

立法會
Legislative Council

LC Paper No. CB(2)2413/05-06
(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 8th meeting
held on Tuesday, 28 March 2006 at 4:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon CHAN Yuen-han, JP (Chairman)
Hon LEE Cheuk-yan
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung

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)

Mrs Anna MAK
Assistant Director of Social Welfare
(Family and Child Welfare)

Action

Ms PANG Kit-ling
Chief Social Work Officer (Domestic Violence)
Social Welfare Department

Mr NG Kam-wing
Chief Superintendent of Police (Crime Support)
Hong Kong Police Force

Ms Irene HO
Superintendent of Police (Crime Support)
Hong Kong Police Force

**Deputations
by invitation** : Item I

Harmony House

Ms Margaret WONG
Executive Director

Against Child Abuse

Dr Patricia IP
Chairperson

Mrs Priscilla LUI
Director

Government Social Work Officers' Association

Mr HO Kin-chung
Social Work Officer

Ms LEE Kam-yung
Social Work Officer

The Against Elderly Abuse of Hong Kong

Mr Calvin CHIU
Vice President

Ms Kennex YUE
Chief Executive Director

Action

Association Concerning Sexual Violence Against Women

Miss NG Wai-ching
Service Co-ordinator

The Hong Kong Council of Social Service

Ms Elsa CHIU Lai-suen
Chief Officer, Service Development
(Family and Community)

Caritas Family Service

Ms Paulina KWOK
Centre Supervisor

Law Society of Hong Kong

Mr Dennis HO
Chairman of Sub Committee on DVO

Miss Barbara HUNG
Member of Sub Committee on DVO

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

Ms LIU Ngan-fung
Chairman

Hong Kong Women's Coalition on Equal Opportunities

Ms CHUNG Yuen-yi
Anti-domestic Violence Programme Co-ordinator

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

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

Action

Ms Maisie LAM
Council Secretary (2) 2

Miss Maggie CHIU
Legislative Assistant (2) 4

I. Meeting with deputations and the Administration

- (a) *Improvement measures of the Police*
(LC Paper Nos. CB(2)1439/05-06(01), CB(2)1535/05-06(01) to (06), (08)
and CB(2)1564/05-06(02))

At the invitation of the Chairman, Chief Superintendent of Police (Crime Support) briefed members on the Administration's paper (LC Paper No. CB(2)1439/05-06(01)) which set out the improvement measures to be implemented by the Police on the handling of family violence in response to the recommendations made by the Coroner's Court in the death inquest into the Tin Shui Wai (TSW) incident occurred in April 2004.

Views of deputations

Harmony House
(LC Paper No. CB(2)1535/05-06(01))

2. Ms Margaret WONG said that the Harmony House supported the new initiatives to be implemented by the Police on improving the handling of family violence. Notwithstanding, the Administration should expeditiously come up with a timetable for implementing the various recommendations to tackle family violence made in several studies. She then highlighted the following views of Harmony House as detailed in its submission -

- (a) in order to effectively tackle violence, early prevention and timely intervention was key. To that end, identification of any occurrence of family violence should be expanded from women and children using the accident and emergency departments of hospitals to using the obstetrical, gynaecological and paediatric services of the same, as well as the Maternal and Child Health Centres under the Department of Health (DH). The opportunity should also be taken to identify if there was any occurrence of child abuse under DH's Student Health Service which aimed at promoting and maintaining

Action

the physical and psychological health of all primary and secondary day school students; and

- (b) in view of the increasing complexity of the problem of family violence, there was a need for the Administration to re-position its policy towards the problem by recognising the specialised nature of the services targeting at family violence and according adequate resources to commensurate such, so as to ensure that timely and appropriate support and assistance were received by families at risk.

Against Child Abuse

3. Mrs Priscilla LUI said that Against Child Abuse was generally supportive of the improvement measures of the Police on the handling of family violence, but hoped that a more concerted approach among different departments could be adopted in combating family violence. For instance, frontline police officers should step up collaboration with social workers of the Social Welfare Department (SWD) and non-governmental organisations (NGOs) in tackling family violence. Mrs LUI also hoped that the Police could give more attention to the psychological well-being of children involved in family violence, regardless of whether the children concerned had suffered bodily harm.

