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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, 8 December 2015, at 10:45 am
in Conference Room 2 of the Legislative Council Complex

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon CHEUNG Kwok-che
Hon Alan LEONG Kah-kit, SC
Hon CHAN Chi-chuen
Dr Hon Helena WONG Pik-wan

Member attending : Hon Emily LAU Wai-hing, JP

Members absent : Hon CHAN Yuen-han, SBS, JP (Deputy Chairman)
Hon LEUNG Che-cheung, BBS, MH, JP
Hon TANG Ka-piu, JP

Public Officers attending : Item I

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

Ms Kitty HO Kit-wah
Principal Inspector (Guidance & Discipline)
Education Bureau

Dr Venus SIU
Deputising Chief Manager (Patient Safety & Risk
Management)
Hospital Authority

Dr Karen TSO Ka-pik
Senior Medical & Health Officer (Family Health Service)
Department of Health

Attendance
by invitation : Item I

Society for Community Organization

Miss SZE Lai-shan
Community Organizer

The Hong Kong Committee on Children's Rights

Ms Priscilla LUI
Vice-Chairman

Against Child Abuse

Dr Patrick CHEUNG
Chairperson

Hong Kong College of Paediatricians

Dr Patricia IP Lai-sheung
Representative

Hong Kong Council of Social Service

Ms Dora NGAN
Officer (Children & Youth)

Labour Party

Mr Steve LO
Representative

Rainbow Action

Jimmy
Spokesperson

Association for Transgender Rights

八爪
Executive Officer

Women Coalition of HKSAR

YEO Wai-wai
Committee Officer

Individual

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Rainbow of Hong Kong

Tommy仔
Executive Officer

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

Admin

I. Support services for victims of child abuse

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

2. A total of 11 deputations/individual attended the meeting to give views on the subject. The major views and concerns expressed by them are summarised as follows -

- (a) corporal punishment and making a child witness domestic violence, which might result in traumatic effects on psychological development on children, should be regarded as child abuse. There was a strong call from deputations for a review of the definition of child abuse and the current child protection laws in Hong Kong, with a view to introducing specific legislation on protecting children from psychological abuse;
- (b) the Administration should provide continuous and adequate training for the front-line professionals of various disciplines, including social workers, police officers, teachers, child care workers and medical personnel, to enhance their knowledge and skills in handling cases of child abuse, especially those involving children and adolescents with different sexual orientation. Specific training should be provided for teachers and school social workers to enhance their awareness and sensitivity in early identification of students facing child abuse and to equip the former with appropriate skills for supporting students in need;
- (c) more resources should be devoted to strengthen child care services. Particular attention should be given to the needs of children from underprivileged groups (such as cross-boundary families, low-income families, new arrivals, ethnic minorities, sexual minorities and children with disabilities) who were more prone to domestic violence. The

Action

Administration should render more support and assistance to these children, who were at a greater risk of physical and psychological abuse;

- (d) due attention should be given to child abuse arising from disclosure of sexual orientation by the victims concerned. The Administration should review the existing Procedural Guide for Handling Child Abuse Cases ("the Procedural Guide"), which were last revised in 2007. Specific guidelines should be drawn up advising school personnel (such as school social workers) of the procedures for handling cases of child abuse involving students with different sexual orientation. Making referral of children and adolescents with different sexual orientation for conversion therapy, which would have negative effects on individual's mental health, should be regarded as child abuse;
- (e) the Administration should review the Child Protection Registry ("CPR"), which was a computerised record system maintained by the Social Welfare Department ("SWD"), in order to capture separate statistics on the detailed profile of child abuse cases;
- (f) there was a service gap for children between 18 months and three years old under the Comprehensive Child Development Service ("CCDS"), as these children were not required to attend the Maternal and Child Health Centres ("MCHCs") of the Department of Health ("DH") for vaccination and other routine child health services, which were the major referral channels for CCDS. Due consideration should be given to introducing infant and early childhood home visiting programmes to facilitate early identification and prevention of child abuse cases;
- (g) as the Multi-disciplinary Case Conference on Child Abuse ("MDCC") had been operated for many years, there was a need for a review of the Procedural Guide and the procedures with respect to MDCC. A monitoring mechanism should be set up to oversee and review the implementation and effectiveness of the welfare plan so formulated and the follow-up services recommended by MDCC for the abused child and the family;

