

立法會
Legislative Council

LC Paper No. CB(2)2337/04-05

(These minutes have been
seen by the Administration)

Ref : CB2/PS/2/04

Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

**Minutes of the 5th meeting
held on Monday, 20 June 2005 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon CHAN Yuen-han, JP (Chairman)
Hon LEE Cheuk-yan
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung

Members absent : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip

Public Officers Attending : Item III

Ms Linda LAI, JP
Deputy Secretary for Health, Welfare and Food
(Family and Women)

Miss Dora FU
Principal Assistant Secretary for Health, Welfare and Food
(Women)

Mr Paul TANG, JP
Director of Social Welfare

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

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

Mr LAU Sik-tim
Chief Superintendent (Crime Support) (Crime Wing)
Hong Kong Police Force

Ms Cecilia NG
Superintendent of Police (Crime Support)
Hong Kong Police Force

**Deputations
by invitation**

: Item III(a)

*Non-governmental representatives on the Working Group on
Combating Violence*

Association Concerning Sexual Violence Against Women

Miss NG Wai-ching
Service Co-ordinator

Caritas - HK

Ms Angie LAI Fung-yee
Head of Family Service

Christian Family Service Centre

Ms NG Kwok-tung
Senior Programme Director

Harmony House Limited

Ms Margaret WONG
Executive Director

Po Leung Kuk

Ms CHAN Wai-ping
Assistant Principal Social Services Secretary
(Integrated Family Services)

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

Ms LIU Ngan-fung
Chairman

The Hong Kong Council of Social Service

Ms Jane TSUEI
Business Director (Service Development)

Non-governmental representatives on the Committee on Child Abuse

The Hong Kong Council of Social Service

Ms Jane TSUEI
Business Director (Service Development)

Hong Kong Family Welfare Society

Mrs Cecilia KWAN
Executive Director

Mrs Shirley TANG
Senior Social Work Practitioner

Against Child Abuse

Mrs Priscilla LUI
Director

Dr CHOW Chun-bong

*Non-governmental representative on the Working Group on
Elder Abuse*

Sau Po Centre on Ageing, University of Hong Kong

Ms Twiggy CHOW
Education and Training Director

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

Staff in attendance : Miss Maggie CHIU
Legislative Assistant (2) 4

Dr Fernando CHEUNG informed members that he was asked by the Chairman to chair the meeting on her behalf, until her arrival later at the meeting.

I. Confirmation of minutes of meeting
(LC Paper No. CB(2)1962/04-05)

2. The minutes of meeting held on 5 May 2005 were confirmed.

II. Information papers issued since the last meeting
(LC Paper Nos. CB(2)1970/04-05(01) and (02))

3. Members did not raise any queries on the following papers issued since the last meeting -

- (a) supplementary information provided by the Administration on District Open Space in Area 107 Tin Shui Wai and review of the implementation timetable of all outstanding leisure and cultural services projects endorsed by the former Municipal Councils; and
- (b) supplementary information provided by the Administration on the planned leisure and cultural facilities in Tin Shui Wai and the actual provision and implementation of these facilities.

III. The Administration's response to the views expressed by deputations at the meeting on 18 January 2005
(LC Paper No. CB(2)980/04-05(01))

- (a) Continue discussion on the central mechanism for handling family violence
(LC Paper Nos. CB(2)1949/04-05(01) to (10))

Views of deputations

4. At the invitation of Dr Fernando CHEUNG, deputations gave their views on the existing central mechanism for handling family violence as detailed in their submissions (LC Paper Nos. CB(2)1949/04-05(02) to (10)). All of them acknowledged the contributions which the existing central mechanism had made towards combating family violence. They however were of the view that there was room for improvement, suggestions of which were summarised as follows -