*Government Social Work Officers' Association
(LC Paper No. CB(2)1535/05-06(02))*

4. Mr HO Kin-chung and Ms LEE Kam-yung presented the views of the Government Social Work Officers' Association as detailed in its submission. The Association welcomed the improvement measures to be implemented by the Police on the handling of family violence, and made the following suggestions -

- (a) additional resources should be provided to SWD for carrying out immediate response work on family violence cases referred by the Police;
- (b) the Police should follow through the family violence cases it had referred to SWD for follow-up and step up support provided to frontline staff of SWD; and
- (c) views of frontline social workers of SWD should be consulted on the content of the Emergency Referral Questionnaire and the Action Checklist before implementation by the Police.

Action

*Association Concerning Sexual Violence Against Women
(LC Paper No. CB(2)1535/05-06(03))*

5. Ms NG Wai-ching presented the views of the Association Concerning Sexual Violence Against Women as detailed in its submission tabled at the meeting. In particular, the Association urged that -

- (a) specialised units be set up by the Police to handle all family violence, child abuse and sexual violence cases;
- (b) legislative amendments be made to improve the arrest and prosecution of perpetrators of family violence; and
- (c) views of frontline professionals be sought on the content of the to be introduced Emergency Referral Questionnaire and Action Checklist, and a study to examine the effectiveness of these two instruments in tackling family violence be conducted after their implementation in August 2006.

*Hong Kong Council of Social Service (HKCSS)
(LC Paper No. CB(2)1535/05-06(04))*

6. Ms Elsa CHIU highlighted the following views of HKCSS on the improvement measures to be implemented by the Police to tackle family violence, details of which were set out in its submission -

- (a) the Police should expeditiously form specialised units to handle family violence cases. In view of the sensitivity of child abuse cases, its existing Child Abuse Investigation Unit should be retained;
- (b) if a family violence incident was considered to be requiring immediate threat management, the Police should put the perpetrators under arrest to ensure the safety of the victims;
- (c) it was necessary to spell out in the Action Checklist that the decision on whether to proceed with the arrest and prosecution of the perpetrator should not be based on the consent of the victim(s); and
- (d) content of the newly revised Training Package for the Police to be rolled out in July 2006 should include topics, such as the use of violence and power in controlling relationship, differences of men's and women's roles in society, misconceptions about family violence and relationship between child abuse and spousal abuse.

Action

Caritas Family Service

7. Ms Paulina KWOK concurred with the views of other deputations that the Police should set up specialised investigation units to handle family violence cases. To ensure the Police guidelines on the handling of family violence were followed by all frontline officers, a monitoring mechanism should be put in place. It would also be useful if the Police could inform the Family Crisis Support Centre (FCSC) of Caritas in the first instance of the refuge centres to which the Police had referred the family victims, so as to enable FCSC staff to render timely assistance to these victims where necessary.

Law Society of Hong Kong

8. Mr Dennis HO welcomed the improvement measures to be implemented by the Police on tackling family violence. Referring to the suggestion that the Police should establish specialised units to investigate family violence reports, Mr HO said that consideration could be given to extending the scope of the Child Abuse Investigation Unit of the Police. A feasibility study in this regard could be conducted by the Police.

9. Mr HO further said that to better prevent and combat family violence, the Police should equip frontline officers with the knowledge of the provisions of the Domestic Violence Ordinance (DVO) (Cap.189), particularly with regard to the exercising of the power of arrest that might be attached to an injunction granted by the court. Mr HO pointed out that the consultancy study on child abuse and spouse battering conducted by the University of Hong Kong (HKU) revealed that less than 1% of the victims had applied for an injunction order under the DVO, which demonstrated that most victims did not know their legal rights. The Law Society considered it crucial that all victims should have access to legal advice at the first available opportunity, and recommended that SWD, Police stations and NGOs should have available a list of solicitors who could provide legal advice to the victims.

Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)
(LC Paper No. CB(2)1564/05-06(03))

10. Ms LIU Ngan-fung presented the views of Kwan Fook as detailed in its submission tabled at the meeting. She said that Kwan Fook appreciated the response actions taken by the Police to improve the handling of family violence, but expressed regret that no mention was made on the setting up of specialised investigation units to handle family violence incidents which was promised by the Commissioner for Police at a conference organised by HKCSS in November last

Action

year. Ms LIU then made the following points -

- (a) women's perspectives should be incorporated in the Police training on the handling of family violence, having regard to the fact that more than 90% of family violence victims were female. Kwan Fook would be happy to share their experiences in dealing with family violence with the Police;
- (b) to ensure the compliance of Police guidelines on the handling of family violence by frontline officers, disciplinary action should be taken against those officers who failed to observe such guidelines; and
- (c) the Police should enforce the Offences Against the Person Ordinance (Cap. 212) where justified to arrest the perpetrators of family violence, and not wait for the victims to give consent to press charges against the perpetrators.

*Hong Kong Women's Coalition on Equal Opportunities
LC Paper No. CB(2)1564/05-06(02)*

11. Ms CHUNG Yuen-yi presented the views of Hong Kong Women's Coalition on Equal Opportunities as detailed in its submission tabled at the meeting. Specifically, the Coalition urged the Police -

- (a) to seek the views of NGOs on the content of the Emergency Referral Questionnaire and the Action Checklist before their introduction in August 2006; and
- (b) apart from imposing sanctions to ensure compliance of the guidelines on the handling of family violence by frontline officers, consideration could be given to providing incentives to encourage them to do the same.

Although the introduction of the Emergency Referral Questionnaire and the Action Checklist was a move in the right direction to improve Police's response to family violence reports and ensure standardisation of investigations and the deployment of an officer of the rank of Sergeant or above to the scene to take charge of the investigations would enhance the professionalism and expertise in handling family violence reports, Ms CHUNG said that there remained the concern that all these measures would not be put into action if frontline officers lightly treated reported family violence cases as "family dispute" cases in the first instance.

Action

Discussion

12. Mr LEUNG Kwok-hung said that in view of the multi-faceted nature of the problem of family violence, the Administration should appoint an independent commissioner to coordinate and oversee the multi-disciplinary and multi-sectoral collaboration for tackling the problem. Mr LEUNG concurred with the deputations that the Police should set up dedicated teams to handle family violence, as according to his experience many frontline Police officers were not well versed in handling family cases.

13. Chief Superintendent of Police (Crime Support) responded that a study on establishing dedicated units to handle family violence within the Police Force was currently being conducted by the Police. The Police had come up with a preliminary framework on such establishment. No additional resources were envisaged. The study was expected to complete in two months' time. In the meantime, the Police would be happy to consider any constructive views/suggestions put forward by members of the public. Chief Superintendent of Police (Crime Support) further said that the Police attached great importance to equipping frontline officers with the necessary competencies to handle family violence. To that end, the subject of family violence formed part of the basic training of Police officers. Since 1997, the contents, focus and frequency of the training for frontline Police officers had been continuously reviewed in tandem with the changing needs required of in family violence situations, and work in this regard would continue.

14. Mr LEUNG Kwok-hung asked whether the provision of the to be established Police's dedicated units to handle family violence would be based on the number of population in a district, and how these units would interface with social workers to tackle family violence.

15. Chief Superintendent of Police (Crime Support) responded that the deployment of the Police's dedicated units to handle family violence would be planned on the basis of the existing policing structure. It was the Police's intention to brief members on the implementation details of these units in due course.

16. Ms LI Fung-ying sought more details about the training provided to Police officers on the handling of family violence. Ms LI further asked about the number of Police officers to be deployed to the dedicated teams on handling family violence. Ms LI hoped that in so doing, the manpower of the Police Force would not be stretched too thin.

Action

17. Chief Superintendent of Police (Crime Support) responded that the Police Force had been providing training on the handling of family violence for Police officers throughout various stages of their career, details of which were given in the paper provided to the Subcommittee for the meeting on 5 May 2005 (LC Paper No. CB(2)1446/04-05(02)). Specifically, all new recruits had to receive training on the handling of family violence. After graduating from the Police Training School, all junior Police officers up to the rank of Inspectors were required to attend a full-day Training Day (TD) programme held every six to eight weeks. "Domestic Violence" has been included as a TD topic in the past, and the TD package was completely revised with special emphasis placed on the dynamics and dilemmas of family violence in early 2004. To better meet the changing needs required of in family violence situations, a newly revised training package would be rolled out in July 2006 to provide focus training on the attitude and skills to be adopted in conflict management through scenario exercises and discussions. In addition to the Forcewide training delivered during regular training days, District commanders would also arrange refresher and special training to address local needs, especially in Districts where the occurrence of family violence was of high frequency.