Action

- (h) the Administration should make reference to overseas experience, such as the United Kingdom and the United States, and introduce legislation against domestic violence. It was also suggested that there should be a mandatory reporting mechanism for domestic violence (including child abuse) and related injuries, with a view to identifying domestic violence cases and providing better protection for the victims and their children. There was also a view that the Administration should, following the practice in some overseas jurisdictions, provide mandatory treatment and counselling services for perpetrators of domestic violence;
- (i) in addition to the existing Child Fatality Review Panel, the Administration should set up a child serious injury review panel, which had been established in many other countries, to review cases of suspected child abuse and negligence that led to serious injury of children, so as to improve existing systems of child protection and care, and to prevent the occurrence of tragedies; and
- (j) to promote the rights and well-being of children, the Administration should formulate a comprehensive child policy. Deputations strongly urged the Administration to set up a Children's Commission to fulfill the obligations under the United Nations Convention on the Rights of the Child and to ensure that children's perspectives were fully taken into account in the process of policy formulation.

3. Members shared the concerns raised by the deputations attending the meeting, and considered that there was a pressing need for a comprehensive review of the current mechanism for handling child abuse cases. To enhance care and protection for children, members took the view that the Administration should seriously consider some deputations' suggestions of establishing a child serious injury review panel and a mandatory reporting mechanism for cases of domestic violence and child abuse.

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

Action

Definition of child abuse and support for needy children

- (a) there were divergent views on whether children's witnessing of domestic violence should be defined as child abuse. In determining whether a case should be defined as a child abuse case, it was necessary to look into the actual circumstances of individual cases, including, among others, the child's age, the consequences of the act on the child, the frequency and nature of incident that had occurred, etc. That said, cases involving the welfare of children, irrespective of whether they were regarded as child abuse or not, would be handled with care, and appropriate support services would be rendered to uphold the best interests of children. According to the Procedural Guide for Handling Intimate Partner Violence Cases, the impact of intimate partner violence on other family members, especially vulnerable members such as the elders and children (including those having witnessed domestic violence), would be considered during the intervention process;
- (b) to enable the early identification of families at risk so as to provide them with the appropriate supportive services in a timely manner for preventing their problems from deteriorating, the Administration had launched various preventive measures and services, including CCDS and the Family Support Programme. Under the latter programme, social workers would contact the families with members at the risk of domestic violence (including child abuse) through telephone calls, home visits and other outreaching services, and refer them to a host of support services;
- (c) professional staff at schools (including school social workers, student guidance personnel and school-based educational psychologists) would, in collaboration with SWD, provide counselling and guidance services to cater for the different needs of students involving in child abuse cases. The student guidance service mechanism facilitated school personnel in identifying, counselling and referring students with behavioural, family, psychological, mental health problems, etc. to relevant professional support services. Parent education and home-school co-operation programmes had also been organised to provide support for schools and

Action

parents for the promotion of students' whole person development. Besides, school curricula of pre-primary, primary and secondary schools had included elements of sex education to enhance students' awareness of self-protection;

