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Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

Minutes of the 12th meeting
held on Tuesday, 28 November 2006, at 10:00 am
in Conference Room A of the Legislative Council Building

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

Members absent : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Kwok-hung

Public Officers attending : Items II - IV

Miss Hanny LAM
Principal Assistant Secretary for Health, Welfare and Food
(Women)

Ms Winnie LEUNG
Assistant Secretary for Health, Welfare and Food (Women)

Mrs Anna MAK
Assistant Director (Family & Child Welfare)
Social Welfare Department

Mrs Cecilia YUEN
District Social Welfare Officer (Kwun Tong)
Social Welfare Department

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

Item III only

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

Mr HO Kin-wah
Chief Inspector
(Child Protection Policy Unit)
Hong Kong Police Force

Item IV only

Mr HO Chung-cheung
Chief Housing Manager (Applications)
Housing Department

Mrs Janet TSANG
Chief Manager/Management (Support Services 2)
Housing Department

**Deputations
by invitation** : Against Elderly Abuse of Hong Kong

Mr Calvin CHIU
Vice President

Ms GUAN Nu-ren
Service user

Association Concerning Sexual Violence Against Women

Ms NG Wai-ching
Service Co-ordinator

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

Ms LIU Ngan-fung
Chairman

Ms FAN Mei-yung
Member

Hong Kong Chinese Civil Servants' Association - Social
Work Officer Grade Branch

Mr LEUNG Kin-hung
Chairman

Mr CHEUNG Kim-ki
Vice-Chairman (External Affairs)

Caritas Family Service

Ms Pauline KWOK
Supervisor

Harmony House

Ms Margaret WONG
Executive Director

Women's Coalition on Equal Opportunities

Ms CHUNG Yuen-yi
Co-ordinator

Society for Community Organization

Ms SZE Lai-shan
Community Organizer

Association for the Advancement of Feminism

Ms CHOI Wing-sze
Member

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Ms Katherine YUNG
Senior Council Secretary (2) 8

Miss Maggie CHIU
Legislative Assistant (2) 4

Miss Carmen HO
Clerical Assistant (2) 2

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I. Election of Chairman

Dr Fernando CHEUNG was elected Chairman of the Subcommittee.

II. Development of "Kwun Tong District Welfare Concourse"
(LC Paper Nos. CB(2)452/06-07(01), CB(2)2880/05-06(01) to (04))

2. District Social Welfare Officer (Kwun Tong) (DSWO(KT)) briefed members on the development of a district welfare co-ordination mechanism set up in Kwun Tong district named the Concourse and outcome of the review of the District Coordinating Committee (DCC)/Local Committee (LC) mechanism, details of which were set out in the Administration's paper (LC Paper No. CB(2)452/06-07(01)), with the aid of a powerpoint.

3. The Chairman invited deputations to give views on the development of the Concourse.

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

4. Ms LIU Ngan-fung presented the views of Kwan Fook as set out in its submission tabled at the meeting (LC Paper No.CB(2)471/06-07(06)). In particular, Kwan Fook queried the effectiveness of the Concourse in combating domestic violence, having regard to the fact that the number of domestic violence cases had risen in the Sau Mau Ping and Po Tat area despite the implementation of the Sau Po Project referred to in paragraph 5 of the Administration's paper.

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Against Elderly Abuse of Hong Kong

5. Mr Calvin CHIU presented the views of Against Elderly Abuse of Hong Kong as set out in its submission (LC Paper No. CB(2)471/06-07(07)). In particular, Against Elderly Abuse of Hong Kong questioned whether the Administration truly wanted to combat domestic violence if the membership of the new mechanism did not include organisations specialised in handling spousal, child and elder abuses as well as sexual violence as had occurred in the membership of the Concourse. Mr CHIU further questioned the effectiveness of the new welfare co-ordination mechanism when it only planned to meet around two times a year.

Discussion

6. Miss CHAN Yuen-han was of the view that the membership of the Concourse should include organisations specialised in handling spousal, child and elder abuses as well as sexual violence, and hoped that this could be realised in the new district welfare co-ordination mechanism. Miss CHAN further asked what action(s) had been taken to help victims of domestic violence in the Sau Mau Ping and Po Tat area, which was one the poorest areas in Hong Kong populated by old people and new arrivals, obtained temporary/permanent accommodation.

7. DSWO(KT) responded that members of the Concourse comprised people from a wide spectrum of organisations/sectors in the community, including representatives from non-governmental organisations (NGOs), Kwun Tong District Council, academics, medical sector, business sector, government departments, community organisations and service users. As regards the Sau Po Project, it had separate membership from the Concourse comprising local people from various sectors, including representatives from local NGOs providing family services, Kwun Tong District Council, Housing Department, Police, the Family and Child Protection Services Unit (FCPSU), integrated children and youth service centres in the area and service users providing assistance to victims of domestic violence.