18. Chief Superintendent of Police (Crime Support) further said that he was not able to specify the number of officers to be deployed to the dedicated teams to handle family violence at this stage. This was because as the setting up of these teams would be achieved through internal re-deployment of the existing resources, some time was needed for the Police to re-organise its existing operation so as to ensure that the setting up of them would not undermine the efficiency and efficacy of the Force.

19. Dr Fernando CHEUNG requested the Police to spell out in the Action Checklist that frontline officers must gather evidence at the scene of family violence incidents, regardless of whether the victims were willing to press charges against the perpetrators.

20. Chief Superintendent of Police (Crime Support) responded that it was already stipulated in the existing Police guidelines for handling family violence that officers attending the scene of a family violence report must gather evidence to establish whether a crime had been committed, regardless of the wish of the victims. Such a practice would be duly set out again in the Action Checklist. Chief Superintendent of Police (Crime Support) however pointed out that the decision on whether or not to prosecute the perpetrators rested with the Department of Justice. Chief Superintendent of Police (Crime Support) further said that to enhance the professionalism and expertise in handling family violence reports, an officer of the rank of Sergeant or above would be deployed to the scene to take charge of the investigation of each and every family violence report in

Action

April 2006. The decision to curtail investigation of a crime case could only be made by an officer of the rank of Superintendent.

21. To allay the concerns about the adequacy of the Emergency Referral Questionnaire and the Action Checklist on improving the Police's response to family violence reports, Mr LEE Cheuk-yan requested the Police to provide these two instruments to NGOs for comments before implementation.

22. Chief Superintendent of Police (Crime Support) responded that the Police was presently seeking the views of its frontline officers on the Emergency Referral Questionnaire and the Action Checklist to ensure that they could achieve the desired effect. The Police would provide members with the Questionnaire and the Action Checklist once they were finalised.

23. The Chairman asked the following questions -

- (a) whether women's perspectives and gender issues would be included in the training of Police officers; and
- (b) what measures would be taken by the Police to -
 - (i) strengthen its collaboration with other professionals, such as social workers;
 - (ii) equip its frontline officers with the knowledge on advising the victims of the protection they could seek under the existing legislation; and
 - (iii) ensure that frontline officers would not, without due investigation, downgrade a family violence case to a family dispute case.

24. Chief Superintendent of Police (Crime Support) responded as follows -

- (a) women's perspectives and gender issues had been incorporated into the training of Police officers and work would be continued along this line;
- (b) the Police had all along worked closely with social workers on handling family violence. For instance, in order to monitor the progress of the cases referred by the Police to social workers for follow-up actions, an acknowledgement mechanism was established under which social workers would inform the Police if the

Action

individuals concerned failed to show up or refused to receive assistance. This would enable the Police to take a different approach if the same individuals came to seek help again in future;

- (c) all new recruits had to undergo basic training on domestic violence which included the application of an injunction order under the DVO. Examinations are put in place to test officers' proficiency in law and police procedures. It was also stipulated in the Police guidelines for handling family violence that officers attending the scene of a family violence incident should check whether an Injunction Order was in existence in respect of the involved parties. Regarding the suggestion made by the Law Society of Hong Kong that Police stations should have available a list of solicitors who could provide legal advice to the victims of family violence, the Police would be happy to act accordingly once such a list was available; and
- (d) there was no cause for concern that a family violence case would be dispensed as a family dispute case without due investigation, following the implementation of the improvement measures on handling family violence as set out in the Administration's paper.

25. Dr Patricia IP of the Against Child Abuse urged the Police to ensure there were adequate staff to carry out investigative work relating to child abuse cases and have regard to the importance of retaining the experience acquired by frontline officers in handling these cases, in its plan to expand the scope of work of its Child Abuse Investigation Units to cover all types of family violence cases. Chief Superintendent of Police (Crime Support) agreed.

