

**立法會**  
**Legislative Council**

LC Paper No. CB(2)802/14-15  
(These minutes have been seen  
by the Administration)

Ref : CB2/PS/5/12

**Panel on Welfare Services**

**Subcommittee on Strategy and Measures to  
Tackle Domestic Violence and Sexual Violence**

**Minutes of meeting  
held on Monday, 12 January 2015, at 2:30 pm  
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)  
Hon CHEUNG Kwok-che  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Dr Hon KWOK Ka-ki  
Dr Hon Helena WONG Pik-wan  
Hon TANG Ka-piu, JP
- Members attending** : Hon Emily LAU Wai-hing, JP  
Hon LEUNG Kwok-hung
- Members absent** : Hon CHAN Yuen-han, SBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan

**Public Officers : Item II  
attending**

The Administration

Mr Stephen SUI Wai-keung, JP  
Under Secretary for Labour and Welfare

Miss Fiona LI Wing-suen  
Principal Assistant Secretary (Welfare) 2  
Labour and Welfare Bureau

Mr FUNG Man-chung  
Assistant Director (Family & Child Welfare)  
Social Welfare Department

Ms Annisa MA Sau-ching  
Chief Social Work Officer (Domestic Violence)  
Social Welfare Department

Mr Matthew Philip James Hemmings  
Chief Superintendent (Crime Support Group)  
(Crime Wing)  
Hong Kong Police Force

Mr Rodrigo Manual Diaz  
Superintendent (Crime Support Group)  
(Crime Wing)  
Hong Kong Police Force

**Attendance : Item II  
by invitation**

Harmony House Ltd.

Ms Queenie TAO How-wah  
Executive Director

Hong Kong Federation of Women's Centres

Ms Eva LEUNG  
Centre-in-charge

RainLily

Miss Tiffany NG  
Centre-in-charge

Against Child Abuse

Dr Jessica HO  
Director

Hong Kong Association For The Survivors of Women  
Abuse (Kwan Fook)

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Ms CHUNG Bik-mui

The Democratic Party

Ms CHAN Shu-ying

Democratic Alliance for the Betterment and Progress  
of Hong Kong

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Mr NGAN Man-yu  
Member of Family Affairs Committee

Midnight Blue

Mr LAW Kwun-kit  
Project Officer

The Hong Kong Council of Social Service

Mr TANG Chung-wah  
Officer

Association for Concern for Legal Rights of Victims  
of Domestic Violence

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Ms Christina WONG Wai-yin  
Chairperson

Rainbow of Hong Kong

Mr Tommy CHEN  
Spokesperson

Rainbow Action

Mr Jimmy SHAM  
Spokesperson

Women Coalition of HKSAR

Miss YEO Wai-wai  
Spokesperson

Labour Party

Mr LO Ho-yuen  
Representative

New Arrival Women League

Ms YEUNG Mei

Sex Work Groups Alliance

Miss YIK Kwan-pik  
Project Officer

Tung Wah Group of Hospitals

Ms Margaret WONG Fung-yee  
Assistant Community Services Secretary  
(Youth & Family)

Caritas Family Crisis Line and Education Centre

Ms WONG Chui-shan  
Assistant Supervisor

Caritas Family Crisis Support Centre

Mr DONG Xinjiong  
Crisis Care Worker I

Individual

YEUNG Chu-wing

The Forthright Caucus

Ms ZHANG jiehong

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Ms Mina CHAN  
Council Secretary (2) 1

Ms Kiwi NG  
Legislative Assistant (2) 1

Miss Lulu YEUNG  
Clerical Assistant (2) 1

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**I. Application for late membership**

Members agreed that the application for late membership from Dr KWOK Ka-ki be accepted in accordance with Rule 23(c) of the House Rules.

**II. Definition, identification and assessment of domestic violence and sexual violence**

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

3. The Subcommittee received views from 21 deputations attending the meeting, and noted two written submissions from an organisation and an individual which/who did not attend the meeting. The major views and concerns expressed by deputations at the meeting are summarised below -

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Definitions of domestic violence and sexual violence

- (a) government departments concerned should adopt a unitary definition of "domestic violence" in various operational procedures and guidelines for handling domestic violence cases. The definition should include abuse cases of non-physically violent nature, notably psychological abuse;
- (b) the definition of "sexual violence" for handling relevant cases should include, among others, marital rape, indecent assault, sexual contact or behaviour with sex workers without consent;

