

**For discussion
on 19 January 2016**

Legislative Council Panel on Welfare Services

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

Administration's Response to Issues Raised by Members at Previous Meetings

Purpose

This paper provides response to issues raised by Members at the previous meetings of the Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence (Subcommittee) under the Legislative Council Panel on Welfare Services.

Shelter Service for Victims of Domestic Violence and Sexual Violence (Meeting on 9 February 2015)

Increasing the Residential Places of the Refuge Centre

2. As the utilisation rate of refuge centres has been over 90%, the Social Welfare Department (SWD) will provide additional places and corresponding manpower in a refuge centre for women and the Family Crisis Support Centre, as well as provide additional manpower for refuge centres for women and Multi-purpose Crisis Intervention and Support Centre (namely CEASE Crisis Centre) to enhance support service for children staying at the Centre temporarily.

Statistics of Reports Received by the Police from Sex Workers

3. The Police does not keep statistics on the occupation of the informant/witness. Nevertheless, to strengthen the personal safety protection of sex workers, the Police issued, through the liaison and information exchange mechanism with sex workers and their concern groups, a total of 271 crime alerts during May 2008 to December 2015.

Shelter Service and Housing Assistance for Victims of Domestic Violence and Sexual Violence (Meeting on 13 April 2015)

Information on Compassionate Rehousing

4. Compassionate rehousing (CR) (including the Conditional Tenancy Scheme under CR) is a housing assistance scheme which aims at providing housing assistance to individuals or families, including victims of domestic or sexual violence, who have genuine, imminent and long-term housing needs and have no other feasible means to solve the problems by themselves. CR is not a type of general public housing application. The eligibility of individual families is assessed by social workers having regard to the multifaceted circumstances of the individual or families, rather than on the basis of a registration date or a scoring system. SWD has drawn up procedural guidelines for handling CR cases for professional social workers which seek to enable social workers responsible for assessment to fully comprehend the physical, mental health, financial and relationship conditions, as well as the support network and available resources etc. of clients and their family members, and examine the related personal information and documents so as to exercise their professional judgement in assessing whether the individuals or families have sufficient social and medical factors for recommendation to the Housing Department for CR. Some members considered that part of the information in the abovementioned guidelines would be of useful reference for the public in understanding the assessment criteria and application procedures. After deliberation, SWD will enrich the contents of the existing website and leaflet, which set out the relevant eligibility criteria of CR, by including therein more comprehensively relevant information in the guidelines (e.g. the information or documents to be provided by the clients and their family members, the related assessment criteria and the processing procedures) for reference by members of the public.

Handling of Domestic Violence and Sexual Violence Cases Involving Children and Young Persons (Meeting on 12 May 2015 and the letter dated 5 May 2015)

Numbers of Children and Young Persons with Disabilities or Special Needs Facing Domestic and Sexual Violence

5. SWD maintains the Child Protection Registry (CPR) to collect data on child abuse cases. At present, data about the disabilities or special needs of abused children is not covered. SWD will set up a task group in the first quarter of 2016 to review the operation of CPR, including the scope of information to be collected on abused children.

Policy and Resources in Preventing Domestic and Sexual Violence Against Children and Young Persons with Disabilities or Special Needs

6. The Government is committed to the prevention of domestic and sexual violence against children and young persons, including those with disabilities or special needs. In particular, the Labour and Welfare Bureau (LWB), Education Bureau (EDB), Department of Health (DH), Hospital Authority (HA) and SWD have collaborated to provide the Comprehensive Child Development Service to identify children with special needs (including pre-school children with developmental impairment), through the Maternal and Child Health Centres of DH, hospitals under HA and other relevant service units, such as Integrated Family Service Centres (IFSCs), Integrated Services Centres (ISCs) and pre-primary institutions, in order to provide the necessary services or refer them to relevant service units for appropriate health and/or social services.

7. SWD has also drawn up the “Procedural Guide for Handling Child Abuse Cases (revised 2015)” (Procedural Guide) to facilitate professionals from departments, organisations and service units (including special schools, residential child care services and special child care centres) who may serve or have contact with children and young persons with disabilities or special needs to handle child abuse cases in a professional and effective manner. The potential risk of abuse to children and young persons with disabilities or special needs is highlighted in the chapter of “Understanding of Child Abuse” under the Procedural Guide.

8. The SWD’s Staff Development and Training Section and District Social Welfare Offices regularly organise child protection training for staff of various organisations, including those serving children with disabilities or special needs, and key points on protecting children with disabilities or special needs from abuse are covered. These training programmes aim at raising child protection awareness of staff of organisations serving children with disabilities or special needs, thereby enabling early identification of children and youngsters who need protection. In addition, SWD regularly introduces child protection services to frontline staff, including those from special schools, at the training activities organised by EDB. SWD also introduces child protection services to other departments and organisations serving children with disabilities or special needs upon invitation. SWD does not have a breakdown of funding specifically for prevention of domestic/sexual violence against children and young persons with disabilities or special needs.