26. Ms Margaret WONG noted that one of the measures to improve handling of family violence by the Police would be to install an alert mechanism into its Central Domestic Violence Database to automatically generate alarm to the attention of Divisional supervisory officers in respect of repetitive incidents occurring within 12 months or less. In the light of this, Ms WONG asked what follow-up actions would be taken by the Police.

27. Chief Superintendent of Police (Crime Support) responded that the Police might hold joint meetings with SWD to follow up on the repetitive incidents occurring within 12 months or less. Alternatively, consideration could be given to referring these cases to the family violence investigation units, if established.

28. In closing, the Chairman hoped that the Police would carefully consider the views/suggestions put forward by members and deputations, and provide the

Action

Subcommittee with the Emergency Referral Questionnaire and the Action Checklist for reference within two months' time. Chief Superintendent of Police (Crime Support) responded that the Police would carefully consider the views/suggestions put forward by members and deputations on the handling of family violence by the Police, and would strive to provide members with the Questionnaire and the Action Checklist as soon as practicable.

(b) *Consolidated list of recommendations from various studies and the Administration's responses*
(LC Paper Nos. CB(2)1439/05-06(02), CB(2)1535/05-06(01) to (09) and CB(2)1564/05-06(01) to (02))

29. Principal Assistant Secretary for Health, Welfare and Food (Women) introduced the Administration's paper (LC Paper No. CB(2)1439/05-06(02)) setting out the Administration's response to the recommendations consolidated from the Report of the Review Panel on Family Services in TSW, the death inquest by the Coroner's Court in the TSW incident, the report of the consultancy study on child abuse and spouse battering conducted by HKU, as well as views expressed by NGOs on the handling of family violence.

Views of deputations

Harmony House
(LC Paper No. CB(2)1535/05-06(01))

30. Ms Margaret WONG reiterated the importance of early identification of family violence, and urged the Administration not to take a phased approach in implementing the recommendations which were long overdue and interrelated.

Against Child Abuse
(LC Paper No. CB(2)1535/05-06(07))

31. Dr Patricia IP and Mrs Priscilla LUI expressed disappointment that the Administration was still considering many of the recommendations from various studies. For those recommendations it had agreed to implement, no timetable was given. The introduction of a mechanism to conduct post-event multi-disciplinary review on fatal child abuse cases for the purpose of identifying improvements, and the related technicalities was a case in point. As a result, 10 children had died of unnatural death since the occurrence of the TSW family tragedy two years ago. To effectively tackle family violence, the Administration should first expeditiously put in place the necessary policies and mechanisms, including implementing measures to see that the "zero tolerance" against family violence was effectively carried out by all policy bureaux and Government

Action

departments, developing a family policy to improve outcomes for families and children, establishing a children commission to promote the well-being and interests of children, and treating family violence as a public health problem rather than tackling it from a mere welfare angle.

*Government Social Work Officers' Association
(LC Paper No. CB(2)1535/05-06(02))*

32. Ms LEE Kam-yung presented the views of the Government Social Work Officers' Association as detailed in its submission. In particular, the Association was of the view that all guidelines on handling family violence should only be served as a guide for frontline social workers to follow, thereby allowing them the latitude to exercise their professional judgment based on the circumstances of each case. In view of the complexity of the family problem, the Association hoped that the public would not always put the blame on social workers as well as the Police once a family tragedy occurred. In the course of increasing the manpower of the Integrated Family Service Centres (IFSCs) and SWD's Family and Child Protective Services Unit (FCPSU), due regard should also be given to strengthening their supervisory staff as at present a supervisor had to oversee a team of some 10 to 20 staff on handling family cases.

*Against Elderly Abuse of Hong Kong
(LC Paper No. CB(2)1535/05-06(08))*

33. Ms Kennex YUE introduced the submission of the Against Elderly Abuse of Hong Kong tabled at the meeting criticising the Administration's lack of support and assistance to the abused elderly.

