

立法會
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Panel on Welfare Services

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

**Minutes of meeting
held on Tuesday, 10 November 2015, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon CHAN Yuen-han, SBS, JP (Deputy Chairman)
Hon CHEUNG Kwok-che
Hon Alan LEONG Kah-kit, SC
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP

Member attending : Hon Emily LAU Wai-hing, JP

Members absent : Dr Hon Helena WONG Pik-wan
Hon TANG Ka-piu, JP

Public Officers attending : Item II

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

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 Donnie CHOY Yuk-kwong
Chief Superintendent (Crime Support) (Crime Wing)
Hong Kong Police Force

Ms Frances LEE King-hei
Chief Inspector (Family Conflict and Sexual
Violence Policy Unit) (Crime Wing)
Hong Kong Police Force

Attendance : Item II
by invitation

Anti480-Anti Sexual Violence Resource Centre

Mr WAN Chi-ho
Community Organizer

Teen's Key

Miss LAU Kin-yi
Executive Committee

關注援交少女小組

Miss YIK Kwan-pik
Registrated Social Worker

JJJ Association

Miss HUI Lai-kwan
Chief Executive Officer

Association Concerning Sexual Violence Against Women

Miss Doris CHONG
Representative

RainLily

Miss Tiffany NG
Centre-In-Charge

VOICES

Ms WONG Miu-chun

關注性騷擾小組

Miss LEE Sin-ling
Representative

Midnight Blue

Mr LAW Kwun-kit
Project Officer

Labour Party

Ms LAM Ying-hing

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

Admin

I. Election of Chairman and Deputy Chairman (if required)

Members agreed that it was not necessary to re-elect the Chairman and Deputy Chairman for the Subcommittee in the 2015-2016 session.

Action

II. Support services for victims of sexual violence

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

3. A total of 10 deputations attended the meeting to give views on the subject. The major views and concerns expressed by the deputations are summarised as follows -

- (a) the one-stop service model introduced by the Social Welfare Department ("SWD") in 2007 for handling sexual violence cases had not been fully implemented. Some deputations pointed out that suitable venue could not be arranged in public hospitals for conducting interview, statement-taking and forensic examination for victims of sexual violence as set out in the one-stop service model. There was a strong call for the establishment of a one-stop crisis support centre in public hospitals for victims of sexual violence to receive necessary services and go through all relevant procedures so as to minimise the need for the victims to undergo different procedures on different occasions and to repeat their unpleasant experience to different professionals handling their cases;
- (b) there was a call for a review of the existing "Procedural Guidelines for Handling Adult Sexual Violence Cases" ("the Procedural Guidelines"), which were last revised in 2007. It was suggested that the views and concerns expressed by relevant organisations serving victims of sexual violence should be engaged in the review of the Procedural Guidelines;
- (c) only a small number of victims of sexual violence cases had been referred by the Police for appropriate assistance and support services. There was a view that negative and disrespectful attitudes towards sex workers by some front-line police officers had denied sex workers suffering sexual violence access to necessary support and services. It was suggested that front-line police officers should be provided with adequate and professional training to improve their sensitivity and attitudes in dealing with sexual violence cases, particularly those involving sexual minorities and sex

Action

workers who were more vulnerable to sexual violence. The Administration should formulate procedural guidelines specifically for handling cases of sexual violence involving these two groups of victims having regard to their special needs and circumstances;

- (d) the Police should set up a dedicated team to deal with sexual violence cases, so as to ensure that timely support and services could be provided for the victims. It was suggested that regular communication mechanism should be established between the Police and organisations serving victims of sexual violence so that parties concerned could exchange views on issues of mutual concern and identify areas for improvement in the handling of such cases;
- (e) a comprehensive review should be conducted on the existing laws governing sexual-related offences. Specifically, the scope of the definition of rape should be expanded to cover sexual offences committed against male so as to enhance legal protection for male victims of sexual violence. Some deputations also called on the Administration to allocate more resources to strengthen the support and services provided for male victims of sexual violence; and
- (f) the Administration should enhance and promote public education on gender equality and prevention of sexual violence in primary and secondary schools as well as tertiary institutions. Gender-related issues should be incorporated into the training programmes provided for teachers to strengthen their skills in handling cases of sexual bullying or sexual violence taking place at schools.

4. Members shared the concerns raised by the deputations attending the meeting, and called on the Administration to review the operation of the current one-stop service model for handling sexual violence cases, in particular the arrangement of suitable places in hospitals for victims of sexual violence to undergo necessary procedures and to receive timely assistance. To ensure proper handling of sexual violence cases, members urged the Administration to strengthen staff training on the attitude and sensitivity towards victims of sexual violence, especially those who were sex workers and sexual minorities, having regard to their unique circumstances.

