSW. To rectify the problem expeditiously, Mr CHAN said that SWD should redeploy its resources to strengthen the existing family and welfare services in TSW, discuss with the Education and Manpower Bureau (EMB) on opening up the school halls in TSW area as community centres after school, and promote better co-operation among NGOs in the handling of family cases.

25. Mr LEUNG Kwok-hung asked DSW whether he would consider the following in view of the problems identified by the Review Panel -

- (a) take up with the central Government on making improvements to

the poorly developed TSW area;

- (b) discuss with the schools in TSW area on letting their halls to be used as community centres after school;
- (c) abort the Lump Sum Grant (LSG) subvention system;
- (d) not to set a ceiling on family and welfare services funding; and
- (e) conduct a study to identify the difficulties faced by new arrivals so as to come up with measures to address these difficulties.

26. Miss Margaret NG sought more information on the proposed amendments to the existing legislation to make it more effective in protecting the victims of family violence, including the reasons for doing so. Miss NG also sought more details of the training for lawyers to better help them understand and manage family violence referred to in paragraph 8.9 of the Report.

27. DSW responded as follows -

- (a) SWD would take up with EMB on the possibility of opening up school halls in TSW areas for use as community centres after school;
- (b) although the provision of family services to TSW new town had failed to keep up with service demand, improvement had gradually made in this regard since 2002. The setting up of three IFSCs in TSW area was a case in point. The sixth FCPSU, to be set up in April next year, would also focus on servicing the TSW area;
- (c) the DSWO concerned was currently reviewing the family and welfare services in TSW area to identify further areas for improvement;
- (d) actions had been taken to encourage close co-operation among NGOs in the handling of family cases. The pilot project, mentioned in paragraph 6 above, was aimed at finding out how best closer multi-disciplinary and cross-sectoral collaboration could be forged in the prevention and tackling of family violence;
- (e) SWD and HWFB would take up with the Housing, Planning and Lands Bureau on making improvements to the development of TSW area;

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- (f) each policy secretary, in seeking funding for the programmes under his/her portfolio, would need to give due regard to the fiscal situation and the competing funding demands from other policy bureaux;
- (g) the greater flexibility allowed to NGOs on LSG to deploy their resources had in effect enabled them to improve and/or provide more services. There was no question that NGOs on LSG would cut/reduce their services unilaterally, as they were bound by the Funding and Service Agreement entered with SWD and the performance standards stipulated in the Agreement;
- (h) training had all along been provided to legal personnel to better help them understand and manage family violence. A review on training needs would be conducted continuously to examine how this could be further improved; and
- (i) there had been on-going discussion between the Administration and the concerned parties on the need to amend the DVO. Some of the suggestions raised by the concerned parties included, among others, requiring the abusers to undergo mandatory counselling, expanding the definition of family violence and allowing a third party to apply for an ex parte injunction order for a victim.. The Administration would give further thoughts and make reference to, among others, the recommendations of the HKU study on child abuse and spouse battering, Part 1 of which would likely be completed by end 2004 or early 2005.

28. Miss Margaret NG disagreed with the explanation given by the Administration that the reason for not disclosing the details of the TSW family tragedy case occurred on 11 April 2004 in the Report was because this might affect any possible death inquest, having regard to the fact that the function of the death inquest was merely to find out the causes and circumstances of any death happening by violence or under suspicious conditions.

29. As the Subcommittee on strategy and measures to prevent and tackle family violence would hold its first meeting on 8 December 2004, the Chairman requested the Administration to provide the following information for discussion at that meeting -

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- (a) details of the Administration's plan to implement the recommendations of the Review Panel;
- (b) details of the proposed amendments to the existing legislation for handling family violence, and reasons for introducing these amendments;

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- (c) observations of the Review Panel relating to the TSW family tragedy case on 11 April 2004; and
 - (d) the number and percentage of new arrival women involved in family violence cases in the past three years.
30. There being no other business, the meeting ended at 3:50 pm.

Council Business Division 2
Legislative Council Secretariat
20 January 2005