8. As to Miss CHAN's second question, DSWO(KT) said that she did not have the information on hand as this meeting was meant to discuss the development of the Concourse the focus of which was on prioritising district welfare needs/issues and formulation of overall district welfare strategies and planning. Nevertheless, DSWO(KT) undertook to provide information on the number of referrals made to the Housing Department for victims of domestic violence in the Sau Mau Ping and Po Tat area during the past year after the meeting.

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9. Regarding the comments made by Against Elderly Abuse of Hong Kong about the frequency of meeting of the new district welfare co-ordination mechanism, DSWO(KT) said that it was not unreasonable for the mechanism to meet around two times a year as the mechanism was intended to serve as a platform for concerned stakeholders to identify and prioritise district-specific issues and would not be directly involving in addressing the issues concerned which could be dealt with through the setting up of a task group as in the case of the Sau Po Project and/or through the existing service units, such as the integrated family services centres (IFSCs), elderly service units and integrated children and youth service centres, in the district.

10. Miss CHAN Yuen-han requested the Administration to provide figures substantiating its claim that the concerned stakeholders were very positive about the outcomes of the Concourse and the Sau Po Project.

11. DSWO(KT) responded that although the number of cases involving domestic violence in the Sau Mau Ping and Po Tat area had increased during the past year, the severity of these cases had lessened in that more victims were now willing to come forward to seek assistance from the IFSC in the area or the FCPSU in the district during early occurrence of the problem. This could be attributed to the Sau Po Project which aimed at enhancing early identification of families-at-risk and raising public awareness about the need to seek help when facing family problems and/or domestic violence, and promoting cross-service collaboration through the conduct of training sessions and streamlining of the procedures for referring domestic violence cases to the FCPSU in the district.

12. DSWO(KT) further said that the positive response to the Concourse and the Sau Po Project was based on feedback gathered from stakeholders concerned and participants through a questionnaire survey and focus group meetings. The Chairman requested the Administration to provide more concrete information to support its claim that the Concourse and Sau Po Project had resulted in the lessening of the severity of domestic violence cases respectively occurred in the Sau Mau Ping and Po Tat area during the past year, and how frequently the streamlined procedures for referring domestic violence cases to the FCPSU had been used and by whom. DSWO(KT) agreed.

Admin

13. Mr Albert HO asked the following questions -

- (a) whether; and if so, what improvement had been made to the risk assessment tool used by social workers and frontline Police for handling domestic violence cases following the occurrence of the Tin Shui Wai (TSW) family tragedy in April 2004; and

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- (b) how adequate was the 24-hour outreach provided by the Social Welfare Department (SWD) able to cope with cases requiring immediate crisis intervention.

14. Responding to Mr Albert HO's first question, Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(F&CW)) said that the Administration had commissioned the University of Hong Kong (HKU) to develop a risk assessment tool on domestic violence, which should be completed shortly after some fine-tuning. ADSW(F&CW) however pointed out that all risk assessment tools had limitations and could not 100% identify the risk factor(s) of each and every single case. Despite the absence of a risk assessment tool on domestic violence, ADSW(F&CW) said that SWD social workers presently relied on a simple checklist, with items such as the ability of the victims to cope with adversity and whether they had a network of family members and/or friends to fall back on for assistance and advice, to assess the risk of each case. In view of the multi-faceted nature of the problem of domestic violence, ADSW(F&CW) pointed out that social work intervention alone was not enough in tackling the problem and multi-disciplinary and multi-sectoral collaboration was needed. The Administration believed that through the implementation of the new district welfare co-ordination mechanism modelled on the Concourse, the existing cross-sector and cross-service collaboration in the district could be further enhanced to better combat domestic violence. For instance, through heightened public awareness and concern of domestic violence, more people would use their own social network to address their problems before allowing the problems to deteriorate to a point which would require intervention from social workers and/or the Police.

15. As regards Mr HO's second question, ADSW(F&CW) said that of the 91 family cases referred by the Police for follow-up by SWD from 18 October to 16 November 2006, only two cases required immediate crisis intervention by SWD outreach team.

16. Mr Albert HO expressed disappointment about the long time taken in coming up with a risk assessment tool on domestic violence, and urged the Administration to expedite work in this regard. Mr HO further enquired whether SWD had a hotline service to provide intervention to individuals and families in each district. Mr HO also hoped that consideration could be given to again setting up dedicated service units for single parents and new arrivals respectively who were most vulnerable to fall victims to domestic violence, as it was questionable whether the IFSCs had the necessary expertise and resources to provide assistance to these groups of people.