Identification and assessment of domestic violence and sexual violence cases

- (c) as the number of "domestic violence (miscellaneous)" cases had dropped drastically since the introduction of the "domestic incidents" category by the Police in 2009, some deputations were concerned that front-line police officers would become less sensitive to domestic violence and simply regarded domestic violence cases of non-violent nature as "domestic incidents";
- (d) as the number of newly reported domestic violence cases received by the Social Welfare Department ("SWD") represented only a small proportion of the number of domestic conflict cases handled by the Police, concern was raised about the collaboration between the Police and SWD in handling such cases. It was pointed out that the criteria for the Police to determine the classification of individual domestic conflict reports were ambiguous, thus resulting in incorrect assessment of the situation faced by victims of domestic violence and the need for making timely referrals for appropriate assistance and support services. There was a suggestion that a comprehensive review should be conducted in respect of the Police's classification system for domestic violence cases, with a view to ensuring appropriate classification of these cases;

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- (e) some deputations expressed concern about the effectiveness of early identification of families at-risk and suggested that consideration should be given to introducing universal screening for children attending hospitals, Maternal and Child Health Centres and schools so as to identify hidden cases of child abuse for providing early intervention and timely support for families at-risk;
- (f) concern was also expressed that only a small number of sexual violence cases (especially indecent assault) had been referred by the Police for social support services;
- (g) the Police should formulate clear procedural guidelines governing handling of sexual violence against sex workers, particularly the conduct of body searches on transgendered sex workers;

Support for families at-risk and sexual minorities

- (h) victims of domestic violence who were new arrival women with young children and had no family support in Hong Kong would often have limited means to assistance. Front-line social workers should give due attention to cater for the specific needs of these victims, such as their imminent need for housing assistance, and allow more flexibility in helping them;
- (i) apart from spousal violence, the Administration should attach equal importance to cases of elder abuse, same-sex couples and child psychological abuse, especially children witnessing domestic violence. More and necessary resources and support services should be provided for high-risk families, in particular new arrivals, and children with mental health problems. By making reference to the "one school social worker for each secondary school" scheme, the Administration should consider providing each police station with one social worker so as to render timely assistance to the victims of domestic violence and sexual violence;

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- (j) the Administration should review the effectiveness of Comprehensive Child Development Service, which was launched in 2005, with the aim of identifying at an early stage children aged zero to five and their families with special needs and providing appropriate service. Consideration should be given to introducing an infant home visiting programme to provide early intervention of child abuse. There was a view that the Child Fatality Review Panel should expand its scope to cover serious injury cases in addition to child death cases;
- (k) dedicated support services should be provided for sexual minorities suffering from domestic violence and sexual violence, such as the provision of accommodation at refuge centres;
- (l) representatives from sexual minorities should be invited to join the Working Group on Combating Violence, which was chaired by the Director of Social Welfare and responsible for mapping out strategies to address the problem of spouse battering and sexual violence;
- (m) concern was raised over the resources allocated for the support services specifically for victims of same-sex relationships suffering from domestic violence since the implementation of the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) ("DCRVO") in 2010;

Training for different disciplines

- (n) concern was raised about whether front-line police officers had been provided with adequate and proper training on distinguishing domestic violence cases from domestic incidents;
- (o) front-line police officers and social workers should be provided with appropriate and adequate training relating to domestic violence and sexual violence, especially when handling cases involving same-sex relationships and transgendered issues, with a view to enhancing their



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sensitivity, professional knowledge and skills in handling such cases;

Publicity and public education

- (p) the Administration should allocate more resources to increase the public awareness and understanding of the issue of domestic violence, in particular psychological abuse, enhance public education on anti-domestic violence and step up efforts in promoting the concepts of gender equality and family values;
- (q) the Administration should enhance the public education programmes on support services for victims of domestic violence and sexual violence;

Statistics on domestic violence and sexual violence

- (r) the Administration should keep separate statistics on domestic violence and sexual violence cases involving same-sex couples as well as the respective referrals of such cases to SWD for follow-up; and
- (s) SWD's Central Information System on Spouse/Cohabitant Battering Cases and Sexual Violence Cases should maintain separate data on abuse cases of non-physically violent nature.

