

立法會
Legislative Council

LC Paper No. CB(2)571/14-15(03)

Ref : CB2/PS/5/12

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

**Background brief prepared by Legislative Council Secretariat
for the meeting on 12 January 2015**

Definition and classification of domestic violence

Purpose

This paper provides background information and summarises the past discussions of the Legislative Council ("LegCo") committees relating to the definition and classification of domestic violence since the Fourth LegCo.

Background

2. According to the Administration, for the purpose of Police intervention, "domestic violence" is defined as any incident involving an assault, or breach of the peace between parties who can generally be described as married or having intimate partners relationship, which also includes lovers having a lasting relationship or former lovers. In the light of the inclusion of same-sex cohabitation relationship in the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) ("the Ordinance"), Police procedures in handling domestic violence and domestic incidents are applicable to same sex cohabitants and lovers effective from 1 January 2010.

3. When handling domestic conflict reports, the Police will classify the cases, according to the degree of seriousness, into three categories, namely "domestic violence (crime)", "domestic violence (miscellaneous)" and "domestic incidents". Domestic violence (crime) cases include murder,

manslaughter, wounding, serious assault, rape, indecent assault, criminal intimidation, criminal damage, possession of offensive weapon, etc. Domestic violence (miscellaneous) cases include common assault and when harm is likely to be done to a person, etc. The "domestic incident" category was created in January 2009 to include non-violent incidents involving any party in a marital or intimate partner relationship (irrespective of the gender), which do not involve any elements of crime, such as dispute, nuisance, annoyance, distress or argument, etc. Before the introduction of the category of "domestic incidents", the Police classified all non-crime offences as "domestic violence (miscellaneous)".

Members' deliberations

4. Noting that the number of newly reported spouse/cohabitant battering cases had dropped drastically from 6 843 cases in 2008 to 1 974 cases between January and September 2012, members cast doubt as to whether there was a change of policy on the classification of domestic violence cases adopted by the Police or the classification mechanism was not effective in reflecting the seriousness of domestic violence cases. There was a concern that cases involving psychological abuse were simply be classified as "domestic incident" due to the non-physically violent nature and the victims concerned would then be unable to apply for protection orders under the Ordinance.

5. The Administration explained that under the current classification mechanism whereby domestic conflict reports were classified by the Police into three categories according to the degree of seriousness, the nature of domestic violence cases could be more accurately reflected so that the Police could deploy appropriate resources to handle the cases and victims involved and, if necessary, refer cases to the Social Welfare Department ("SWD") for follow-up. The Administration further advised that the Police classified the cases according to the facts of these cases. For those involving illegal acts, they would be classified under the definition of the law. The Police would also take the initiative to refer the cases considered to be of high risk to SWD for follow-up, irrespective of the subject's consent for referral by the Police. The cases were recorded in the Enhanced Central Domestic Violence Database so as to fully reflect the overall situation of domestic conflict. Members were assured that the classification of domestic violence cases by the Police would not affect the assistance rendered to the subjects as SWD would, having regard to individual cases, provide appropriate arrangement for the subjects in a professional way.

6. Concern was raised as to whether front-line staff including police officers, social workers, etc. had received proper training on distinguishing domestic violence cases from domestic incidents. Members were of the view that the Administration would not be able to prevent domestic violence effectively in the absence of comprehensive information on domestic violence cases, including those involving ethnic minorities, cross-border families, transgender groups and homosexuals, in its analysis of domestic violence problems. They considered that the classification of domestic violence cases should not be decided by a front-line police officer but an officer at a higher rank, say, an inspector. There was also a suggestion that the Administration should consider seeking other professional advice in respect of classification of domestic violence cases, instead of solely relying on the judgement of front-line police officers.

7. According to the Administration, the Police had provided training to front-line and supervisory officers so that they could classify the cases appropriately according to the situation. An officer of the rank of Sergeant or above must attend the scene of every domestic conflict case to supervise and to ensure that the case was properly handled and classified. Supervisory officers were required to review the cases to ensure appropriate classification of these cases. Front-line staff of SWD and non governmental organisations had also been provided with a wide range of training programmes regularly to enhance their knowledge and skills in handling domestic and sexual violence cases, including cases with victims of different sexual orientations, ethnic minorities and new arrivals.

Relevant papers

8. A list of the relevant papers on the LegCo website is in the **Appendix**.

Relevant papers on the definition and classification of domestic violence

Committee	Date of meeting	Paper
Legislative Council	9 January 2013	Written question (No.14) on "Support for victims of domestic violence"
Panel on Welfare Services	19 February 2013 (Item VI)	Agenda Minutes
Finance Committee	9 April 2013	Administration's replies to Members' initial written questions (Reply Serial No. SB063)

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7 January 2015