

**立法會**  
**Legislative Council**

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seen by the Administration)

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**Panel on Welfare Services**

**Subcommittee on Strategy and Measures to Tackle Family Violence**

**Minutes of the 6<sup>th</sup> meeting**  
**held on Tuesday, 5 July 2005 at 4:30 pm**  
**in Conference Room A of the Legislative Council Building**

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

**Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon Albert CHAN Wai-yip

**Public Officers Attending** : Item I

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 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

Ms Michelle LAM Wai-yip  
Senior 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

The University of Hong Kong - Consultants of the Study on  
Child Abuse and Spouse Battering

Dr Edward CHAN Ko-ling, Ph.D

Mr YIP Hak-kwong

Ms Hesta HO

**Deputations  
by invitation** : Item I

Harmony House

Ms Queenie YUEN  
Co-ordinator

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

Ms LIU Ngan-fung  
Chairman

The Society of Rehabilitation & Crime Prevention, Hong Kong

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Mr Simon CHAN  
Business Director - Integrated Services

Mr Reuben WOO  
Acting Business Director - Planning & Development

Association Concerning Sexual Violence Against Women

Miss NG Wai-ching  
Service Co-ordinator

New Women Arrivals League

Ms LEE Kam-wah  
Chairman

Ms NG Suet-kuen  
Member

The Hong Kong Council of Social Service

Ms Elsa CHIU  
Officer

Caritas Family Crisis Support Centre

Ms KWOK Chi-ying  
Centre Supervisor

The Law Society of Hong Kong

Miss Helen KONG  
Chairman of the Law Society's Family Law Committee

Ms Joyce WONG  
Director of Practitioners Affairs

Christian Family Service Centre

Ms NG Kwok-tung  
Senior Programme Director

Against Child Abuse

Mrs Priscilla LUI  
Director

Against Domestic Violence-Professional Family Counsellors’  
& Family Therapists’ Concern Group

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Ms Esther LAU  
Chairperson

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

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

Miss Maggie CHIU  
Legislative Assistant (2) 4

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- I. Briefing on the findings of the consultancy report on child abuse and spouse battering**  
(LC Paper Nos. CB(2)2158/04-05(01) to (04) and CB(2)2178/04-05(01) to (06))

At the invitation of the Chairman, Dr Edward CHAN of the University of Hong Kong (HKU) took members through the findings of part one of the consultancy report on child abuse and spouse battering with the aid of powerpoint. Part one of the study comprised two reports, namely, Report on findings of Household Survey and Peace at home: Report on the Review of the Social and Legal Measures in the Prevention and Intervention of Domestic Violence in Hong Kong.

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Views of deputations

2. The Chairman then invited deputations to present their views on the findings of the consultancy report.

3. Ms Queenie YUEN presented the views of Harmony House as detailed in its submission (LC Paper No. CB(2)2178/04-05(01)). In particular, the Harmony House proposed the following -

- (a) evaluation of the pilot batterer intervention programmes (BIPs) should not be confined to the effectiveness of the programmes in stopping family violence, and should include how better the judiciary and law enforcement sides could be coordinated to make batterers undergoing treatment/counselling mandatory;
- (b) price fixed by the Social Welfare Department (SWD) for bidding by non-governmental organisations (NGO) to run the BIPs should have regard to the fact that BIPs were specialised service requiring experienced staff in delivering such;
- (c) universal screening should be carried out in the accident and emergency departments of hospitals, NGOs, schools, obstetrics and gynaecology departments and outpatient clinics of public hospitals etc., in order to identify whether service users were victims of family violence so that appropriate services could be made available to them in a timely manner; and
- (d) priority should be given to implementing the recommendation made by the Consultants of making counselling a condition attached to a bind-over order. In the meantime, every effort should be made to expedite the amendments of the existing laws to make BIP an order issued by the court.