*Association Concerning Sexual Violence Against Women
(LC Paper No. CB(2)1535/05-06(03))*

34. Ms NG Wai-ching said that the piecemeal approach of responding to the recommendations from various studies revealed the lack of a comprehensive policy and blueprint by the Administration to tackle family violence. Equally disappointing was the lack of any concrete timetable and resources to be deployed to implement these recommendations. She further said that the Administration should tackle family violence from three fronts through the revamping of the central mechanism for handling family violence, tightening of the DVO to better protect the victims, and strengthening of the multi-disciplinary and multi-sectoral collaboration at district levels through the updating of the procedural guidelines on handling family violence, among others.

Action

HKCSS

(LC Paper No. CB(2)1535/05-06(04))

35. Ms Elsa CHIU presented the views of HKCSS as detailed in its submission. Specifically, HKCSS hoped that the Administration could come up with a more comprehensive approach in tackling family violence as the existing measures, no matter how much they had been improved on, had proven to be lacking in their effectiveness in tackling the problem.

Caritas Family Service

(LC Paper No. CB(2)1535/05-06(05))

36. Ms Paulina KWOK presented the views of Caritas Family Service as set out in its submission. Notably, Caritas urged the Administration to simultaneously implement measures to enhance the roles and functions of the central mechanism for handling family violence, improve on the existing legislative and judicial procedures, and strengthen district service provision and multi-disciplinary collaboration. Caritas also hoped that the scope of the multi-disciplinary case conference and the to be implemented fatality or serious injury review committee could be expanded to cover victims such as battered parents, and more resources could be given to NGOs for the setting up of a 24-hour hotline and outreach teams to respond promptly to families at risk.

Law Society of Hong Kong

37. Mr Dennis HO said that the Law Society of Hong Kong considered that the Administration should give priority to the review of the DVO which had not been conducted for almost 20 years, implement mandatory counselling for batterers and set up a domestic violence court. The Law Society would not insist on covering same sex cohabitants under the DVO, but hoped that Hong Kong would follow the practice of places, such as the United Kingdom, Canada, New Zealand and Singapore, to provide protection to extended family members living in the same household, such as brothers and sisters. Mr HO further said that the duration of injunction orders under the DVO was too restrictive. The Law Society considered that such orders should be granted on the basis as the court deemed fit in order to maximise protection for the victims. In addition, the Administration should adopt a public health approach to prevent the occurrence of family violence.

Kwan Fook

(LC Paper No. CB(2)1564/05-06(03))

38. Ms LIU Ngan-fung expressed disappointment about the responses of the

Action

Administration given in its paper which was lacking in direction and implementation timetable. First and foremost, the Administration should pull together all relevant ordinances relating to family violence with a view to integrating the civil and criminal laws, enhance the roles and functions of the existing central mechanism for handling family violence from merely being an advisory body to one with real authority under the purview of the Chief Secretary for Administration (CS), secure consensus among different departments and frontline professionals on the definition of family violence, set out a timetable for implementing the recommendations from various studies, and set aside new resources in the 2006-07 Budget for tackling family violence. Kwan Fook further urged the Administration to expeditiously implement the 14 measures set out in the motion on domestic violence carried at the Council meeting on 8 March 2006.

*Women Coalition of Equal Opportunity
(LC Paper No. CB(2)1564/05-06(02))*

39. Ms CHUNG Yuen-yi presented the views of the Women Coalition of Equal Opportunity as detailed in its submission. Specifically, the Coalition made the following points -

- (a) the roles and functions of the existing central mechanism for handling family violence should be enhanced from merely being an advisory body to one with real authority under the purview of CS;
- (b) an inter-disciplinary response team should be set up in each district to provide one-stop support service to victims of family violence;
- (c) a 24-hour hotline should be set up to provide emergency assistance to individuals and families at risk; and
- (d) all Government bureaux and departments should fully take on board the concept of gender mainstreaming when formulating policies and legislation.

Discussion

40. Dr Fernando CHEUNG expressed disappointment about the slow progress made by the Administration in taking forward the recommendations from various studies. The Chairman shared Dr CHEUNG's view, and pointed out that even the United Nations were critical of the manner in which Hong Kong had been handling family violence.