Support Services for Carers to Take Care of the Children and Young Persons with Disabilities or Special Needs

9. The services currently provided for pre-school children with disabilities or special needs (including Early Education and Training Centres, Special Child Care Centres, the Integrated Programme in Kindergarten-cum-Child Care Centres and the training subsidy for children who are on the waiting list for subvented pre-school rehabilitation services) also provide support for parents and carers to help them understand, accept and attend to the special needs of the children.

10. SWD has implemented the 2-year Pilot Scheme on On-site Pre-school Rehabilitation Services by phases starting from November 2015 to January 2016 through the Lotteries Fund to provide on-site rehabilitation services for children with special needs who are studying in ordinary Kindergartens (KGs) or Kindergarten-cum-child care centres (KG-cum-CCCs). The inter-disciplinary teams from 16 NGOs with experience in subvented pre-school rehabilitation services provide over 2 900 rehabilitation training places to children with special needs in some 450 KGs or KG-cum-CCCs. Apart from serving the children with special needs, the inter-disciplinary team will provide professional support for teachers/child care workers and parents.

11. Starting from 2016-17, SWD will increase the training hours per month for eligible children on the waiting list for special child care centres or residential special child care centres under the Training Subsidy Programme. Moreover, we will invite the Community Care Fund to introduce a pilot scheme to provide a living allowance for low-income carers of persons with disabilities, with a view to strengthening the support for carers of persons with disabilities.

12. The Parents/Relatives Resource Centre for Disabled Persons also provides a focal point for parents and relatives/carers of persons with disabilities (including children or young persons with special needs) to share experience and seek mutual support with the assistance of the staff. The service also enables parents and other family members/relatives/carers to enhance their understanding and acceptance of their family members with disabilities as well as empower the entire family in coping with stress and difficulties in taking care of children or young persons with disabilities. In October 2015, the Government allocated \$3.2 million per year to provide additional social workers in the six Parents/Relatives Resource Centres to strengthen the support for parents and relatives/carers of persons with disabilities and ex-mentally ill persons.

13. In addition, 16 District Support Centres for Persons with Disabilities across the territory provide one-stop district-based support services for persons with

disabilities (including children or young persons with special needs), their family members and carers so that they can receive the required services at the same centre within the district. These Centres adopt an activity-oriented approach and offer appropriate training, care, social, psychological and personal development activities according to the various needs of service users. Support and training are also provided for carers of persons with disabilities to alleviate their burden and enhance their caring capacities. To improve support for persons with disabilities and provide services that better meet their needs, an additional annual recurrent funding of \$10.6 million was allocated in November 2014 to increase the number of social workers at these support centres to implement case management service.

14. Residential respite service provides short-term residential care for persons with disabilities, so that their families or carers can take short breaks or attend to personal matters with advance planning. Such temporary releases from caring duties also serve to alleviate the stress of the families or carers. The service has been extended to cover children with disabilities aged 6 to 14 since April 2008. SWD had increased the provision of short-term residential and day care service places for persons with disabilities aged 6 or above in 2014-15.

15. Moreover, the Home Care Service for Persons with Severe Disabilities and the Integrated Support Service Programme for Persons with Severe Physical Disabilities provide case management service, home respite service and carer support service to support carers of persons with severe disabilities (including children and young persons with special needs).

Procedural Guidelines and Training for Departments and Staff in Handling Cases Involving Children and Young Persons with Disabilities or Special Needs

16. SWD understands that some children with disabilities or special needs may have expression or communication difficulties owing to their limitations in ability or emotion management. In such circumstance, SWD will refer children with special needs to clinical psychologists for necessary assessment and psychological treatment. In the event that child abuse is suspected and video-recorded interview is required for criminal investigation, the clinical psychologist will conduct the interview to assist the child in recounting the happenings. The recordings may serve as evidence-in-chief in court if the case comes to trial. Besides, if a child with disabilities or special needs is required to testify in court for a suspected case of child abuse and court approval is granted for the accompany of a support person, SWD can arrange for a support person to help reduce the child's fear and anxiety during the trial. For the relevant staff training, please refer to paragraph 8 above. Moreover, the Hong Kong Police Force

(the Police) and SWD jointly organise the “Training on Video-recorded Interview with Child and Mentally Incapacitated Witnesses” on a regular basis for their officers as well as the Department of Justice, DH and NGOs. Apart from investigation techniques, the training programme includes lectures given by experts such as paediatricians, forensic pathologists and psychologists to enhance the officers’ skills in handling abuse cases involving children and mentally incapacitated persons.