4. Ms LIU Ngan-fung presented the views of Kwan Fook as detailed in its submission (LC Paper No. CB(2)2178/04-05(02)). In particular, Kwan Fook proposed the following -

- (a) ex-victims of family violence should be engaged in reaching out to vulnerable groups in the community so that early intervention to families-at-risk could be provided;
- (b) resources should also be provided to ex-victims of family violence to render assistance to victims of family violence engaging in court

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proceeding against their batterers;

- (c) amendments to the Domestic Violence Ordinance (DVO) (Cap. 189) should be expedited to better safeguard the safety of victims of family violence. These amendments should include expanding the definition and coverage of family violence, requiring batterers to undergo treatment/counseling mandatory etc.;
- (d) clear policy and practising guidelines on enforcement against family violence should be drawn up;
- (e) an independent and standing review committee to examine fatal and serious cases should be established expeditiously;
- (f) work of the Police's Child Abuse Investigation Unit should be expanded to cover the handling of spouse battering and sexual violence cases;
- (g) existing central mechanism for handling family violence should come under the purview of the Chief Secretary for Administration so as to bring the handling of family violence from a mere social welfare perspective to a public health perspective;
- (h) definition of child abuse should cover children who witnessed abuse incidents of their family members, so that appropriate assistance, such as psychological evaluation, could be provided to them to ensure their healthy development; and
- (i) making the reporting of family violence cases to the authorities mandatory, as practised in many overseas jurisdictions, should be adopted in Hong Kong.

5. Mr Simon CHAN said that the Society of Rehabilitation and Crime Prevention did not consider prosecuting batterers the answer to stop family violence. The Society considered providing treatment/counselling to batterers a better approach, but hoped that batterers would be respected during the process as they were also victims of family violence.

6. Miss NG Wai-ching presented the views of the Association Concerning Sexual Violence Against Women as detailed in its submission (LC Paper No. CB(2)2178/04-05(03)). Miss NG was disappointed that the Administration only came up with a preliminary response on the Consultant's suggestions on introducing BIPs in Hong Kong and on establishing a review mechanism for fatal

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and serious injury cases, and urged the Administration to expeditiously come up with a timetable on implementing the remaining 19 recommendations made by the Consultants having regard to the prevalence of family violence in Hong Kong revealed by the study. Miss NG further urged that actions be taken to shorten the court proceedings against batterers by setting up a court dedicated to handle family violence cases. Ms NG pointed out that the existing long time taken to reach a judgment on batterers had caused many battered spouses to cease pursuing their cases against their batterers.

7. Ms LEE Kam-wah of the New Women Arrivals League hoped that more assistance and support could be provided to new arrival families which were more prone to resort to use force to solve family problems because of their difficulties in settling in the new environment. Ms LEE further said that merely providing treatment/counseling to batterers was not enough to address the problem of family violence, and urged that more efforts be made on the preventive front.

8. Ms Elsa CHIU presented the views of the Hong Kong Council of Social Service (HKCSS) as detailed in its submission (LC Paper No. CB(2)2178/04-05(04)). In particular, HKCSS urged the Administration not to treat family violence as a social welfare problem but a public health problem, which required multi-sectoral and multi-disciplinary participation, including the Police and the Judiciary. HKCSS hoped that the Administration could formulate a policy on combating family violence to state clearly the commitment of the Government in combating the problem, the contents of which should contain workplan, delineation of work and responsibility, monitoring mechanism etc., to ensure that all parties involved in preventing and tackling family violence, at both the central and district levels, had the same vision and direction in handling the problem. A high-level central body should also be set up to ensure the full implementation of the governmental family violence policy. HKCSS also hoped that the Administration would not waste any more time in making up its mind on implementing the Consultants' recommendations, the majority of which were similar to the suggestions repeatedly raised by NGOs in the past. Only with trying out the recommendations would one know whether they were effective in combating family violence.

9. Ms KWOK Chi-ying presented the views of Caritas Family Crisis Support Centre as detailed in its submission (LC Paper No. CB(2)2178/04-05(05)). In particular, Caritas made the following suggestions with regard to the BIPs -

- (a) implementation of the BIPs should not be entrusted to one single NGO. In view of the prevalence of family violence in Hong Kong, BIPs should best be provided in all of the 18 districts. If that was not possible, BIPs should at least be provided in six regions of Hong

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Kong, namely Hong Kong East, Hong Kong West, Kowloon East, Kowloon West, New Territories East and New Territories West. It was questionable how one NGO could provide such extensive coverage of the BIPs;

- (b) consideration could be given to attaching the BIPs to the existing family service centres/family crisis support centres located throughout the six regions mentioned in paragraph 9(a) above;
- (c) parties, such as medical personnel, law enforcement officers, judicial personnel and community groups, in districts should be enlisted to be partners in the implementation of the BIPs; and
- (d) at least two experienced social workers at the integrated family service centres, family crisis support centres, refuge centres and units dedicated at handling family violence should be provided training on counselling batterers, so that these centres/units could intervene in the first instance when necessary without the need to refer the batterers to the NGOs running the BIPs.