Action

41. Deputy Secretary for Health, Welfare and Food (Family and Women) (DSHWF(F&W)) responded as follows -

- (a) review of the DVO was underway, and aimed for completion within this year. The proposed changes to the DVO, as set out in the Administration's paper, were by no means final. For instance, the Administration would not rule out further expanding the definition of family members to include people other than the proposed former spouses and former cohabitants. The reason why the latter two groups of people were suggested was because they made up a significant number of victims. Nor would the Administration rule out the proposal of attaching the power of arrest to injunction orders, and extending the duration of injunction orders. It however did not consider it appropriate to not set a maximum validity period for the injunction orders. It was also the Administration's plan to commence drafting of the relevant amendment bill following the completion of the review, which was expected to take place at the start of the next legislative session;
- (b) it was not true to say that little had been done by the Administration to tackle family violence since the TSW incident. Apart from the improvement measures to be implemented by the Police on the handling of family violence as discussed earlier at the meeting, two pilot batterer intervention programmes had been launched by SWD;
- (c) there was no need to provide another 24-hour hotline to answer calls from families facing crisis. During office hours, social workers of FCPSUs, IFSCs and Medical Social Service Units would respond to requests for emergency services. To meet with the need for emergency social work support after office hours, SWD had in place two major hotlines operated by SWD and Caritas – Hong Kong. The SWD Hotline was answered by social workers from 9 am to 10 pm from Monday to Saturday and from 1 pm to 10 pm on Sunday and during public holidays. Outside the above operating hours, callers could press on "0" to connect to the crisis line of the FCSC operated by the Caritas – Hong Kong which was answered by social workers 24 hours a day. According to Caritas – Hong Kong, about 90% of the calls received by the crisis line of the FCSC during midnight to 8 am were answered, among which only 3% to 4% were related to family violence;
- (d) to alleviate the workload of frontline social workers, about \$30 million additional recurrent funding had been set aside in the

Action

2006-07 Budget to implement a Family Support Programme in IFSCs/Integrated Services Centres, FCPSUs and Psychiatric Medical Social Services Units. Additional resources had also been allocated to strengthen and extend family education to promote the values, ethics and individual responsibility needed for family harmony; and

- (e) the Administration did not see the need for putting the existing central mechanism for handling family violence under the purview of CS for it to be effective. To assign a department or a policy bureau to take up a coordinating role in carrying out a policy which straddled several policy areas was not uncommon. In fact, many of the recommendations on family violence, such as the review of the DVO, which invariably involved other policy bureaux and Government departments were led by SWD and/or the Health, Welfare and Food Bureau.

42. Dr Fernando CHEUNG pointed out that over 60% of the calls left unanswered were in fact made between 4 pm and midnight. In the light of this, Dr CHEUNG insisted on the need to establish an additional 24-hour emergency family violence hotline.

43. Mr Dennis HO said that the Administration should be able to complete drafting of the legislative amendments to the DVO in two to three months' time, i.e. by July 2006, having regard to the fact that the DVO only contained some 11 provisions and all the views about the amendments that needed to be made to the DVO were already made known to the Administration. Mr HO also clarified that the Law Society did not recommend the duration of the injunction order should be left open-ended, but should be left to the discretion of the court as it deemed fit.

44. Mr LEUNG Kwok-hung maintained the view that a commissioner should be appointed by the Chief Executive to entrust with the task of combating family violence and coordinate collaboration among various policy bureaux and Government departments. Alternatively, the responsibility to combat family violence should be put under the purview of the Secretary for Home Affairs.

Way forward

45. The Chairman said that to facilitate the work of the Subcommittee, the Administration should provide a response on the areas of amendments to be made to the DVO as well as a timetable on implementing the some 80 recommendations from various studies before July 2006. Dr Fernando CHEUNG also said that the Administration should provide a timetable on implementing the 14 measures set out in the motion on domestic violence carried at the Council meeting on 8 March

Action

2006 before July 2006. The Chairman suggested holding a closed meeting with the Administration by the end of April 2006 to discuss the aforesaid responses, before deciding on the way forward in monitoring the Administration's strategy and measures on tackling family violence. DSHWF(F&W) agreed.

46. There being no other business, the meeting ended at 7:03 pm.

Council Business Division 2
Legislative Council Secretariat
15 June 2006