4. In response to the views and concerns of deputations and members, the Administration made the following points -

Definitions of domestic violence and sexual violence

- (a) it was considered not necessary to define "domestic violence" and "sexual violence" in DCRVO as abundant court cases had confirmed that the existing DCRVO applied to physical, psychological and sexual abuse;
- (b) three sets of guidelines, namely "the "Procedural Guide for Handling Intimate Partner Violence Cases", the "Procedural Guide for Handling Child Abuse Cases" and the "Procedural Guidelines for Handling Adult Sexual Violence Cases" were developed by SWD, which elaborated in detail the

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definitions of different forms of abuse, risk assessment and risk factors. The procedural guidelines would be updated with inputs from the relevant professionals and non-governmental organisations ("NGOs") as and when necessary;

Handling of domestic violence and sexual violence cases

- (c) the "domestic incidents" category was introduced to the Police's classification of domestic violence cases in 2009 to include non-violent incidents involving any party in a marital or intimate partner relationship, irrespective of gender. The Police classified the cases according to the facts of cases, handled and investigated the cases with professionalism, irrespective of cases of domestic violence or domestic incidents. The classification of domestic violence cases by the Police would not affect the assistance rendered to the victims. If the victim needed the assistance of SWD and gave consent for referral by the Police, the case, irrespective of its category, would be referred to SWD for follow-up. Nonetheless, the Police would take the initiative to refer the cases considered to be of high risk to SWD for follow-up, irrespective of the victim's consent for referral by the Police;
  
- (d) upon receipt of domestic conflict reports, a police officer of Sergeant rank or above would be deployed to the scene to take charge of the investigation and to ensure that the case was properly handled and accurately classified. The divisional and district management would monitor the significant cases and those requiring special attention. Such cases were recorded in the Enhanced Central Domestic Violence Database so as to fully reflect the situation of domestic conflict. Following the introduction of the "One-family-one-team" system, the investigation team which had handled the earlier domestic conflict reports involving the same family would take over the newly reported case. This would ensure that the investigation team would have a better understanding of the overall circumstances in making decisions;

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- (e) the Family and Child Protective Services Units ("FCPSUs") of SWD were specialised units manned by experienced social workers dedicated to handling domestic violence cases and providing one-stop support services for victims, their families and batterers;
- (f) SWD attached great importance to the problem of psychological abuse. Clinical psychological service and support service would be arranged for victims and their families according to their needs;

Training for various disciplines

- (g) SWD provided front-line social workers and other professionals with a wide spectrum of training programmes on the knowledge and skills in dealing with domestic violence and sexual violence cases. The majority of social workers in SWD and NGOs, particularly those of Integrated Family Service Centres, had received proper training on the handling of violence cases. In 2013-2014, SWD arranged relevant training programmes for about 7 000 social workers and other professionals, such as police officers and medical personnel, as well as three training courses on sexual orientation and related issues. As for police officers, training on various domestic conflict related issues, such as handling of incidents of domestic violence, handling of cases involving same-sex relationship, victim's psychology and conflict management, was provided at various stages of their service. Ad-hoc seminars were also conducted for front-line police officers for the purpose of enhancing their professional sensitivity and updating their knowledge with the latest developments and changes in laws and procedures;

Publicity and public education

- (h) SWD had launched a series of territory-wide publicity and district-based programmes to raise the public awareness of the problem of domestic violence. It also enhanced public understanding of the scope of DCRVO and the relevant support services through different channels such as talks and district activities. SWD also had regular meetings with

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sexual minority groups to keep abreast of the problems of domestic violence they had encountered; and

Review of the existing mechanism for handling domestic violence and sexual violence

- (i) the Committee on Child Abuse and the Working Group on Combating Violence, chaired by the Director of Social Welfare and comprising representatives from the Police, Education Bureau, Hospital Authority and NGOs, provided a platform for various disciplines to review the existing mechanism and identify areas of improvement.

Admin

5. Members shared the concerns raised by deputations attending the meeting and requested the Administration to provide a consolidated response to the views and concerns expressed by deputations and members at the meeting.

**III. Any other business**

6. The Chairman said that the Subcommittee would further discuss the issues of concern raised by deputations and members at the meeting and the Administration's response at the next meeting scheduled for 9 February 2015. Members also agreed to discuss and receive deputations' views on shelter service for victims of domestic violence and sexual violence at the next meeting.