Action

5. In response to the views and concerns raised by members and deputations at the meeting, the Administration made the following points -

- (a) according to the one-stop service model and the Procedural Guidelines, the Accident and Emergency Departments ("AEDs") of all hospitals under the Hospital Authority ("HA") would, if circumstances warranted and having regard to protecting the privacy of victims, make suitable arrangements for forensic pathologists to conduct forensic examinations, police officers to take statements and social workers to provide immediate support and counselling in the hospital;
- (b) depending on the circumstances of individual cases, it was pointed out that not all reports of sexual violence could be handled under the one-stop service model. For example, in case where the alleged assault had already occurred more than 72 hours ago, forensic examination could be arranged at a time convenient to all parties concerned. That said, if circumstances so required and having regard to the victims' own wish, statement-taking and forensic examination for a victim would, as far as practicable, be conducted in the same public hospital where the victim was receiving treatment;
- (c) the Police had been making continuous effort to enhance the skills and knowledge of front-line police officers in handling sexual violence cases by incorporating various topics relating to the handling of victims of sexual violence into the regular police training courses. In October 2015, the Police introduced in collaboration with CEASE Crisis Centre ("CEASE") a set of training packages to all front-line police officers on ways to deal with various types of sexual violence cases professionally and the sensitivity required for handling those cases, including those involving sexual minorities and foreign domestic helpers;
- (d) noting the concerns relating to the conduct of custody search against members of the public (including transgender persons) according to the latter's gender as shown on the identity document, the Police was conducting an internal study on related procedures. Guidelines would be revised by making reference to the relevant practices adopted in overseas jurisdictions as appropriate; and

Action

- (e) the Law Reform Commission ("LRC") was conducting a review of sexual offences under the criminal law, which included rape and other non-consensual sexual offences. The review was underway and the Administration would follow up with the LRC's recommendations when available.

Admin

6. The Subcommittee requested the Administration to provide -
 - (a) the timetable for promulgating Police's revised guidelines on the conduct of body searches on members of the public (including transgender persons);
 - (b) information on the procedures for handling sexual violence cases by front-line police officers;
 - (c) number of sexual violence cases (including cases of indecent assault) handled by CEASE together with the number of victims who underwent necessary procedures and received appropriate services in a suitable venue in the hospital in the past year;
 - (d) the number of sexual violence cases in which the statement-taking with victims was conducted by the Police in the hospital; and
 - (e) a list of HA hospitals providing one-stop service for victims of sexual violence.

Clerk

7. The Subcommittee agreed that the Chairman should, on behalf of the Subcommittee, write to HA commending its efforts in introducing one-stop service to victims of sexual violence in hospitals, and conveying members' request for extending such one-stop arrangement to all cluster hospitals and designating a suitable place in hospitals for handling sexual violence cases.

III. Any other business

8. The Chairman suggested and members agreed that the Subcommittee should discuss and receive views from deputations on the support services for victims of child abuse at the next meeting scheduled for 8 December 2015

Action

9. There being no other business, the meeting ended at 12:48 pm.

Council Business Division 2
Legislative Council Secretariat
9 December 2015

**Proceedings of meeting of the Subcommittee on Strategy and Measures to
Tackle Domestic Violence and Sexual Violence
held on Tuesday, 10 November 2015, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
<i>Agenda item I - Election of Chairman and Deputy Chairman (if required)</i>			
000000 - 000523	Chairman		
<i>Agenda item II - Support services for victims of sexual violence</i>			
000524 - 000713	Chairman	Opening remarks	
000714 - 001008	Chairman Mr WAN Chi-ho, Anti480-Anti Sexual Violence Resource Centre	Presentation of views [LC Paper No. CB(2)225/15-16(03)]	
001009 - 001301	Chairman Miss LAU Kin-yi, Teen's Key	Presentation of views [LC Paper No. CB(2)264/15-16(01)]	
001302 - 001622	Chairman Miss YIK Kwan-pik, 關注援交 少女小組	Presentation of views	
001623 - 001944	Chairman Miss HUI Lai-kwan, JJJ Association	Presentation of views [LC Paper No. CB(2)225/15-16(04)]	
001945 - 002354	Chairman Miss Doris CHONG, Association Concerning Sexual Violence Against Women	Presentation of views	
002355 - 002804	Chairman Miss Tiffany NG, RainLily	Presentation of views [LC Paper No. CB(2)225/15-16(05)]	
002805 - 003125	Chairman Ms WONG Miu-chun, VOICES	Presentation of views	
003126 - 003527	Chairman Miss LEE Sin-ling, 關注性騷擾 小組	Presentation of views	