- (a) the roles and functions of the Working Group on Combating Violence (WGCV), the Committee on Child Abuse (CCA) and the Working Group on Elder Abuse (WGEA) should be expanded, from merely being an advisory body, to also participate in the formulation of policies to prevent and tackle family violence and oversee the full and effective implementation of these policies;
- (b) there was a need for the WGCV, the CCA and the WGEA to hold joint meetings to discuss issues of mutual concerns, such as review of the scope of family violence under the Domestic Violence Ordinance (DVO) (Cap.189) and the establishment of an independent and standing review committee to examine fatal and serious cases;
- (c) for more effective conduct of business, the WGCV, the CCA and the WGEA should meet at regular intervals, say, every three months, with pre-set agenda agreed by members beforehand, and develop annual work plan with in-built implementation timetable and progress monitoring mechanism;
- (d) to promote better cohesion among members of the WGCV, the CCA and the WGEA from different disciplines, training aimed at promoting an uniformed understanding of different kinds of family violence and experience-sharing sessions on handling family violence should be organised;

- (e) to better come up with strategies and approaches in handling family violence, the WGCV, the CCA and the WGEA should work in tandem with district committees on combating family violence and Members of the Legislative Council (LegCo);
- (f) to increase transparency of the operation of the central mechanism for handling family violence, discussion papers of the WGCV, the CCA and the WGEA should be made available to the NGOs providing services to prevent and tackle family violence and other concerned groups;
- (g) the fact that the WGCV, the CCA and the WGEA were chaired by the Director of Social Welfare (DSW) or his deputy was a testament that the Administration still viewed family violence as a social welfare problem. Given that the problem of family violence was multi-faceted and had significant implication on the community, the Administration should elevate the problem as a social problem;
- (h) a dedicated officer/office should be created under the Chief Secretary for Administration's Office to lead, coordinate and review multi-disciplinary efforts in mapping out strategies and approaches to prevent and tackle family violence, and to oversee the full and effective implementation of such strategies and approaches by the central mechanism;
- (i) in view of the importance of harmonious families on the stability of the community, bodies similar to the Commission on Youth and the Elderly Commission should be set up to advise the Government on measures to promote the well-being of families and children; and
- (j) the number of non-governmental representative on the WGEA should be increased from the present one member.

Other views/suggestions made by the deputations were also summarised as follows -

- (a) additional funds should be allocated to local tertiary institutions to conduct studies on ways to improve on the existing strategies and measures to tackle family violence;
- (b) additional resources should be provided to strengthen multi-disciplinary training for handling family violence and to step

up public education on condemning family violence and encouraging people to seek early assistance from professionals where necessary;

- (c) concerned whether the existing Integrated Family Services Centres (IFSCs) were adequately equipped to render assistance to victims of family violence and families-at-risk; and
- (d) mandatory counselling to abusers should be implemented as soon as possible.

Discussion

(The Chairman joined the meeting at this juncture)

5. To allow more time for the discussion of the central mechanism for handling family violence, the Chairman suggested that the discussion of the issue of the formulation of a strategic and long-term "zero tolerance" policy be deferred to the next meeting. Members agreed.

6. The Chairman said that the approach adopted by the Administration in combating family violence had all along been lacking foresight and was too piecemeal and passive. For instance, the Administration only came up with measures to tackle the problem after a serious family violence case had occurred. This situation was exacerbated by the absence of a blueprint on social welfare to ensure that the strategic directions, policies, and the supporting services were robust enough to meet the ever-changing circumstances and needs of the community.

7. Director of Social Welfare (DSW) made the following response to the views made by deputations and the Chairman -

- (a) the Administration did not object to setting priority on the items for discussion by the WGCV, the CCA and the WGEA. Flexibility should however be allowed to re-prioritise the items for discussion by these committees/working group to take into account changing circumstances;
- (b) a review of the structure and work of the WGCV, CCA and WGEA was being undertaken by the Social Welfare Department (SWD);
- (c) as mentioned in the last meeting, how frequent the WGCV, the CCA and the WGEA met could not fully reflect the work of these committees/working group as a lot of things were being done in

between meetings, for instance, developing/reviewing the guidelines for handling child abuse and battered spouse cases. As a matter of fact, the WGCV held four meetings (including joint meetings) in 2004;