7. There being no other business, the meeting ended at 4:30 pm.

**Proceedings of meeting of the Subcommittee on Strategy and Measures to  
Tackle Domestic Violence and Sexual Violence  
held on Monday, 12 January 2015, at 2:30 pm  
in Conference Room 1 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s) / Discussion</b>	<b>Action Required</b>
<i>Agenda item I - Application for late membership</i>			
000000 - 000340	Chairman	Application from Dr KWOK Ka-ki for late membership [LC Paper No. CB(2)571/14-15(01)]	
<i>Agenda item II - Definition, identification and assessment of domestic violence and sexual violence</i>			
000341 - 000933	Chairman	Opening remarks	
000934 - 001455	Admin Chairman	Briefing by the Administration on the subject under discussion [LC Paper No. CB(2)571/14-15(02)]	
001456 - 002039	Chairman Ms Queenie TAO How-wah, Harmony House Ltd.	Presentation of views [LC Paper No. CB(2)601/14-15(01)]	
002040 - 002426	Chairman Ms Eva LEUNG, Hong Kong Federation of Women's Centres	Presentation of views [LC Paper No. CB(2)614/14-15(01)]	
002427 - 002735	Chairman Miss Tiffany NG, RainLily	Presentation of views [LC Paper No. CB(2)571/14-15(04)]	
002736 - 003213	Chairman Dr Jessica HO, Against Child Abuse	Presentation of views [LC Paper No. CB(2)594/14-15(01)]	
003214 - 003551	Chairman Ms CHUNG Bik-mui, Hong Kong Association For The Survivors of Women Abuse (Kwan Fook)	Presentation of views	
003552 - 003858	Chairman Ms CHAN Shu-ying, The Democratic Party	Presentation of views	

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003859 - 004210	Chairman Mr NGAN Man-yu, Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views	
004211 - 004531	Chairman Mr LAW Kwun-kit, Midnight Blue	Presentation of views [LC Paper No. CB(2)614/14-15(02)]	
004532 - 004903	Chairman Mr TANG Chung-wah, The Hong Kong Council of Social Service	Presentation of views [LC Paper No. CB(2)594/14-15(02)]	
004904 - 005335	Chairman Ms Christina WONG Wai-yin, Association for Concern for Legal Rights of Victims of Domestic Violence	Presentation of views [LC Paper No. CB(2)614/14-15(03)]	
005336 - 005624	Chairman Mr Tommy CHEN, Rainbow of Hong Kong	Presentation of views [LC Paper No. CB(2)614/14-15(04)]	
005625 - 005957	Chairman Mr Jimmy SHAM, Rainbow Action	Presentation of views [LC Paper No. CB(2)614/14-15(05)]	
005958 - 010334	Chairman Miss YEO Wai-wai, Women Coalition of HKSAR	Presentation of views [LC Paper No. CB(2)614/14-15(06)]	
010335 - 010644	Chairman Mr LO Ho-yuen, Labour Party	Presentation of views	
010645 - 010959	Chairman Ms YEUNG Mei, New Arrival Women League	Presentation of views [LC Paper No. CB(2)641/14-15(01)]	
011000 - 011331	Chairman Miss YIK Kwan-pik, Sex Work Groups Alliance	Presentation of views [LC Paper No. CB(2)641/14-15(02)]	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s) / Discussion</b>	<b>Action Required</b>
011332 - 011529	Chairman Ms Margaret WONG Fung-ye, Tung Wah Group of Hospitals	Presentation of views	
011530 - 011753	Chairman Ms WONG Chui-shan, Caritas Family Crisis Line and Education Centre	Presentation of views	
011754 - 012151	Chairman Mr DONG Xinjiong, Caritas Family Crisis Support Centre	Presentation of views [LC Paper No. CB(2)614/14-15(07)]	
012152 - 012501	Chairman YEUNG Chu-wing	Presentation of views	
012502 - 013032	Chairman Ms ZHANG jiehong, The Forthright Caucus	Presentation of views [LC Paper No. CB(2)614/14-15(08)]	
013033 - 014317	Chairman Admin	The Administration's response to the views expressed by the deputations at the meeting	
014318 - 014644	Dr Helena WONG Chairman Admin	Dr Helena WONG expressed concern that psychological abuse cases, which were only categorised as "domestic incidents" under the Police's classification system due to the non-physically violent nature, would not be taken seriously by the Police. She asked whether there should be consistent definitions of domestic violence and sexual violence among the government departments to enable proper classification of cases.  The Administration explained that the current legislative framework covered both physical violence and non-physical violence. Under the criminal legislative framework, the Offences Against The Person Ordinance (Cap. 212) and the Crimes Ordinance (Cap. 200) imposed criminal sanctions on acts of physical violence. As for the civil legislative framework, the Domestic and Cohabitation Relationships Violence	