- (d) to further enhance early identification of the health and social needs of children and their families, a task group comprising representatives from DH, the Hospital Authority ("HA") and SWD had been formed under CCDS. The task group was developing an assessment framework on parenting capacity for CCDS with a view to facilitating the front-line staff, including social workers and health personnel, in assessing the capacity of the families in protecting their children from risk and enhancing their developmental experiences, as well as formulating feasible welfare plans for the children. The assessment framework was being developed and implemented by phases for children aged between zero and three. The first phase targeting children aged between zero and 12 months for use by social workers was introduced on a trial basis in Yuen Long, Tsuen Wan and Kwai Tsing Districts in June 2015. The Administration was collecting the feedback and views from the participants, and would review the implementation of assessment framework in 2016;
- (e) while the routine child health services and immunisation provided by MCHCs were scheduled at certain ages of children, visits to MCHCs at other ages could also be arranged if needed. To strengthen the collaboration of pre-primary education institutions and MCHCs, a training resource kit on child development and behaviour management, had been developed to support pre-primary educators. Depending on the needs of the children, MCHCs would arrange close monitoring of the development of high risk children in addition to routine visits. Referral would be rendered promptly should any problem arose;

Staff training on handling child abuse cases

- (f) given the unique circumstances and needs of sexual minorities, SWD had strengthened staff training for front-line social workers (including school social workers) to

Action

enhance their understanding, skills and sensitivity in handling domestic violence cases involving sexual minorities. The topics covered, inter alia, assistance for sexual minorities to handle life's challenges and violence, youth sexual orientation and counselling;

- (g) to equip front-line police officers with adequate skills and knowledge to handle child abuse cases, the Police College and its Detective Training Centre had included "child abuse crimes" in the regular foundation training for newly recruited police constables and probationary inspectors as well as the detective training courses. The topics included legal knowledge, professional knowledge, procedures, victim psychology and professional sensitivity in handling child abuse cases;
- (h) the Education Bureau organised training courses and seminars on handling of child abuse cases in collaboration with SWD and non-governmental organisations to enhance the sensitivity of school personnel in early identification of students affected by child abuse and domestic violence, and thus providing them with supportive assistance;
- (i) healthcare personnel of the relevant HA specialities, including psychiatry, obstetrics and paediatrics, had received structured training on child protection matters and the handling of child abuse cases, so as to equip themselves with necessary knowledge and skills for early identification and holistic management of at-risk children and their families. Medical social workers in public hospitals had also been provided with training organised by SWD in the areas of child abuse and domestic violence;

Handling of child abuse cases

- (j) the Administration was reviewing the operation of MDCC and the review exercise would be completed by the end of 2015. After which, the Administration would commence a review of CPR. In the end of 2016, a full review of the Procedural Guide would be conducted in consultation with the professionals of various disciplines;

Action

- (k) on the proposal of introducing a mandatory mechanism for reporting cases of domestic violence and child abuse, there was no consensus on the issue among the community. Moreover, some other major jurisdictions, for example, the United Kingdom, also had not adopted mandatory reporting mechanism. As regards the suggestion of establishing a mechanism similar to the existing Child Fatality Review Panel to review cases of child serious injuries, the Administration explained that such proposal involved complex legal, privacy and operational issues. Under the current policy framework for child protection, MDCC already served as a robust mechanism for handling suspected child abuse cases. That said, SWD would study the matter thoroughly to identify scope of further improvement, and continue to explore ways to enhance the current child protection and child welfare service systems. Furthermore, SWD would discuss the issue with the social welfare sector in the first quarter of 2016; and

Service for batterers of domestic violence

- (l) the Administration did not consider it appropriate to provide compulsory counselling to batterers of domestic violence. Based on the experience of the Batterer Intervention Programme conducted by SWD, the treatment results for batterers who were mandated in some way to join the programme were less favourable than those who participated on a voluntary basis.

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- 5. The Subcommittee requested the Administration to provide -
 - (a) the number of school social workers who had participated in SWD's training programmes on sexual orientation in the past years; and
 - (b) the number of referral cases of at-risk children and families under CCDS made by MCHCs to IFSCs for follow-up services.