- (d) there was no question of the Administration lacking foresight on combating family violence, as evidenced by the commissioning of the University of Hong Kong (HKU) to analyse, among others, the prevalence rate of child abuse and spouse battering in Hong Kong and elements contributing to effective prevention and intervention. The study was also required to develop assessment tool(s) to facilitate early identification of cases at risk of child abuse and spouse battering for timely intervention;
- (e) the Administration supported in principle the setting up of an independent and standing review committee to examine fatal cases. As the setting up of such involved complex legal issues, more time was needed to study the related concerns to ensure that the implementation would not affect the existing judicial procedures;
- (f) the Administration also supported in principle to require abusers to undergo counselling as one of the conditions of the Probation Order. There was a need to examine the goals, contents, standards and outcome indicators of such mandatory counselling;
- (g) there was no question of the Administration treating family violence as a mere social welfare problem, as evidenced by the fact that the membership of the WGCV, the CCA and the WGEA comprised representatives from different policy bureaux/government departments, such as the Education and Manpower Bureau and the Police, professionals and non-governmental organisations (NGOs);
- (h) the Administration recognised the importance of raising public awareness of the need to strengthen family solidarity, encourage early help-seeking and prevent violence including spouse battering, child abuse, elder abuse and sexual violence, and efforts in this regard would continue to be stepped up. Apart from this, promoting gender mainstreaming was actively being pursued by the Women's Commission; and
- (i) there was no cause for concern that the existing supportive services were not adequately equipped to handle family violence cases. Although IFSCs might be the first place families-at-risk would seek

for assistance, clinical psychologists and/or the Family and Child Protective Services Units of the SWD would provide support or follow-up services to family violence cases in case of need.

8. The Chairman said that there was no dispute that much had been done by the Administration to improve the strategies and measures in the prevention and tackling of family violence. Nevertheless, the Chairman was of the view that for more efficient conduct of business and given that the problem of family violence was multi-faceted, the WGCV, the CCA and the WGEA should be merged into one high-level committee involved in the formulation of policies to tackle family violence and overseeing the full and effective implementation of these policies. Where necessary, separate working groups could be formed under the amalgamated committee to examine and formulate policies on specific family problems such as child abuse and elder abuse. The Chairman also shared deputations' view of the need to fix meeting interval for the central mechanism to handle family violence. Dr Fernando CHEUNG concurred.

9. DSW responded that the proposal of merging the WGCV, the CCA and the WGEA into one single committee could be explored. The members' views would be sought.

10. Mr LEUNG Kwok-hung sought the Administration's view on the following -

- (a) appointing an independent commissioner or setting up a dedicated office within the Government to lead and coordinate multi-disciplinary efforts for handling family violence; and
- (b) allotting funds to local tertiary institutions to conduct studies on family violence so that more forward-looking and preventive policies to tackle the problem could be mapped out.

11. DSW responded that as family violence was an extremely complex phenomenon with its roots in the interaction of many factors at individual and societal levels, a multi-pronged response to be implemented by concerted efforts from all relevant parties and the community at large was required. The job of ensuring effective coordination of such joint efforts in combating the problem was presently assumed by SWD under the direction of the Health, Welfare and Food Bureau (HWFB). Moreover, with the announcement in this year Chief Executive (CE) Policy Address that the Government did not tolerate family violence, other policy bureaux and government departments, apart from HWFB and SWD, had accorded high priority to achieving such policy objective under their purview.

12. As regards allotting funds to local tertiary institutions to conduct studies on family violence, DSW pointed out that SWD had commissioned HKU to analyse, among others, the prevalence rate of child abuse and spouse battering in Hong Kong and elements contributing to effective prevention and intervention. The study was also required to develop assessment tool(s) to facilitate early identification of cases at risk of child abuse and spouse battering for timely intervention. It was the Administration's intention to brief members on the findings of the HKU's consultancy report on child abuse and spouse battering in July 2005. The Administration could also draw reference from other relevant studies as well. DSW added that apart from allotting funds to local tertiary institution to conduct studies on family violence, additional resources had been set aside in the current fiscal budget to strengthen relevant services and staff training.

13. The Chairman invited deputations to give their views on the suggestions made by her and Mr LEUNG Kwok-hung mentioned in paragraphs 8 and 10 above.