Time marker	Speaker(s)	Subject(s) / Discussion	Action Required
		<p>Ordinance (Cap. 189), which provided civil remedies to victims of domestic violence, already applied to physical, psychological and sexual abuse. The three sets of guidelines for handling domestic and sexual violence, which were developed by the Social Welfare Department ("SWD") in consultation with the relevant departments and organisations, also set out detailed procedures on how the front-line professionals should handle different types of cases of violence. With the provision of such guidelines and professional training, the knowledge and skills of front-line police officers and social workers in dealing with violence cases could be enhanced. While the three sets of guidelines already elaborated in detail the definition of different types of violence, the Administration was open-minded about the suggestion of making further clarification.</p>	
014645 - 015059	Chairman Ms Emily LAU Admin	<p>Ms Emily LAU expressed dissatisfaction that many cases of domestic violence had been handled by the Police as domestic incidents and had not been referred for appropriate welfare services. She called on the Police to review the Force Procedures Manual and Criminal Investigation Manual, which set out the procedures for dealing with domestic conflict reports.</p> <p>The Police stressed that they treated the issue of domestic violence very seriously and there had been robust protocols in place for the Police to deal with domestic conflict reports. The Police explained that although the Police and SWD worked closely in tackling the problem of abuse, they took different roles in handling cases of violence. While the former was mainly focused on preventing further abuse and prosecuting offenders, the latter was more concerned with the after-care services for victims.</p>	



Time marker	Speaker(s)	Subject(s) / Discussion	Action Required
		<p>Ms LAU considered that when concluding its work, the Subcommittee should make relevant recommendations in its report for the Administration's consideration.</p>	
015100 - 015618	<p>Chairman Mr TANG Ka-piu Admin</p>	<p>Mr TANG Ka-piu asked whether the Administration would consider setting up an inter-departmental working group or commissioning academic institutions to conduct a review on the implementation of the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189), which was amended in 2010 to extend the scope of protection to cover same-sex cohabitation relationship.</p> <p>The Administration was of the view that the Committee on Child Abuse and the Working Group on Combating Violence, which were set up to tackle different types of violence, served as a platform for reviewing the existing measures and strategies adopted to address the problem of abuse, including the three sets of procedure guidelines, which would be updated if required.</p> <p>Mr TANG expressed concern about the proliferation of sexual abuse problem, whereby victims were threatened by their former spouse or intimate partner to release indecent images captured by electronic devices. He enquired about the handling of such new form of sexual abuse by the front-line professionals.</p> <p>The Administration advised that the Police would take enforcement action according to the law. Training had been provided to equip front-line social workers with the knowledge and skills in dealing with sexual violence in relation to social networking on Internet, which included, among others, the use of electronic media to access service users.</p>	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s) / Discussion</b>	<b>Action Required</b>
015619 - 020012	Chairman Mr CHAN Chi-chuen Admin	<p>Mr CHAN Chi-chuen shared the deputations' concern that only a small number of abuse cases (except rape cases) had been referred by the Police for support services.</p> <p>Mr CHAN also expressed concern about the lack of representatives from the sexual minority groups in the Working Group on Combating Violence. The Administration responded that the Working Group comprised representatives from a wide spectrum of disciplines, it had no intention to change the composition of the Working Group at the current stage. Nevertheless, the Administration had regular meetings with the sexual minority groups during the past four years and had collected their views through different channels.</p> <p>Mr CHAN was dissatisfied with the Administration's response and considered that the Subcommittee should continue to follow up the matter with the Administration.</p>	
020013 - 020318	Chairman Ms Emily LAU Dr Helena WONG	<p>The Chairman suggested that the Subcommittee should continue to discuss with the Administration issues relating to the definition, identification and assessment of domestic violence and sexual violence at the next meeting. The Chairman also suggested that the Subcommittee would discuss "Shelter service for victims of domestic violence and sexual violence" at the next meeting, and deputations would be invited to give views on this subject. Members agreed.</p> <p>Ms Emily LAU suggested that the Administration should provide a written response to the views and concerns expressed by deputations at this meeting. The Chairman further requested the Administration to provide its response before the next meeting.</p>	<b>Admin</b>

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s) / Discussion</b>	<b>Action Required</b>
		Dr Helena WONG suggested that the Subcommittee should follow up with the Administration at future meetings on the preventive measures against domestic violence and sexual violence as well as the strategies adopted by the Police to tackle sexual violence against sex workers.	
<i>Agenda item III - Any other business</i>			
020319 - 020340	Chairman	Closing remarks	

Council Business Division 2  
Legislative Council Secretariat  
5 February 2015