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17. ADSW(F&CW) responded that the development of the risk assessment tool on domestic violence by HKU should be finalised by year end or in January 2007. Training would first be provided to social workers on the use of the tool before implementation within the current financial year. As regards the hotline, ADSW(F&CW) advised that SWD currently had one hotline serving the whole of Hong Kong.

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18. The Chairman requested SWD to provide members with the risk assessment tool on domestic violence once finalised. ADSW(F&CW) agreed.

19. Mr LEE Cheuk-yan queried whether the fact that SWD social workers only rendered immediate intervention to two out of 91 referrals from the Police, referred to in paragraph 15 above, was due to lack of manpower.

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20. ADSW(F&CW) responded that not all of the referrals from the Police warranted immediate intervention from SWD outreaching team. For instance, some of the referrals were of enquiry nature, while others were concerned about arranging the clients to receive certain welfare service or obtain a place of refuge. ADSW(F&CW) further said that the aforesaid 91 referrals from the Police should not be confused with the calls received by the SWD hotline mentioned in paragraph 17 above. In respect of the former, a separate telephone line was set up in October 2006 to enhance collaboration between the Police and SWD in handling domestic violence. At the request of the Chairman, ADSW(F&CW) undertook to provide information on the number of calls received by the SWD hotline during the past year and how many of these calls resulted in immediate intervention by SWD outreaching team; as well as a breakdown of the types of follow-up action taken by SWD for the 89 referrals from the Police between 18 October and 16 November 2006.

21. Ms LI Fung-ying asked whether, from the experience of the pilot Concourse, the Administration saw no room for improvement in the district welfare co-ordination mechanism by not including representatives from organisations specialised in handling spousal, child or elder abuse and sexual violence in the membership of the mechanism.

22. DSWO(KT) responded that in view of the experiences and views gathered from the pilot Concourse, Kwun Tong district had formally set up the district welfare coordination mechanism named the Concourse in June 2006 in prioritising service needs and formulation of overall district welfare strategies and planning.

23. The Chairman hoped that in taking forward the new district welfare co-ordination mechanism in all 12 SWD districts, representatives from a wider spectrum of organisations/sectors in the community could be enlisted as members.

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24. ADSW(F&CW) responded that SWD stood ready to listen to the views of different organisations. There was however a limit on the number of organisations which a committee could enlist. The fact that a certain organisation was not included as a member on the district welfare co-ordination mechanism in a particular district did not mean that its views would be ignored, as there were various channels for SWD to collect views such as through focus group meetings. ADSW(F&CW) further said that it might not be appropriate to include representatives from NGOs providing services to victims of domestic violence in the district welfare co-ordination mechanism in all 12 SWD districts, as the welfare needs of each district varied. Miss CHAN Yuen-han remarked that if that was the case, Against Elderly Abuse of Hong Kong should be included in the district welfare co-ordination mechanism in Kwun Tong given that combating domestic violence was the priority welfare issue in the district.

25. In closing, the Chairman urged the Administration to include representatives from all concerned NGOs in the district welfare co-ordination mechanism as far as possible and to provide the information mentioned in paragraphs 8, 12 and 20 above after the meeting.

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III. Progress of the implementation of District Liaison Group on Family Violence

26. At the invitation of the Chairman, ADSW(F&CW) briefed members on the progress of the implementation of District Liaison Group on Family Violence (DLGFV) since its establishment in March 2005, details of which were set out in the Administration's paper (LC Paper No. CB(2)452/06-07(02)).

27. The Chairman then invited deputations to give views on the implementation of DLGFV.

Kwan Fook

28. Ms LIU Ngan-fung presented the views of Kwan Fook as set out in its submission tabled at the meeting (LC Paper No. CB(2)471/06-70(06)). In particular, Kwan Fook urged the Administration not to treat domestic violence merely as a welfare problem by only enlisting representatives from the Police, FCPSU, IFSCs, medical services units and district elderly community centres to sit on the DLGFV, and should also include representatives from other relevant government departments such as HD and sectors such as medical and legal. Kwan Fook also expressed regret that it had not been invited to join the DLGFV, which was a testament that the Administration was only willing to listen to the

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views of the professionals and not people who had been victims of domestic violence like members of Kwan Kook.