10. Ms NG Kwok-tung presented the views of the Christian Family Service Centre as detailed in its submission (LC Paper No. CB(2)2178/04-05(06)). In particular, Ms NG highlighted the following -

- (a) existing central mechanism for handling family violence should be reviewed to make it more effective;
- (b) the Administration should expeditiously draw up a governmental family violence policy to state clearly the commitment of the Government to combat family violence, philosophy in combating family violence, and the strategies in fighting against and preventing family violence; set up a domestic violence court; and form a standing review mechanism on fatal and serious injury cases;
- (c) training of frontline personnel on handling family violence cases should be strengthened and assessment tools should be developed to assist these staff to identify families-at-risk;
- (d) enhanced assistance and support should be provided to high risk families;
- (e) the existing information systems on family violence cases should be enhanced to make it more effective in helping to prevent and tackle

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family violence;

- (f) supported the suggestions made by Caritas with regard to the implementation of the pilot BIPs mentioned in paragraph 9 above; and
- (g) publicity and community education on combating family violence should be stepped up so that every one in the community would join in the fight against family violence.

11. Miss Helen KONG said that the Law Society of Hong Kong fully supported the Consultants' recommendations. In particular, the Law Society hoped that the Administration could expeditiously amend the DVO to make the legislation more effective in protecting the victims of family violence, such as expanding the definition of family members to include cohabitees, former cohabitees and same sex partners; expanding the definition of family violence; making power of arrest automatic as long as there were evidence and witness statements pertaining to family violence and allowing the court to set the maximum validity period of injunction order as it saw fit. Miss KONG further said that all legal practitioners stood ready to work in partnership with all concerned groups in combating family violence.

12. Mrs Priscilla LUI of Against Child Abuse welcomed the HKU report which should provide a sound basis for making the existing strategies and measures in tackling family violence more effectively. Mrs LUI however hoped that due regard could be given to strengthening the preventive measures on family violence. To this end, Mrs LUI urged that serious consideration be given to the setting up of a Family Commission and a Child Commission so as to ensure that children and family perspectives were written in governmental policies and legislation and that they were consistently applied through systems and practices in the community. Mrs LUI agreed with the view of the Society of Rehabilitation and Crime Prevention that penalising abusers was not the solution to stop family violence, as abusers were also victims of family violence. In fact, many abusers were previous victims of child abuse.

13. Ms Esther LAU of Against Domestic Violence Professional Family Counsellors' and Family Therapists' Concern Group said that there was no universal recognised effective treatment/counselling programmes for perpetrators of child abuse as that for perpetrators of spouse battering. As many perpetrators of child abuse were previous victims of child abuse and/or family violence when they were small, the first step to treat this group of people was to heal their emotional/psychological wounds afflicted from their childhood experience. Clear and stringent standards on whether perpetrators of child abuse had ended

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their violent behaviour should also be laid down. Ms LAU also called upon the separation of the Child Protective Services Unit (CPSU) from the Family and Child Protective Services Unit of SWD in order to clearly separate the investigative functions (to be undertaken by CPSU) and counselling functions (to be provided by NGOs or SWD's clinical psychologists) for better safeguarding of the welfare of the child.

Discussion

14. Mr LEE Cheuk-yan expressed concern that the number of unreported/hidden family violence cases in Hong Kong far exceeded that of the reported cases. To address such, Mr LEE enquired whether reporting of family violence cases to the Police should be made mandatory. Mr LEE further said that some findings of the Household Survey turned out to be the opposite of what were generally expected, and asked why this was the case. For instance, perpetrators of spouse battering were found to have a relatively higher monthly income than non-perpetrators, and that the ever prevalence rates of both child abuse and spouse battering in Wanchai were higher than those in Tin Shui Wai (TSW).

15. Dr Edward CHAN responded that the consultancy team was of the view that to make the reporting of family violence cases to the Police mandatory would be premature at this stage in the context of Hong Kong. Moreover, findings of overseas studies on the effectiveness of the mandatory reporting policy in combating family violence were still inconclusive. In this regard, the consultancy team recommended that more empirical studies on the reporting practice should be conducted. With the empirical support, strategies in improving reporting from professionals, including mandatory measures, should be examined.