Support Services for Sexual Minorities Facing Domestic Violence and Sexual Violence (Meeting on 9 June 2015)

Working Group on Combating Violence (the Working Group)

17. The Working Group was set up by SWD to, through an inter-departmental and multi-disciplinary approach, examine the problem of domestic violence and sexual violence in Hong Kong, map out strategies and approaches in combating the problem, including prevention, public education, publicity and provision of services; examine the existing procedures and guidelines and recommend improvement measures; strengthen co-ordination and co-operation among government departments, NGOs and professionals in handling and combating the problem; and co-ordinate statistics and facilitate research studies, etc. At present, the Working Group comprises representatives from different relevant government bureaux and departments as well as NGOs providing services to victims of domestic/sexual violence. Its composition has fully reflected the views of the stakeholders concerned.

18. Currently, there are various bodies/organisations in Hong Kong which are concerned about domestic violence against specific groups, such as ethnic minorities, male victims, new arrivals and sexual minorities, etc. They each have their distinct founding objectives and matters of concern. To solicit their views on the issues of domestic/sexual violence and related support services more effectively, SWD has all along been making use of different channels to collect their views. It is hoped that through regular meetings and communication with different groups, there can be in-depth and focused discussions and exchanges. SWD will continue to maintain close liaison and communication with various sectors, improve its services and enhance the training of frontline social workers, with a view to providing better support for individuals and families faced with domestic or sexual violence.

19. As regards Subcommittee Members’ request for the past records of meetings of the Working Group, after careful deliberations, SWD is of the view that the disclosure of the past records of meetings might inhibit the frank and candid

discussion within the Working Group in offering views and advice to the Government on matters relating to domestic and sexual violence as well as the enhancement of services. SWD would therefore maintain the current practice that the records of the meetings would not be disclosed to the public. Regarding the disclosure of the past agendas of the meetings of the Working Group as requested by Subcommittee Members at the meeting on 10 November 2015, SWD would seek Working Group Members' views at its next meeting.

Reporting Mechanism of the Central Information System

20. SWD maintains the Central Information System on Spouse/Cohabitant Battering Cases and Sexual Violence Cases (the "Central Information System") to collect data on cases of spouse/cohabitant battering and sexual violence handled by different departments and organisations. At present, the reporting agencies include service units operated by SWD and NGOs, HA, the Police and Legal Aid Department (LAD), etc. The reporting mechanism of the Central Information already covers an extensive range of cases of spouse/cohabitant battering and sexual violence handled by frontline personnel of the departments and organisations. When getting in touch with and handling a domestic or sexual violence case, frontline social workers and professionals will conduct a professional assessment on the nature of the case before reporting it to the Central Information System. To ensure data accuracy, the Central Information System does not accept reporting by individuals or groups at the moment. SWD consulted the Working Group at its meeting on 20 May 2015 on the relevant reporting mechanism and arrangement. The Working Group agreed to maintain the existing mechanism in collecting data on abuse cases involving same-sex cohabitation relationship.

Training Courses for Frontline Social Workers and the Related Training Materials

21. During the period from 2010-11 to 2014-15, SWD invited a total of ten speakers from different sectors, including lawyers and doctors from private practice, university lecturers, medical officers of HA, clinical psychologists of the Police and SWD to provide a total of 12 training courses relating to the topics on sexual orientation and transgender. The handouts of the training courses prepared by the clinical psychologist of SWD are at Annex¹ for the Subcommittee's reference. As regards other training programmes conducted by speakers who were non-SWD staff, since their handouts or training materials were solely for training use and given

¹ The handouts provided by SWD are only for the internal reference of the Subcommittee. Please do not disclose the handouts at the Annex to other persons or for other purposes.

intellectual property right and copyright considerations, it is not considered appropriate for SWD to release these handouts and training materials to outsiders of its own accord.

“Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation”

22. The Constitutional and Mainland Affairs Bureau (CMAB) has been promoting the “Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation” (the Code) and calling for public and private sector organisations to pledge to adopt the Code. A list of organisations which have pledged to adopt the Code has been uploaded to CMAB’s webpage (http://www.cmab.gov.hk/en/issues/code_of_practice.htm). CMAB will continue to appeal for support from more organisations, as well as organise talks and seminars for introducing and promoting the Code.

Support Services for Foreign Domestic Helpers Who are Victims of Violence (including Sexual Violence) in Domestic Setting (Meeting on 20 July 2015)

23. If there is evidence showing that a foreign domestic helper (FDH) has been abused or exploited, the Immigration Department (ImmD) may exercise discretion to allow him/her to change employer in Hong Kong without being required to return to his/her place of origin first. Each year, there are some 5 000 applications for change of employer after pre-mature termination of contract for various reasons. Less than 20 (0.4 %) of these cases involved FDHs who had been abused or exploited by their ex-employers. From January to October 2015, Police received 24 wounding and serious assault cases between employers and FDHs, and among them, 23 cases were detected.

