

立法會
Legislative Council

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LC Paper No. CB(2)2749/07-08
(These minutes have been seen by
the Administration)

Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

**Minutes of the 22nd meeting
held on Tuesday, 8 July 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 Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
Hon Mrs Anson CHAN, GBM, JP

Members absent : Hon Albert HO Chun-yan
Hon LEUNG Kwok-hung

Public Officers attending : Item II only

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 Mary YEW
Secretary (Review Panel)
Social Welfare Department

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

Staff in attendance : Mr Watson CHAN
Head (Research & Library Services)

Ms Vicky LEE
Research Officer 3

Ms Maisie LAM
Council Secretary (2) 2

Ms Sandy HAU
Legislative Assistant (2) 5

Action

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

I. Research report on "Strategies and measures in tackling domestic violence in selected places"
[LC Paper No. RP09/07-08]

2. The Subcommittee noted the research report on "Strategies and measures in tackling domestic violence in selected places" prepared by the Research and Library Services Division (RLSD) of the Legislative Council (LegCo) Secretariat.

3. Members requested RLSD of the LegCo Secretariat to provide the following information -

- (a) a comparison table showing the ratio of the number of domestic violence cases to the population in the selected places;
- (b) the factors attributing to the fact that Boston was ahead of other selected places in combating domestic violence;
- (c) whether any evaluation had been made on the effectiveness of the actions taken by the governments of the selected places in tackling domestic violence, and if so, the evaluation results; and
- (d) a timetable showing the implementation date of the strategies and measures in combating domestic violence in the selected places to see whether Hong Kong was lagging behind other places.

4. The Chairman said that members could inform the Secretariat by 18 July 2008 if there were other additional information they wished RLSD of the LegCo Secretariat to provide. The Chairman recommended and members agreed that the

Action

Panel on Welfare Services should follow up with the Administration on the findings of the research report in the next legislative term.

II. Further discussion on the child fatality review mechanism

[LC Paper Nos. CB(2)2198/07-08(02), CB(2)2501/07-08(01) to (02) and CB(2)2523/07-08(01)]

Composition of the Review Panel of the Pilot Project on Child Fatality Review

5. Members expressed concern about the composition and representation of the Review Panel of the Pilot Project on Child Fatality Review (RP). They considered that the Administration should also enlist frontline social workers from organisations specialising in providing child protection services, such as Against Child Abuse and Harmony House, to sit on the RP.

6. Principal Assistant Secretary for Labour and Welfare (Welfare)2 (PAS/LW(Welfare)2) said that in developing the review mechanism, the Social Welfare Department had widely consulted the relevant stakeholders, including the Working Group on Combating Violence and the Committee on Child Abuse. It was agreed that members of the RP should have a good mix of people with different background such as medical, social welfare, psychological, legal, education, business, academia and parents. The current membership of the RP had already struck a reasonable balance and members of the RP had profound knowledge and experience as well as keen interest in child welfare issues. Response from the social welfare sector had so far been positive.

7. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(F&CW)) supplemented that for the sake of neutrality, frontline social workers were not appointed as members of the RP. However, they would be invited to participate in the in-depth review where necessary. She informed members that a member of the RP, Dr Gladys LAM CHAN Lan-tak, was in fact a member of the Executive Committee of Against Child Abuse. Some other members had also been in close contact with frontline workers.

Procedures and progress of review

8. Some members expressed concern about the procedures and progress of the review whereby members of the RP would form small groups of three to four to conduct a general review in the first instance.

9. ADSW(F&CW) said that according to the information from the Coroner's Court, 47 out of the 110 death cases of children below 18 fell within the scope of review in 2006. These cases were divided into four major groups according to the nature of causes of death, namely, suicide, traffic accidents, other accidents and miscellaneous, for the small groups to conduct a general review on cases of similar nature. After considering the review findings of the small groups, the RP decided

Action

to conduct in-depth review for two particular cases. The RP had also reviewed the other 63 cases that occurred in 2006 that were defined by the Coroner's Court as natural death case to see whether there was any possible area for improvement. The RP would publish an annual report each year with an overview on the cases reviewed. ADSW(F&CW) assured members that the RP would endeavour to review all cases involving children aged below 18 who died of non-natural causes in 2006 and 2007 within the two-year pilot period.

10. Mr Alan LEONG suggested the RP to have a sharing session with the organisations that had made deputations at the LegCo. PAS/LW(Welfare)2 agreed to relay the suggestion to the RP for its consideration.

Confidentiality of the review

11. The Chairman said that it was necessary to provide legal support and protection from being sued to the organisations that had rendered services to the deceased child and/or his/her family, in particular if the information they provided to the RP varied from that provided to the Court. Mr Alan LEONG said that the Administration could consider providing these organisations with free legal advice service as well as an undertaking similar to that of the legal professional privilege to ensure that the communications between the organisations and the RP would be privileged from disclosure unless the Court so directed.