14. Ms Jane TSUEI of the Hong Kong Council of Social Service shared members' view of the need for the Administration to accord top priority to combating family violence. To this end, Ms TSUEI hoped that the Administration would draw up a policy statement on tackling family violence to set out, among others, the respective responsibility of the Government, the community at large and individuals in tackling the problem, as practised in the United States and the United Kingdom (UK). Ms TSUEI further said that to strengthen multi-sectoral effort on tackling family violence, there was a need for the WGCV, the CCA and the WGEA to hold joint meetings to discuss issues of mutual concern, such as the review of the DVO, and share information, such as the statistics on battered spouse, child abuse and elder abuse cases.

15. Mrs Priscilla LUI of Against Child Abuse concurred with members' view about the need for setting up a high-level platform for handling family violence. Mrs LUI however hoped that a central body, such as a Family Commission representing interests of children and taking into account children's perspectives in the formulation of government policies, could be set up, as had been done in many developed countries overseas. Although stepping up remedial and supportive measures was important in combating family violence, Mrs LUI said that same emphasis should also be placed on preventive measures.

16. Ms NG Wai-ching of the Association Concerning Sexual Violence Against Women said that she had no strong views about appointing an independent commissioner to lead and coordinate multi-disciplinary efforts in preventing and tackling family violence, provided that the commissioner was provided with adequate power and resources to do the job. Ms NG advocated the drawing up of

a declaration/statement by the Government to tackle family violence, as had been done in the UK. In so doing, each policy bureau and government department would be required to report yearly, where appropriate, the efforts it had made in the past year in combating the problem and the efficacy of such efforts.

17. Ms Angie LAI of Caritas-HK hoped that a high-level multi-disciplinary central body aiming at promoting the well-being of families could be set up. Ms LAI pointed out that the existing central mechanism for handling family violence, which mainly focused on remedies measures, was too narrow and should be expanded to place more emphasis on promoting family solidarity and strengthening family's resilience to cope with adversity so as to better prevent family members from resorting to the use of violence to resolve problems.

18. Dr CHOW Chun-bong expressed support for the setting up of a central body to formulate policies on the prevention and tackling of family violence and appointing a commissioner to ensure that these policies were fully and effectively implemented, having regard to the growing complexity of the problem of family violence. Dr CHOW also expressed support for providing funds to local tertiary institutions to conduct studies on family violence so as to better help the formulation of strategies and approaches in preventing the problem and making improvements to the existing strategies and approaches.

19. Ms Margaret WONG of the Harmony House opined that it was not so important as to whether a new or another central body should be set up for the handling of family violence and appointing a commissioner to be the executive arm of such a body. More importantly, the Administration should change the way it viewed the problem of family violence as a mere social welfare problem, to promote an uniformed understanding of different kinds of family violence which in her view should not be confined to physical abuse but also psychological abuse, and to address the present lack of cohesion among members of the WGCV, the CCA and the WGEA who tended to look at family violence from their own perspective.

20. Ms NG Wai-ching shared Ms Margaret WONG's views. Ms NG further said that for any central mechanism for handling family violence to be effective, it should also interact with concerned groups in the districts as well as LegCo.

21. DSW responded that he would give further thoughts to deputations' views expressed above.

22. The Chairman hoped that the Administration would give serious consideration to the setting up of a high-level body for handling family violence and appointing a commissioner to lead and coordinate the implementation of the

strategies and approaches mapped out by the central body. The Chairman pointed out that such a proposal, if implemented, was not unprecedented, as could be seen from the experience leading to the setting up of the Equal Opportunities Commission. The Chairman further disagreed that SWD was well placed to lead and coordinate joint efforts in combating family violence, as the problem needed to be addressed from various fronts similar to that in combating the problem of unemployment.

23. DSW responded that the Administration attached great importance to combating family violence, as evidenced in this year CE Policy Address which stated that the Government did not tolerate family violence. As a result of the affirmation of the “zero tolerance” policy on family violence, each and every policy bureau and government department had accorded high priority in achieving this policy objective. For instance, the Police had reminded the officers of the need to handle family violence cases with care and training on the handling of family violence cases had been strengthened.