Time marker	Speaker(s)	Subject(s)	Action Required
003528 - 003807	Chairman Mr LAW Kwun-kit, Midnight Blue	Presentation of views	
003808 - 004037	Chairman Ms LAM Ying-hing, Labour Party	Presentation of views	
004038 - 005535	Chairman Admin	The Administration's response to the views and concerns expressed by deputations attending at the meeting	
005536 - 010458	Chairman Mr CHAN Chi-chuen Admin	<p>Mr CHAN Chi-chuen pointed out that the Law Reform Commission ("LRC") was tasked to conduct the review of sexual offences in 2006, and that it published a consultation paper on rape and other non-consensual sexual offences in 2012. He strongly urged the Administration to follow up proactively the progress of the LRC's review. The Administration responded that the concerns of members and deputations over the progress of the LRC's review of sexual offences would be relayed to the Security Bureau, which was responsible for the relevant legislation.</p> <p>Mr CHAN's concern about the Police's handling of sexual violence cases involving transgender persons and the Administration's response. At the request of the Chairman and Mr CHAN, the Police agreed to provide after the meeting the timetable for promulgating the revised guidelines on the conduct of body searches on members of the public (including transgender persons).</p> <p>Mr CHAN expressed concern about a recent media report on the Police's failure to refer a victim of sexual violence for appropriate medical and social services in a timely manner. The Police assured members that front-line police officers would deal with each report of sexual violence according to the "Procedural Guidelines for Handling Adult Sexual Violence Cases" ("the Procedural Guidelines"). That said, the Police would follow up the case as reported</p>	Admin

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>in the newspaper, which was an isolated case, with RainLily. The Chairman requested the Police to provide information on the procedures for handling sexual violence cases by front-line police officers after the meeting.</p>	<p>Admin</p>
<p>010459 - 011618</p>	<p>Chairman Deputy Chairman Admin</p>	<p>The Deputy Chairman urged the Administration to attach more importance to the needs of those sexual minorities suffering from sexual violence, having regard to their unique circumstances. She suggested that the Administration should enhance collaboration with non-governmental organisations ("NGOs") in the provision of support services for victims of sexual violence.</p> <p>The Administration advised that the Working Group on Combating Violence ("the Working Group") provided an important communication and collaboration platform for government departments and organisations on strategies and measures to tackle sexual violence. Besides, the Social Welfare Department ("SWD") met with NGOs, such as RainLily and CEASE Crisis Centre ("CEASE"), on a regular basis to exchange views on issues relating to the handling of sexual violence cases. The Police had also been invited by RainLily to join its seminars on sexual violence. In September 2015, there was a joint discussion among SWD, the Police, the Hospital Authority ("HA") and CEASE on the operation of the existing one-stop service model for handling sexual violence cases. The input from NGOs had significantly contributed to the improvement in the services provided for victims of sexual violence. To foster a closer partnership, the Administration would further enhance the contact and communication with NGOs. Deputations' concerns over the implementation of the one-stop service model for handling sexual violence cases would be conveyed to the Working Group.</p>	

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		<p>The Police added that a mechanism had been established to disseminate crime information to sex workers so as to enhance their vigilance and safeguard their personal safety.</p> <p>In response to the Chairman's concern about the operation of the Working Group, the Administration advised that the Working Group met at a half-yearly interval. To encourage candid discussions among members, the papers for the meetings of the Working Group were not made public. The Chairman considered that information on the agenda items for discussion by the Working Group should be made public to enhance the transparency of the operation of the Working Group. The Administration responded that the Chairman's view would be relayed to the Working Group for consideration.</p>	
011619 - 012539	Chairman Mr CHEUNG Kwok-che Admin	<p>Mr CHEUNG Kwok-che took the view that there should be a policy bureau or government department spearheaded the work on providing support services for victims of sexual violence. The Administration advised that the Working Group was set up to facilitate communication and co-operation among government departments and organisations in the handling of sexual violence cases.</p> <p>Mr CHEUNG considered that the frequency of meetings of the Working Group was inadequate to enable it to perform its co-ordinating role effectively. He echoed the Chairman's view that the papers for the meetings of the Working Group should be made public so as to enhance public understanding of its work.</p> <p>Mr CHEUNG appealed to front-line officers from various disciplines (including social workers, police officers and medical personnel) to give due respect to the victims, particularly those who were sexual minorities or sex workers, when handling sexual violence cases. The Administration</p>	