Action

II. Any other business

6. Members noted that the Subcommittee would complete its work in February 2016 and the next two meetings would be scheduled for 12 and 19 January 2016. The Chairman suggested and members agreed that at the meeting on 12 January 2016, the Subcommittee should discuss and receive views from deputations on the provision of services for batterers of domestic violence and support services for victims of elder abuse. At the meeting on 19 January 2016, the Subcommittee would follow up with the Administration outstanding issues raised at previous meetings.

7. There being no other business, the meeting ended at 12:54 pm.

Council Business Division 2
Legislative Council Secretariat
28 January 2016

**Proceedings of meeting of the Subcommittee on Strategy and Measures to
Tackle Domestic Violence and Sexual Violence
held on Tuesday, 8 December 2015, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
<i>Agenda item I - Support services for victims of child abuse</i>			
000000 - 001521	Chairman	Opening remarks	
001522 - 001822	Chairman Miss SZE Lai-shan, Society for Community Organization	Presentation of views	
001823 - 002134	Chairman Ms Priscilla LUI, The Hong Kong Committee on Children's Rights	Presentation of views [LC Paper No. CB(2)403/15-16(01)]	
002135 - 002456	Chairman Dr Patrick CHEUNG, Against Child Abuse	Presentation of views [LC Paper No. CB(2)391/15-16(02)]	
002457 - 002817	Chairman Dr Patricia IP Lai-sheung, Hong Kong College of Paediatricians	Presentation of views [LC Paper No. CB(2)403/15-16(02)]	
002818 - 003114	Chairman Ms Dora NGAN, Hong Kong Council of Social Service	Presentation of views	
003115 - 003421	Chairman Mr Steve LO, Labour Party	Presentation of views	
003422 - 003730	Chairman Jimmy, Rainbow Action	Presentation of views	
003731 - 003930	Chairman 八爪, Association for Transgender Rights	Presentation of views	
003931 - 004230	Chairman YEO Wai-wai, Women Coalition of HKSAR	Presentation of views [LC Paper No. CB(2)448/15-16(01)]	