24. Although much had been done to prevent and tackle family violence, DSW said that further effort would be made in this regard, for example, the Administration would consider how to take forward the proposal of setting up an independent and standing review committee to examine fatal child abuse cases and the findings of the HKU’s study on child abuse and spouse battering. As mentioned earlier at the meeting, a review of the WGCV, the CCA and the WGEA was underway. Such a review would take into account the suggestions of fixing meeting interval and the drawing up of an annual work plan. DSW also reiterated that consideration would be given to the proposal of merging the WGCV, the CCA and the WGEA into one committee.

Conclusion

25. The Chairman hoped that the Administration could provide a response in writing of the outcome of its consideration on the proposal of merging the WGCV, the CCA and the WGEA in one committee with enhanced functions to participate in the formulation of policies and oversee the full and effective implementation of such policies and appointing a commissioner to lead and coordinate the joint efforts on combating family violence by mid-September 2005, so as to facilitate discussions by the Subcommittee after the next legislative session began in early October 2005.

26. Dr Fernando CHEUNG also hoped that the Administration could provide a response in writing by mid-September 2005 with regard to the following requests made by deputations/members -

- (a) expanding the terms of reference of the WGCV, the CCA and the WGEA to cover monitoring of the implementation of the strategies and measures to tackle family violence;
- (b) fixing meeting interval and developing an annual work plan setting out work priorities and objectives for the WGCV, the CCA and the WGEA;
- (c) setting up a Family Commission to advise the Government on measures to promote the well-being of families; and
- (d) providing funds to local tertiary institutions to conduct studies on family violence.

Admin 27. DSW said that he did not see the need of appointing a commissioner to lead and coordinate multi-sectoral efforts on preventing and tackling family violence, as such a task was presently assumed by SWD under the direction of HWFB. However, he would discuss with members of the working groups/committee the proposal of forming one central committee to cover domestic violence, sexual violence, child abuse and elder abuse.

Clerk 28. The Chairman urged the Administration not to evade from responding to the requests made by deputations and members. She requested DSW to convey the proposals mentioned in paragraph 25 above to the Secretary for Health, Welfare and Food (SHWF) for consideration. At the same time, the Chairman suggested writing to the new CE requesting him and the Executive Council to give favourable consideration to the aforesaid proposals. Members agreed.

(Post-meeting note : A copy of the letter to CE dated 27 June 2005 was issued to members of the Subcommittee vide LC Paper No. CB(2)2125/04-05 on 28 June 2005.)

29. Deputy Secretary for Health, Welfare and Food (Family & Women) (DSHWF(F&W)) responded that from the views expressed by deputations, they generally found the existing mechanism for handling family violence to be sound and reasonably effective. Areas which warranted improvement mainly centered on the operational aspect, a review of which was presently underway. Although the existing central mechanism for handling family violence was chaired by DSW or his representative, there was no question of the problem being handled as a mere social welfare problem. Decisions made with regard to operational issues were referred to appropriate bodies for implementation and those relating changes to strategies and policies, such as amendments to the existing legislation, were referred to the relevant bureaux for consideration. Notwithstanding the aforesaid,

Action

Admin DSHWF(F&W) undertook to convey all the views/suggestions raised at the meeting to SHWF for consideration. DSHWF(F&W) further said that she agreed with DSW that it was not necessary to appoint a commissioner to take over the job currently being undertaken by DSW. Moreover, as a lot of proposals on preventing and tackling family violence were in the process of being hammered out, to now make a complete overhaul of the existing central mechanism would certainly delay the implementation of these proposals.

Admin 30. Dr Fernando CHEUNG urged the Administration to at least give a more definite time on reverting to members the suggestions mentioned in paragraph 26(a)-(b) above. In response, DSW said that he would strive to do so by the end of this year.

31. The Chairman said that she did not object to making improvements to the existing central mechanism for handling family violence, but the ultimate solution was to set up a new central mechanism for handling family violence, sexual violence, child abuse and elder abuse which should have the power to formulate policies on preventing and tackling family violence and to oversee the full and effective implementation of these policies. Apart from this, a commissioner should be appointed to be the executive arm of this new central body.

IV. Date of next meeting and item(s) for discussion

32. Members agreed to hold the next meeting in the afternoon of 5 July 2005 to discuss part one of the HKU's report on child abuse and spouse battering.

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

Council Business Division 2
Legislative Council Secretariat
20 July 2005