16. Dr Edward CHAN further said that no particular population profile was more prone to be perpetrators of family violence. However, families on Comprehensive Social Security Assistance (CSSA) were found to be at greater risk of coming under family violence than non-CSSA families. As to why the ever prevalence rates of both child abuse and spouse battering in Wanchai were higher than those in TSW, Dr CHAN said that these figures should not be taken as facts as the number of sampled respondents was quite small and the estimates were subject to relatively large sampling errors. These figures however revealed that family violence did not necessarily only happen in newly developed areas and could also happen in old urban areas. Dr CHAN further said that although there was no scientific evidence of any common threads among the districts being surveyed, the findings however revealed that districts with more low rental units had higher rates of family violence.

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17. Ms LI Fung-ying expressed concern about the lack of sincerity of the Administration in making improvements to the strategies and measures to prevent and tackle family violence. This was evidenced by the flimsy response made by the Administration to the recommendations made by the Consultants as set out in paragraphs 7-9 of the Administration's paper (LC Paper No. CB(2)2158/04-05(04)). Ms LI urged the Administration not to drag its feet in taking forward the 21 recommendations made by the Consultants, the majority of which were similar to the suggestions previously raised by members and other interested parties during the last legislative session following the occurrence of the TSW family tragedy in April 2004. Ms LI requested the Administration to provide a timetable for implementing each of the 21 recommendations by the next meeting. Ms LI said that she could understand why some suggestions to prevent and tackle family violence might take a longer time to consider their viability, but she could not understand why simple preventive measures, such as educating the public about the importance of family solidarity, could not be done more to prevent family violence.

18. Deputy Secretary for Health, Welfare and Food (Family and Women) (DSHWF(F&W)) responded that as the Administration only received the report on child abuse and spouse battering not too long ago, more time was needed to draw up a more detailed response to the recommendations made by the Consultants. The response given at this stage was preliminary. It was the Administration's intention to provide a detailed response to the findings and recommendations of the study later on. DSHWF(F&W) pointed out that the Administration would strive to implement those recommendations which would not involve making changes to the existing legislation and judicial procedures as soon as practicable. The plan for SWD to run a pilot involving an NGO on BIPs, under which treatment would be provided to batterers joining the pilot programmes on voluntary basis, and batterers put on probation under the arrangement of probation officers, was a case in point. Through the pilot programmes, the Administration aimed to get more insights of the goal, content, standard and effectiveness of such programmes. The outcome of the pilot would facilitate further consideration of the recommendations of the Consultants.

19. DSHWF(F&W) further said that there was no question of the Administration dragging its feet in introducing measures to better combat family violence. On the contrary, a lot of work had been done in the past one to two years to make the prevention and tackling of family violence more effective. For instance, training of frontline Police officers for handling family violence had been stepped up and frontline Police officers had been reminded to exercise care when handling family violence cases. Resources on the provision of family services, in particular those relating to combating family violence, had also been increased.

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20. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(FCW)) supplemented that the Administration immediately met with the Working Group on Combating Violence (WGCV) and the Committee on Child Abuse (CCA) on the same day the report on child abuse and spouse battering was released on 21 June 2005. All parties agreed on that day to meet again in mid-July 2005 to allow more time to digest the report. ADSW(FCW) further said that SWD would meet with the Social Welfare Advisory Committee (SWAC) on 7 July 2005 to discuss the report. Another meeting would be scheduled with the Women's Commission to listen to their views on the recommendations made by the Consultants. The Administration would take into account all views and relevant factors before deciding on the way forward.

21. Chief Superintendent (Crime Support) said that the Police also needed more time to conduct an in-depth study on the report before drawing up a response to the recommendations made by the Consultants involving the Police. In relation to the specific points raised by the deputations concerning the Police, Chief Superintendent (Crime Support) said that the suggestion made by Kwan Fook would be further examined as to the possibility about expanding the scope of work of the Police's Child Abuse Investigation Unit to cover the handling of spouse battering and sexual violence. As to the point mentioned by the Society of Rehabilitation and Crime Prevention that prosecuting perpetrators of family violence was no panacea to stop family violence, Chief Superintendent (Crime Support) assured members that this would not be used by the Police as a pretext not to take action when circumstances warranted.