Time marker	Speaker(s)	Subject(s)	Action Required
004231 - 004603	Chairman 永	Presentation of views	
004604 - 004858	Chairman Tommy Jai, Rainbow of Hong Kong	Presentation of views [LC Paper No. CB(2)448/15-16(02)]	
004859 - 011800	Chairman Admin	The Administration's response to the views and concerns raised by the deputations attending the meeting	
011801 - 013235	Chairman Mr CHEUNG Kwok-che Admin	<p>Mr CHEUNG Kwok-che expressed regret at the criticism of some social workers lacking understanding of the needs of sexual minorities. He considered that the Administration should have a clear policy stance on gender issue, and initiate in-depth discussion among the social welfare sector and other concern groups on issues relating to sexual minorities. He called for early promulgation of procedural guidelines specifically for handling cases of domestic/sexual violence and child abuse involving sexual minorities to cater for their unique needs and circumstances.</p> <p>Mr CHEUNG suggested that the Administration should start to collect and keep manual records on statistics about cases of domestic/sexual violence and child abuse involving sexual minorities before the review of the Child Protection Registry ("CPR"), in order to have an overview of sexual minorities involving in cases of domestic/sexual violence and child abuse.</p> <p>The Administration explained that no statistics were kept in respect of child abuse cases involving sexual minorities simply because social workers handling such cases would not ask about the sexual orientation of the victims concerned. That said, consideration could be given to Mr CHEUNG's proposal, subject to the consent of the victims concerned.</p> <p>Mr CHEUNG expressed concern about the inclusion of elements relating to conversion</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>therapy in staff training programmes organised by the Social Welfare Department ("SWD"). The Administration clarified that the primary objective of the training on sexual orientation provided for social workers was to enhance their understanding of and sensitivity towards sexual minorities from different perspectives. Some deputations' concerns about the content and speakers of training courses on issues relating to sexual minorities had been conveyed to staff responsible for training matters.</p>	
013236 - 014704	<p>Chairman Mr CHAN Chi-chuen Tommy Jai, Rainbow of Hong Kong Jimmy, Rainbow Action Admin</p>	<p>Mr CHAN Chi-chuen's concern about the progress of the Administration's follow-up on various issues raised at previous meetings of the Subcommittee, particularly the statistical information requested by members.</p> <p>On the grave concerns raised by sexual minority groups about SWD's staff training courses containing elements of conversion therapy, Mr CHAN echoed Mr CHEUNG Kwok-che's view that the Administration should formulate a clear stance on gender issue, so as to facilitate the provision of specific training for front-line personnel on the handling of requests for assistance from sexual minorities.</p> <p>Mr CHAN considered that the Administration should maintain separate statistics on cases of domestic/sexual violence and child abuse involving victims who were sexual minorities and ethnic minorities. He also called for the formulation of specific guidelines on handling such cases and the provision of dedicated support services for victims from sexual minority groups.</p> <p>Mr CHAN's expression of support for the suggestion of introducing mandatory treatment and counselling services for batterers of domestic violence.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
		<p>At the invitation of Mr CHAN, Tommy Jai of Rainbow of Hong Kong expressed his view that referral of children and adolescents with different sexual orientation for conversion therapy should be considered a form of discrimination. He asked the Administration about the number of school social workers who had attended SWD's training courses on sexual orientation. Jimmy of Rainbow Action reiterated his call for the provision of specific guidelines for handling requests for assistance from sexual minorities.</p> <p>The Administration agreed to provide, after the meeting, the number of school social workers who had participated in SWD's training programmes on sexual orientation in the past years.</p> <p>The Administration explained that in general, referral of victims for support services would be made with their consent. The Administration also advised that in the course of the review on the existing procedural guide for handling child abuse cases, SWD would study how to incorporate the information relating to the handling of cases involving specific groups in those guidelines.</p> <p>The Chairman reiterated his concern about the lack of representatives from sexual minority groups in the Working Group on Combating Violence, which was chaired by the Director of Social Welfare. The Administration responded that SWD met with different sexual minority groups on a regular basis to exchange views on issues of mutual concern, and such arrangement already provided a platform for effective and candid discussion between parties concerned. The Chairman did not subscribe to the Administration's view.</p>	<p>Admin</p>

Time marker	Speaker(s)	Subject(s)	Action Required
014705 - 015629	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG expressed concern about the recent incident of excessive lead found in drinking water and enquired about the specific measures taken by the Administration to safeguard children's health and welfare.</p> <p>The Administration responded that it attached great importance to children's safety and health. The relevant government departments would continue to follow up on the matter closely. The Chairman advised that the Panel on Health Services had been following up the issue. Hence, Dr WONG could raise her concern with the Panel if necessary.</p>	
015630 - 020923	Chairman Admin	<p>In response to the Chairman's concern as to whether collection of data on cases of domestic/sexual violence and child abuse involving sexual minorities could be conducted in parallel with the review of CPR, the Administration appealed to members' understanding that lead time was needed for making necessary preparatory and liaison work before kicking off the review. Nevertheless, the Administration would continue to maintain close contact with sexual minority groups under the existing communication platforms.</p> <p>The Chairman requested the Administration to provide the number of referral cases of at-risk children and families under the Comprehensive Child Development Services made by the Maternal and Child Health Centres to the Integrated Family Service Centres for follow-up services.</p> <p>The Chairman urged the Administration to make reference to overseas experience and introduce a mechanism similar to the Child Fatality Review for child serious injury cases.</p> <p>The Administration's response to the proposal of introducing a mandatory reporting mechanism for cases of domestic violence and child abuse.</p>	Admin

Time marker	Speaker(s)	Subject(s)	Action Required
<i>Agenda item II - Any other business</i>			
020924 - 021049	Chairman	Date of the next meetings and discussion items.	

Council Business Division 2
Legislative Council Secretariat
28 January 2016