Association Concerning Sexual Violence Against Women

29. Ms NG Wai-ching said that apart from providing a platform for multi-disciplinary collaboration on the handling of domestic violence, the DLGFV should also act as a focal point on the handling of individual cases involving service units which had been following the cases, regardless of whether they were local ones or territory-wise ones.

Against Elderly Abuse of Hong Kong

30. Mr Calvin CHIU presented the views of Against Elderly Abuse of Hong Kong as set out in its submission (LC Paper No. CB(2)472/06-07(01)). In particular, Against Elderly Abuse urged the Administration to include representatives from organisations specialising in handling spousal, elder and child abuses and sexual violence and victims of domestic violence and sexual victims, as members of DLGFV. The Administration was also urged to review the functions of DLGFV to improve its effectiveness in combating domestic violence, as it was clear that the existence of DLGFV could not stop family tragedies, such as the recent Lok Fu incident, from happening.

Discussion

31. Miss CHAN Yuen-han urged the Administration to enlist representatives from organisations specialising in handling various kinds of domestic violence, such as Kwan Fook for spouse battering and Against Elderly Abuse of Hong Kong for elder abuse and Association Concerning Sexual Violence Against Women for sexual victims, as members of DLGFV, having regard to their experience and expertise. Mr Albert HO also said that although membership of DLGFV included local units providing assistance to families-at-risk, this should not preclude representatives of other service units providing assistance to victims of domestic violence and sexual violence being represented on the DLGFV even though they were territory-wide organisations serving the whole community. Mr HO pointed out that according to Annex I of the Administration's paper, Convenor of the DLGFV had the flexibility to invite other representatives of other departments, service units or local organisations to attend the meeting on a regular or ad hoc basis according to the district characteristics and needs.

32. ADSW(F&CW) responded that the main objective of setting up DLGFV was to enhance district coordination in the handling of domestic violence cases by providing a platform for more focused discussion based on different district

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dynamics. Although organisations specialising in handling various kinds of domestic violence and sexual violence were not represented on any of the 13 DLGFVs, this did not mean that their views had not been sought. For instance, representatives of these organisations would be invited to sit on the multi-disciplinary case conferences if they had been involved in the cases concerned. Nevertheless, ADSW(F&CW) undertook to convey members' suggestion mentioned in paragraph 31 above for consideration by the DSWOs concerned.

33. To prevent incidents similar to the TSW family tragedy from recurring, Mr Albert HO urged the Police to refrain from adopting a mediator role in handling all reported domestic incident cases and should refer these cases to the court for judgment in the first instance. Mr HO also urged the Police to refrain from interviewing or taking statements in the presence of both the victims and offenders in order to avoid provoking the victims and offenders which could lead to a fight or making it difficult for the victims to make incriminating statements on the offenders.

34. Chief Superintendent (Crime Support) responded that all Police officers were regularly reminded to take a serious approach in handling domestic violence reports and not to treat them merely as internal disputes within a family. To that end, the officers would respond to a domestic violence incident as a potential crime case and conduct an investigation according to the established police procedures. The Police would arrest the offender and initiate a criminal prosecution or apply for a binding over order in court if there was sufficient evidence to prove the commission of an offence. Only when there was insufficient evidence of any offence, the officers would serve a Domestic Incident Notice (Pol. 915) on the offender drawing his/her attention to the legislation that he/she might contravene if the actions were repeated. In every case, the officers would serve a Family Support Service Information Card (Pol. 917) containing useful telephone numbers and addresses of organisations offering family services to both the victim and the offender.

35. Chief Superintendent (Crime Support) further said that depending on the nature of the domestic violence cases, different means of referrals to SWD for follow-up actions would be adopted by the Police. If situation warranted, arrangement would be made to remove the victim and his/her children to place of refuge or immediate crisis intervention by SWD outreaching teams would be called for. If a case did not warrant immediate crisis intervention from SWD, the Police would refer the case to SWD after completing the investigation at the scene. Where urgent referral was required outside office hours, the Direct Referral Line for Police could be used or the DSWO concerned could be contacted. Chief Superintendent (Crime Support) also said that when handling a domestic incident

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with no offence disclosed, responding officers would handle the parties so as to prevent any further escalation of the conflict. The Police named it as conflict management.

36. Chief Superintendent (Crime Support) said that according to Police procedures, an interview with either side of the involved parties would not be conducted in the presence of the opposing party. Any irregularities should be brought to the attention of the Police for follow-up. Chief Superintendent (Crime Support) also said that in cases involving counter-allegations, the Police might seek legal advice from the Department of Justice.

37. Notwithstanding, Mr Albert HO suggested that the handling officers should consult with his/her supervisors before determining whether a reported domestic incident case should be treated as a domestic dispute or a domestic violence case.

38. Chief Superintendent (Crime Support) responded that in fact since May 2006, an officer of the rank of Sergeant or above had been deployed to the scene of domestic incidents to take charge of every investigation.

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39. In summing up, the Chairman urged the Administration to include representatives of organisations specialising in handling spousal, elder and child abuses and sexual violence and victims of domestic violence and sexual victims as members of DLGFV, and to expand the scope of work of DLGFV to review serious or fatal domestic/sexual violence cases. ADSW(F&CW) agreed to convey the suggestions to DSWOs for consideration. Nevertheless, she pointed out that although the DLGFVs were not tasked to review individual cases, they provided a platform for the sharing of information in handling domestic violence cases. She further pointed out that although representatives of the deputations attending the meeting were not represented on the DLGFVs, local organisations and service units providing services to families-at-risk were represented or had been invited to attend the meeting on a regular or ad hoc basis according to the district characteristics and needs by the DSWO concerned.

IV. Housing assistance to victims of domestic violence

40. Chief Manager/Management (Support Services 2) gave an account of the existing housing arrangements offered by HD for cases involving domestic violence, details of which were set out in the Administration's paper (LC Paper No. CB(2)452/06-07(03)).

41. Representatives of the following organisations gave their views on housing assistance to victims of domestic violence as set out in their respective

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submissions -

- (a) Hong Kong Chinese Civil Servants' Association - Social Worker Officer Grade Branch (LC Paper No. CB(2)471/06-07(02));
- (b) Harmony House (LC Paper No. CB(2)471/06-07(01));
- (c) Against Elderly Abuse of Hong Kong (LC Paper No. CB(2)472/06-07(02));
- (d) Caritas Family Service (LC Paper No. CB(2)471/06-07(03));
- (e) Society for Community Organization (LC Paper No. CB(2)471/06-07(08));
- (f) Association for the Advancement of Feminism (LC Paper No. CB(2)651/06-7(01));
- (g) Women Coalition on Equal Opportunities (LC Paper No. CB(2)471/06-07(04));
- (h) Association Concerning Sexual Violence Against Women (LC Paper No. CB(2)471/06-07(05)); and
- (i) Kwan Fook (LC Paper No. CB(2)471/06-07(06)).

Discussion

42. Mr LEE Cheuk-yan said that in order to prevent family tragedies from occurring, the provision of housing assistance to victims should be based on ensuring the safety of the victims. To that end, HD should not undertake any mediating work to try to bring about family reconciliation. Mr LEE further said that the existing eligibility criterion for Conditional Tenancy (CT) in requiring the applicants to provide proof that, having petitioned divorce or otherwise, they were facing extreme difficulty in continuing to stay in the same unit with their spouses was too harsh, not to mention that it was also vague. This was evidenced by the small percentage of applications for CT granted by HD each year and the fact that such applications were more likely to be granted by HD after being taken up by NGOs and/or Legislative Council Members. In the light of this, Mr LEE urged the Administration to relax the criterion for granting CT by making lifting the victims from a domestic violence environment as the primary objective.

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Admin 43. Mr TAM Yiu-chung also questioned the effectiveness of HD encouraging victims to continue to stay with their spouses in the same unit with a view to bringing about reconciliation, and requested HD to provide information on the reconciled cases. Mr TAM further asked the Administration to consider the following -

- (a) relaxing the eligibility criterion for CT by granting CT to those people who had conflicts or disputes with their family members living in the same household, regardless of whether they had any dependent offspring or would not bring along dependent offspring; and
- (b) making it mandatory for caseworkers, who had given notice to resign, to personally brief the caseworkers who would take over the family cases being handled by them, to ensure continuity of services to clients.

Admin 44. Miss CHAN Yuen-han said that she had been assisting over 10 domestic violence cases at the Wong Chuk Hang Estate to obtain separate Public Rental Housing for the victims and their children. Despite recommendation from SWD, HD still refused to grant CT to these victims and their children. In the light of this, Miss CHAN asked the Administration to provide an explanation as to why this was the case. Miss CHAN also expressed regret that HD would not consider arranging separate accommodation for public housing tenants unless the family conflicts/disputes had resulted in bloodshed and/or repeated call to the Police for help. Miss CHAN further hoped that the Administration would increase the number of social workers for the handling of domestic violence cases, as had been done by the Police.

Clerk 45. Due to time constraint, the Chairman instructed the clerk to summarise the views expressed and questions raised by members and deputations to facilitate further discussion on housing assistance to victims of domestic violence at the next meeting. Members agreed.

46. There being no other business, the meeting ended at 1:13 pm.