12. PAS/LW(Welfare)2 and ADSW(F&CW) made the following responses -

- (a) the purposes of the review and the criminal investigation were quite different. The focus of the review was on inter-sector collaboration and multi-disciplinary cooperation, it was neither intended to identify causes leading to the child's death nor to attribute responsibility to individuals;
- (b) the review of the RP would be conducted after completion of all criminal and judicial processes to avoid prejudicing such processes. When deciding the appropriate time to conduct the review, the Administration had taken into account the concerns raised by relevant stakeholders and professionals, including the confidentiality of the review information and access to information by interested parties, their possible involvement in the litigation process, and their professional liability concerned in case the information of the review was made public or accessible to interested parties; and
- (c) the review was primarily documentary in nature and the organisations concerned had thus far been very co-operative in providing information to the RP. To ensure strict confidentiality, no individual case details or personal particulars of persons or agencies concerned would be included in the annual report of the RP. The information collected would also be destroyed upon completion of review.

Action

13. PAS/LW(Welfare)2 added that as a matter of principle, it would not be appropriate to provide legal immunity to the organisations concerned in the event that they had provided false or incomplete information in preceding legal proceedings as such acts might be in breach of the law and liable to criminal sanction. But she stressed that the RP would ensure that the information provided by the organisations would be kept in strict confidence. She undertook to discuss with the Department of Justice on the suggestions of the Chairman and Mr LEONG with a view to giving assurance/undertaking to the information providers regarding the confidentiality of information provided to the RP, and would revert to members on the way forward.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)2736/07-08(01) on 20 August 2008.)

14. There being no other business, the meeting ended at 11:53 am.

Council Business Division 2
Legislative Council Secretariat
27 August 2008

**Proceedings of the meeting of
Subcommittee on Strategy and Measures to Tackle Family Violence
on Tuesday, 8 July 2008, at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000239	Chairman	Opening remarks	
<i>I. Research report on "Strategies and measures in tackling domestic violence in selected places"</i>			
000240 - 001205	Head (Research and Library Services) (H(RL))	PowerPoint presentation on the research report on "Strategies and measures in tackling domestic violence in selected places" [RP09/07-08]	
001206 - 002157	Mr TAM Yiu-chung H(RL) Chairman Ms LI Fung-ying Mrs Anson CHAN Admin	H(RL) was requested to provide the following information - (a) a comparison table showing the ratio of the number of domestic violence cases to the population in the selected places; (b) the factors attributing to the fact that Boston was ahead of other selected places in combating domestic violence; (c) whether any evaluation had been made on the effectiveness of the actions taken by the governments of the selected places in tackling domestic violence, and if so, the evaluation results; and (d) a timetable showing the implementation date of the strategies and measures in combating domestic violence in the selected places to see whether Hong Kong was lagging behind other places.	✓ (H(RL) to follow up)
<i>II. Further discussion on the child fatality review mechanism</i>			
002158 - 002212	Chairman	Opening remarks	
002213 - 002429	Admin	Briefing by the Administration on the rationale for the Review Panel of the Pilot Project on Child Fatality Review (RP) to conduct the review after completion of all criminal and judicial processes [LC Paper No. CB(2)2501/07-08(01)]	
002430 - 003153	Chairman Admin	The confidentiality of the information provided by the organisations that had rendered services to the deceased child or his/her family to the RP	
003154 - 003525	Ms LI Fung-ying Admin	Ms LI Fung-ying's suggestion that frontline social workers from organisations specialising in providing child protection services should be included in the RP, and the number of parent member should be increased	
003526 - 003935	Chairman Admin	Called on the Administration to be open-minded in enlisting representatives to sit on the RP	

Time marker	Speaker	Subject	Action required
003936 - 004211	Mr Alan LEONG Admin Chairman	Mr Alan LEONG's suggested the RP to have a sharing session with the organisations that had made deputations at the LegCo.	
004212 - 004840	Mrs Anson CHAN Admin	Whether the Administration had consulted the relevant stakeholders on the composition of the RP Coordination among the small groups of the RP in conducting the general review on cases of similar nature	
004841 - 005602	Chairman Admin Mr Alan LEONG	The Administration undertook to discuss with the Department of Justice on the suggestion of giving assurance/undertaking to the information providers regarding the confidentiality of information provided to the RP, and revert to members on the way forward	✓ (Admin to follow up)
010532 - 010709	Mrs Anson CHAN Admin Chairman	The timing of publishing the reports of the RP	
010710 - 010815	Chairman	Concluding remarks	

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