22. Mr LEUNG Kwok-hung said that a lot of measures could be implemented by the Administration to better prevent and tackle family violence without the need to wait for the outcome of the HKU report. Making perpetrators of family violence to undergo counselling, which had proven to be effective overseas in stopping violent behaviour, was a case in point. Mr LEUNG further urged the Administration to inject more resources in the handling of family violence by appointing a high-ranking commissioner to do the job as raised at the last meeting on 20 June 2005.

23. Dr Fernando CHEUNG said that he understood that the Administration needed time to come up with a response on the 21 recommendations made by the Consultants, but hoped that the Administration would treat these recommendations in a serious manner, having regard to the fact that the reported family violence cases only represented a very small fraction of the problem occurring in Hong Kong.

24. The Chairman said that she believed that the Administration was sincere in finding ways on how best to handle family violence more effectively, otherwise it

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would not commission HKU to conduct a study on child abuse and spouse battering, the scope and scale of which was unprecedented in Hong Kong. The Chairman then asked the Administration how it intended to take forward the 21 recommendations made by the Consultants.

25. DSHWF(F&W) reiterated that the Administration would strive to implement those recommendations, such as the BIPs and the Fatality Review, which would not involve making changes to the existing legislation and judicial procedures as soon as practicable. DSHWF(F&W) further said that prior to the commissioning of the HKU study, the Administration had started the process of reviewing the DVO. The Administration would take into account all the recommendations made by the Consultants on the review of the DVO before deciding on the way forward. In so doing, due regard would be given to whether the changes to the DVO would be accepted by the public at large and whether they were viable from the practical and legal aspects. ADSW(FCW) supplemented that the prevalence of family violence in Hong Kong as revealed by the study had provided an impetus for the Administration to further step up its efforts on educating the public on ways to prevent family violence and enhancing training for frontline personnels, including social workers, policemen, teachers, doctors etc., in dealing with family violence cases, which could be implemented through on-going efforts. Although not all recommendations would involve changes to legislative and/or judicial procedures, some recommendations, such as the setting up of a domestic violence court, would need to be examined in detail to ascertain their desirability and viability.

26. Dr Fernando CHEUNG noted that a fatality review mechanism under consideration by SWD was only for child abuse cases. Dr CHEUNG asked whether consideration would be given to including spouse battering cases in the fatality review mechanism. Dr CHEUNG further asked whether consideration could be given to making counselling as a condition attached to a bind-over order.

27. ADSW(FCW) responded that as a beginning, the fatality review mechanism would be confined to child abuse cases. Subject to the operational experience of the mechanism, consideration could be given to covering battered spouse cases as well. As to making counselling as a condition attached to a bind-over order, ADSW(FCW) said that the Administration would seek advice as to whether this would entail any legal and other changes.

Admin

28. The Chairman hoped that the Administration would take forward as many recommendations made by the Consultant as soon as practicable. The Chairman further hoped that the implementation of BIPs would not be confined to one or two districts and could cover more districts throughout the territory. Implementation of preventive measures should focus more on the vulnerable groups, such as the

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unemployed, the new arrivals, families with chronically-ill persons and disabled persons, and spouses of large age gaps.

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

29. Mr LEE Cheuk-yan requested the Secretariat to group the suggestions made by deputations in the last legislative session on ways to better prevent and tackle family violence with the 21 recommendations made by the Consultants in accordance with their subject areas, which should be used as the basis for further discussions with the Administration. Dr Fernando CHEUNG expressed support, and further hoped that by the start of the next legislative session members would be in recipient of the Chief Executive's response on the requests raised by members at the last meeting on 20 June 2005 with regard to the setting up of 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 and the appointment of a commissioner to be the executive arm of this new central body.

30. The Chairman suggested and members agreed to hold a closed meeting with the Administration and HKU Consultants in mid-September 2005 to map out the work plan of the Subcommittee for the next legislative session.

31. The Chairman hoped that in the event that the SWAC and/or the Women's Commission did not give support to a certain recommendation made by the Consultants, it would not be used by the Administration as a reason for not implementing that recommendation. DSHWF(F&W) responded that the Administration would carefully consider the views of the SWAC and the Women's Commission and take all other relevant factors into consideration before coming to a decision. When reporting to the Sub-committee in due course, the Administration would provide the rationale of its responses to the recommendations.

32. There being no other business, the meeting ended at 7:05 pm.