Regulation on Employment Agencies

24. The Labour Department (LD) regulates employment agencies (EAs) pursuant to Part XII of the Employment Ordinance (Cap. 57) (EO) and the Employment Agency Regulations (Cap. 57A) (EAR). According to EO and EAR, EAs are only allowed to receive from job-seekers (including FDHs) no more than 10% of the latter’s first month’s wages for successful job placement service as specified in the Second Schedule of the EAR (i.e. prescribed commission). Other than the prescribed commission, EAs are not allowed to receive any payment or any other reward of any kind on account of having obtained employment for that job-seeker or they will commit an offence and shall be liable on conviction to a fine of level 5 (i.e.

\$50,000). LD will initiate investigation immediately upon receipt of complaints. Prosecution will be instituted subject to availability of sufficient evidence and prosecution witness. In 2015, LD prosecuted 12 EAs, nine of which were convicted of overcharging job-seekers. LD will continue to take stringent enforcement actions against EAs for overcharging job-seekers.

Support Services for Ethnic Minorities Facing Domestic Violence and Sexual Violence (Meeting on 6 October 2015)

Interpretation / Translation Services

25. In handling child abuse, spouse/cohabitant abuse and sexual violence cases, SWD has, in co-operation with the relevant departments and organisations, drawn up the “Procedural Guide for Handling Child Abuse Cases”, “Procedural Guide for Handling Intimate Partner Violence Cases” and “Procedural Guidelines for Handling Adult Sexual Violence Cases”. The abovementioned guidelines are applicable to people with different backgrounds and needs, including ethnic minorities (EMs).

26. SWD will review the applicability of the above three sets of guidelines from time to time and make sure that they are available for reference and use by different professionals working in the government departments and NGOs (including social welfare service units, the Police, HA, DH, LAD, schools etc.) who may come across child abuse, intimate partner violence and sexual violence cases. SWD has just completed the review of the operation of “Multi-disciplinary Case Conference” (MDCC) under the “Procedural Guide for Handling Child Abuse Cases”. The newly revised chapter stipulates that for cases involving EMs, the investigating social workers should arrange interpretation/translation services to facilitate the EMs to participate in the MDCC and understand the information / views exchanged in MDCC. The newly revised “Procedural Guide for Handling Child Abuse Cases” has already uploaded onto SWD’s website for viewing and use since December 2015.

27. SWD has already prepared a set of points-to-note with information on EMs’ cultures and living styles, how to arrange suitable interpretation or translation services, etc. which will be disseminated to frontline social workers of Family and Child Protective Services Units (FCPSUs) and IFSCs/ISCs by end of January 2016 for their reference when providing services to the EMs. SWD currently does not keep statistics related to the utilisation of translation or interpretation services when providing services for the EMs.

28. HA maintains statistics on utilisation of interpretation service by languages and hospitals. However, there are privacy concerns and operational difficulties in specifically identifying users as victims of domestic violence and sexual violence in the statistics.

29. Furthermore, statistics on utilisation of interpretation service are captured by the outsourced contractor providing interpretation service. There are privacy concerns if the contractor has to identify whether or not the service users are victims of domestic violence or sexual violence. Moreover, these victims quite often may not be immediately identifiable on service front. Also, the information cannot be retrieved from HA's clinical information system because domestic violence and sexual violence are not among the clinical diagnosis captured in the system.

30. Nevertheless, HA has put in place a system to ensure that EMs, including victims of domestic violence and sexual violence or patients of other medical needs, will not be deprived of appropriate treatment and care because of language barrier. HA provides interpretation services on 18 languages of EM via service contractors. The service is operated face-to-face or over the telephone under urgent situations. Moreover, there are standard cue cards and a multi-lingual phrasebook that serve as primary tools of communication with EM patients before an interpreter is available.

31. The Home Affairs Department (HAD) provides support services for EMs to facilitate their integration into the community. HAD has commissioned NGOs to operate six support service centres and two sub-centres for EMs, providing various tailor-made learning classes and integration programmes. One of the centres also provides general interpretation and translation services. Owing to privacy concern of the users, contents of individual cases are not recorded.

32. In general, police officers would request interpretation services from the Court Language Section of the Judiciary, which provides round-the-clock service, via respective Police Regional Command and Control Centres. Furthermore, the Police have partnered with the abovementioned centre to implement the Project TRANSLINK in ten divisions that are more densely populated with EMs. Simultaneous interpretation service in seven commonly used EM languages via telephone conference is available for EM informants who report cases in police stations.

33. