

立法會
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the Administration)

Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

**Minutes of the 21st meeting
held on Thursday, 12 June 2008, at 10:45 am
in the Chamber of the Legislative Council Building**

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

Members absent : Hon Albert HO Chun-yan
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Mrs Anson CHAN, GBM, JP

Public Officers : Items I and II
attending
Miss Hinny LAM
Principal Assistant Secretary (Welfare)2
Labour and Welfare Bureau

Ms Winnie LEUNG
Assistant Secretary (Welfare)2A
Labour and Welfare Bureau

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

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

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Mrs Cecilia KWAN
Executive Director
Hong Kong Family Welfare Society

Ms Stephanie WONG
Social Work Consultant
Hong Kong Family Welfare Society

Item I only

Mr Helios LAU
Chief Clinical Psychologist
Social Welfare Department

Dr CHAN Chung-ming
Clinical Psychologist
Social Welfare Department

Deputations : Items I and II
by invitation

Hong Kong Council of Social Service

Ms Elsa CHIU
Chief Officer (Family and Community Service)

Christian Family Service Centre

Ms NG Kwok-tong
Senior Programme Director
Integrated Family Support Service (Family and Community)

Ms PANG Shuk-ling
Programme Director
Integrated Family Support Service (Family and Community)

Against Child Abuse

Mrs Priscilla LUI
Director

The Hong Kong Committee on Children's Rights

Dr C B CHOW
Chairman

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Hong Kong College of Paediatricians

Dr Patricia IP

Member, Professional and General Affairs Committee

Item I only

Association Concerning Sexual Violence Against Women

Ms Linda WONG
Executive Director

Caritas-Hong Kong Family Service

Ms KWOK Chi-yan
Center Supervisor

Harmony House

Ms Heidi IP
Supervisor

Ms Dorothy WONG
Social Worker

The Society of Rehabilitation and Crime Prevention, Hong Kong

Mr Andy NG Wang-tsang
Chief Executive

Ms Anthea LEE Shuk-wai
Business Director (Planning and Development)

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

Staff in attendance : Ms Maisie LAM
Council Secretary (2) 2

Ms Sandy HAU
Legislative Assistant (2) 5

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The Subcommittee deliberated (Index of proceedings attached at **Annex**).

I. Batterer Intervention Programme

[LC Paper Nos. CB(2)2198/07-08(01), CB(2)2243/07-08(01) and (02), CB(2)2272/07-08(01) to (06) and CB(2)2430/07-08(01)]

2. The Subcommittee received views from the following deputations, details of which were set out in their respective submission.

- (a) Association Concerning Sexual Violence Against Women
[LC Paper No. CB(2)2272/07-08(01)];
- (b) The Hong Kong Council of Social Service
[LC Paper No. CB(2)2272/07-08(02)];
- (c) Caritas Hong Kong - Family Service
[LC Paper No. CB(2)2430/07-08(01)];
- (d) Harmony House
[LC Paper No. CB(2)2272/07-08(03)];
- (e) Christian Family Service Centre
[LC Paper No. CB(2)2272/07-08(04)];
- (f) Against Child Abuse
[LC Paper No. CB(2)2272/07-08(05)];
- (g) The Society of Rehabilitation and Crime Prevention, Hong Kong
[LC Paper No. CB(2)2243/07-08(01)];
- (h) The Hong Kong Committee on Children's Rights
[LC Paper No. CB(2)2272/07-08(06)]; and
- (i) Hong Kong College of Paediatricians
[LC Paper No. CB(2)2243/07-08(02)].

Discussion

3. Members urged the Administration not to stop short at conducting briefings or workshops for social workers and other practitioners to share the findings of the pilot project and the development of user manuals for the Hong Kong Family Welfare Society (HKFWS) and the Social Welfare Department (SWD) programmes respectively with a view to standardising the intervention and sharing the experience gained from the pilot project. Members were of the view that the Batterer Intervention Programme (BIP) should be made a standard provision of SWD, as the findings of the pilot project revealed that there was a general reduction

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in the violent behaviour of the participants in both HKFWS and SWD programmes.

4. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(F&CW)) advised that providing group counselling service to batterers would become part of the standard service provision of the Family and Child Protective Services Units. As different types of batterers responded to the BIPs differently, SWD would conduct further study and analysis to develop suitable programmes that cater for different types of batterers.

5. Dr Fernando CHEUNG hoped that a platform to facilitate exchange of views between SWD and non-governmental organisations (NGOs) on the development of the BIPs could be put in place.

6. Members asked whether additional funding would be provided to SWD for implementing the anti-violence programme (AVP) following the commencement of the Domestic Violence (Amendment) Bill 2007 on 1 August 2008.

7. ADSW(F&CW) advised that about \$1 million had been allocated to SWD to run the AVP through NGOs, which was estimated to serve about 100 participants. Should the demand for the AVP be greater than expected, SWD would meet the demand through internal redeployment of resources in the first instance and seek new resources in due course.

II. Child fatality review mechanism

[LC Paper Nos. CB(2)2198/07-08(02), CB(2)2243/07-08(03) and CB(2)2272/07-08(02), (04), (09) to (10)]

8. The Subcommittee received views from the following deputations, details of which were set out in their respective submissions.

- (a) The Hong Kong Council of Social Service
[LC Paper No. CB(2)2272/07-08(02)];
- (b) Christian Family Service Centre
[LC Paper No. CB(2)2272/07-08(04)];
- (c) Against Child Abuse
[LC Paper No. CB(2)2272/07-08(09)];
- (d) The Hong Kong Committee on Children's Rights
[LC Paper No. CB(2)2272/07-08(10)]; and
- (e) Hong Kong College of Paediatricians
[LC Paper No. CB(2)2243/07-08(03)].

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Discussion

9. Members were of the view that the Review Panel of the Pilot Project for Child Fatality Review (RP) should report to the Family Council chaired by the Chief Secretary for Administration (CS), so as to ensure that the recommendations made by the RP would be followed up by relevant parties and organisations. Members also considered that the RP should have statutory backing so as to ensure the provision of complete and accurate information by organisations that had rendered services to the deceased child or his/her family and that the scope of work of the RP should be expanded in the long run to cover all domestic violence cases which had caused deaths or serious injuries.

10. Principal Assistant Secretary for Labour and Welfare (Welfare)2 (PAS/LW(Welfare)2) advised that similar to other non-statutory bodies set up by the Administration, the RP operated independently from the Government, albeit with secretariat support from SWD. There was no reason to doubt that the recommendations made by the RP would not be followed up by relevant parties and organisations where practicable, as the review findings and recommendations of the RP would be published in annual reports for public scrutiny. PAS/LW(Welfare)2 further advised that organisations that had rendered services to the deceased child and/or his/her family had thus far been very co-operative in providing information to the RP on a voluntary basis. There was no reason to doubt that these organisations would withhold information from the RP. Subject to the experience gained and outcome of the review of the child fatality review mechanism after the two-year pilot period, the Administration would not rule out the possibility of making it a statutory mechanism and to expand its scope of work in the long run to cover all domestic violence cases which have caused deaths or serious injuries.

11. Members shared the view that one way to encourage organisations that had rendered services to the deceased child or his/her family to provide all necessary information to the RP would be to provide them with legal protection against being sued by family of the deceased child.

12. Members noted that the scope of cases to be covered by the review mechanism was all cases involving children under the age of 18 who died of non-natural causes. Review of these cases would only be conducted upon completion of all criminal and judicial processes to avoid prejudicing such processes. Members considered such an arrangement undesirable, as the sooner the RP could conduct its review, the better it could identify gaps and deficiencies in the delivery of services prior to the child's death. Members considered that reviewing the child fatality cases when the criminal and judicial processes were still ongoing should not prejudice such legal proceedings, as meetings of the RP were closed-doors ones.

13. Members expressed concern that placing the RP under SWD might confine the selection of cases for review to those relating to the social welfare system. ADSW(F&CW) pointed out that the Secretariat of RP prepared the list of children who died of non-natural causes for general review by the RP based on the list of

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cases obtained from the Coroner's Court.

14. Some members suggested that the RP should preferably be chaired by the Secretary for Justice (SJ) and that people from law enforcement agency and with legal background should also be appointed as RP members, as were practised in many overseas jurisdictions, having regard to the fact that investigation of the child's death was an important element of the review. PAS/LW(Welfare)2 advised that the review mechanism was not intended to identify causes leading to the child's death nor to attribute responsibility to individuals. Instead, the objectives of the review were to examine the practice and service issues pertaining to the child death cases; to identify feasible and practical improvements in these areas; to identify patterns and trends for formulation of prevention strategies; and to promote multi-disciplinary and inter-agency cooperation for prevention of child death. PAS/LW(Welfare)2 also pointed out that although the RP was formed under SWD, SWD had consulted stakeholders from various sectors, such as the Hospital Authority, the then Education and Manpower Bureau (now the Education Bureau) and NGOs, on the scheme details through meetings, briefings and consultation sessions before setting up the child fatality review mechanism. The Chairman pointed out that if SJ could lead the Task Force on Youth Drug Abuse, there was no reason why SJ could not lead the RP to prevent child death.

15. Dr Fernando CHEUNG shared the view that the best way to safeguard the rights and well-being of children was for the Government to set up a statutory Children's Commission, as had been done in many developed economies such as Australia. But as the Administration had previously advised that it had no plan to set up a Children's Commission, such task should be put under the purview of the Family Council.

16. Members agreed that the Subcommittee should hold another meeting to further discuss the child review fatality mechanism, and CS and SJ should be invited to come before the Subcommittee to discuss the proposals of making the Family Council overseeing the operation of the RP, including the implementation of RP's recommendations by parties concerned and having SJ chaired the RP, as well as the suggestion of allowing the RP to review a child death case before the completion of all criminal and judicial processes on the case.

17. There being no other business, the meeting ended at 1:50 pm.

Annex

**Proceedings of the meeting of
Subcommittee on Strategy and Measures to Tackle Family Violence
on Thursday, 12 June 2008, at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000451	Chairman	Opening remarks	
<i>I. Batterer Intervention Programme</i>			
000452 - 002028	Admin	Briefing by the Administration on the findings of the Pilot Project of the Batterer Intervention Programme (BIP) [LC Paper No. CB(2)2198/07-08(01)]	
002029 - 002400	Association Concerning Sexual Violence Against Women	Presentation of views [LC Paper No. CB(2)2272/07-08(01)]	
002401 - 003008	Hong Kong Council of Social Service	Presentation of views [LC Paper No. CB(2)2272/07-08(02)]	
003009 - 003537	Caritas Hong Kong - Family Service	Presentation of views [LC Paper No. CB(2)2430/07-08(01)]	
003538 - 004150	Harmony House	Presentation of views [LC Paper No. CB(2)2272/07-08(03)]	
004151 - 004739	Christian Family Service Centre	Presentation of views [LC Paper No. CB(2)2272/07-08(04)]	
004740 - 005248	Against Child Abuse	Presentation of views [LC Paper No. CB(2)2272/07-08(05)]	
005249 - 005759	The Society of Rehabilitation and Crime Prevention, Hong Kong	Presentation of views [LC Paper No. CB(2)2243/07-08(01)]	
005800 - 010401	The Hong Kong Committee on Children's Rights	Presentation of views [LC Paper No. CB(2)2272/07-08(06)]	
010402 - 010818	Hong Kong College of Paediatricians	Presentation of views [LC Paper No. CB(2)2243/07-08(02)]	
010819 - 011455	Chairman Ms LI Fung-ying Hong Kong Family Welfare Society Admin	Ms LI Fung-ying's concern about the way forward to further promote the development of BIP, apart from the plans to conduct briefings/workshops and develop user manuals as detailed in paragraph 8 of the Administration's paper	
011456 - 012227	Dr Fernando CHEUNG Admin	Sought clarification as to whether additional resources would be allocated for the implementation of the Anti-violence Programme (AVP) following the commencement of the Domestic Violence (Amendment) Bill 2007	
012228 - 013636	Mr LEE Cheuk-yan Admin	The difference between the AVP and the counselling services to batterers provided by the Family and Child	

Time marker	Speaker	Subject	Action required
		Protective Services Units of the Social Welfare Department (SWD) and the resources allocated for each programme	
013637 - 014314	Hong Kong Family Welfare Society	Responses to the views expressed by deputations on the pilot project on BIP	
014315 - 014807	Chairman	Expressed support for additional funding allocation for the implementation of the AVP, if deemed necessary	
014808 - 015109	Mr LEUNG Kwok-hung	Mr LEUNG Kwok-hung's view that a commissioner should be appointed by the Chief Executive to entrust with the task of combating domestic violence	
015110 - 015456	Ms LI Fung-ying Harmony House Christian Family Service Centre	Incentives for the batterers to stay in the BIP	
015457 - 020000	Dr Fernando CHEUNG Admin	Dr Fernando CHEUNG's view that it was necessary to set aside new resources to make BIP a standard provision of SWD, as the findings of the pilot project revealed that there was a general reduction in the violent behaviour of the participants	
020001 - 020314	Chairman Admin	Called on the Administration to give further thoughts to the views of members and deputations with regard to the future development of the BIP	
020315 - 020423	Dr Fernando CHEUNG Admin	Dr Fernando CHEUNG's remark that a platform to facilitate exchange of views between SWD and NGOs on the development of the BIPs could be put in place	
020424 - 020534	Mr LEE Cheuk-yan Chairman	Mr LEE Cheuk-yan's view that SWD should seek new resources in the event that the demand for the AVP be greater than expected, rather than simply meeting the demand through internal redeployment of resources	
<i>II. Child fatality review mechanism</i>			
020558 - 020717	Chairman	Opening remarks	
020718 - 021034	Admin	Briefing by the Administration on the implementation of the Pilot Project on Child Fatality Review [LC Paper No. CB(2)2198/07-08(02)]	
021035 - 021301	Hong Kong Council of Social Service	Presentation of views [LC Paper No. CB(2)2272/07-08(02)]	
021302 - 021714	Christian Family Service Centre	Presentation of views [LC Paper No. CB(2)2272/07-08(04)]	
021715 - 022210	Against Child Abuse	Presentation of views [LC Paper No. CB(2)2272/07-08(09)]	
022211 - 022632	The Hong Kong Committee on Children's Rights	Presentation of views [LC Paper No. CB(2)2272/07-08(10)]	

Time marker	Speaker	Subject	Action required
022633 - 023311	Hong Kong College of Paediatricians	Presentation of views [LC Paper No. CB(2)2243/07-08(03)]	
023312 - 023750	Admin	The Administration's response to views expressed by deputations on the pilot project on child fatality review	
023751 - 024459	Mr LEE Cheuk-yan Admin	Sought clarification as to (a) whether the review of civil cases involving children who died of unnatural causes could only be conducted upon the completion of the related court proceedings; and (b) whether there were cases where the organisations that had rendered services to the deceased child or his/her family had withheld information from the RP Mr LEE Cheuk-yan's suggestion that the RP should report to the Family Council chaired by the Chief Secretary for Administration (CS)	
024500 - 025149	Dr Fernando CHEUNG Admin	Dr Fernando CHEUNG's view that the RP should review cases of wide public concern but awaiting adjudication in a court so as to identify at the earliest opportunity gaps and deficiencies in the delivery of services prior to the child's death	
025150 - 025718	Chairman Admin	The Chairman's view that the RP should be chaired by the Secretary of Justice (SJ) and that people from law enforcement agency and with legal background should also be appointed as RP members	
025719 - 030613	Mr LEE Cheuk-yan Dr Fernando CHEUNG Admin Chairman	Invitation of CS and SJ to attend the next meeting of the Subcommittee Date of the next meeting	

Council Business Division 2
Legislative Council Secretariat
8 August 2008