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		<p>advised that it was stipulated in the Procedural Guidelines that victims must be treated with respect, empathy and sensitivity and the victim's right to privacy should be respected. That said, more efforts would be made to enhance staff training on professional attitude in addressing victim's needs. Mr CHEUNG's concerns would be conveyed to the Working Group.</p>	
012540 - 013400	Chairman Admin	<p>To enable members to have a better understanding of the implementation of the one-stop service model for handling sexual violence cases, the Chairman requested the Administration to provide information on the number of sexual violence cases (including cases of indecent assault) handled by CEASE together with the number of victims who underwent necessary procedures and received appropriate services in a suitable venue in the hospital in the past year.</p> <p>The Chairman considered that sexual minority groups and sex workers should be engaged in the discussion on issues relating to sexual violence. He reiterated his concern over the lack of representatives from sexual minorities and other vulnerable groups in the Working Group.</p>	Admin
013401 - 013727	Chairman Mr WAN Chi-ho, Anti480-Anti Sexual Violence Resource Centre Admin	<p>Mr WAN Chi-ho of Anti 480-Anti Sexual Violence Resource Centre reiterated his concern over the slow progress of the LRC's review of sexual offences, particularly in respect of expanding the scope of the definition of rape to cover sexual offences against male.</p> <p>The Administration assured members that it would keep in view the progress of the LRC's review and had taken note of the relevant concerns of deputations. The Chairman urged the Administration to take into account deputations' concerns about the legal protection for male victims of sexual violence when considering amendments to the relevant legislation.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
013728 - 014402	<p>Chairman Miss HUI Lai-kwan, JJJ Association Mr LAW Kwun-kit, Midnight Blue Admin</p>	<p>Miss HUI Lai-kwan of JJJ Association was disappointed at the narrow scope of the LRC's review of sexual offences.</p> <p>Miss HUI called for respect from the police officers in dealing with the sexual violence cases involving sex workers. She pointed out that it was difficult for sex workers facing sexual violence to seek assistance from the Police without referral by the relevant NGOs. She asked about the consideration factors taken into account by front-line police officers in determining whether a reported case amounted to a sexual offence case. The Police responded that continuous effort would be made to enhance the Police training on the professional sensitivity in dealing with various types of sexual violence cases. The Police also stressed that front-line police officers must handle each report of sexual violence in an accepting, open-minded and objective attitude in accordance with the law, regardless of the victim's personal status or occupation.</p> <p>Miss HUI expressed concern about the lack of statistics on the reports of sexual violence involving sex workers received and handled by the Police.</p> <p>Mr LAW Kwun-kit of Midnight Blue welcomed the new guidelines under preparation by the Police on the conduct of body searches on sexual minorities. He requested the Police to engage sexual minority groups and other relevant organisations in the formulation of the guidelines so as to better cater for the needs and circumstances of sexual minorities. The Police responded that Mr LAW's request would be conveyed to the relevant Police unit responsible for drawing up the guidelines.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
014403 - 014837	Chairman Miss Doris CHONG, Association Concerning Sexual Violence Against Women Admin	<p>Miss Doris CHONG of Association Concerning Sexual Violence Against Women reiterated her views and concerns regarding the review of the existing Procedural Guidelines, and the suggestions of setting up a one-stop crisis support centre for victims of sexual violence in hospitals and establishing a regular communication mechanism between the Police and NGOs serving victims of sexual violence for exchange of views on issues of mutual concern.</p> <p>The Administration had taken note of the deputations' concerns, especially in respect of the arrangement of suitable places in hospitals for victims of sexual violence to undergo necessary procedures and to receive instant support services. The Administration undertook to review the operation of the existing service model for handling sexual violence cases to identify areas for further improvement. The Police also advised that it was very willing to collaborate with relevant NGOs on the matter.</p>	
014838 - 015616	Chairman Ms Emily LAU Admin	<p>Ms Emily LAU's concern about the Police's attitude and sensitivity towards victims of sexual violence, particularly when handling cases involving sex workers and sexual minorities.</p> <p>Ms LAU suggested and members agreed that the Subcommittee should write to HA commending its efforts in introducing one-stop service to victims of sexual violence in hospitals, and conveying members' request for extending such one-stop arrangements to all cluster hospitals and designating a suitable place in hospitals for handling sexual violence cases.</p> <p>The Administration was requested to provide a list of HA hospitals providing one-stop service for victims of sexual violence.</p>	<p>Clerk</p> <p>Admin</p>

Time marker	Speaker(s)	Subject(s)	Action Required
015617 - 015904	Chairman Miss Tiffany NG, RainLily Admin	<p>Miss Tiffany NG of RainLily expressed concern about the recent media report on the Police's mishandling of a sexual violence case. She pointed out that the incident was only the tip of the iceberg and some front-line police officers did not handle cases of sexual violence in a proper and professional manner.</p> <p>At the request of the Chairman, RainLily would provide information on the locations that had been used by the Police for taking statement with the victims of sexual violence among the cases handled by RainLily for members' reference.</p> <p>The Police was requested to provide, after the meeting, information on the number of sexual violence cases in which statement-taking with victims was conducted in the hospital.</p>	Admin
015905 - 020312	Chairman	Date of the next meeting and discussion item.	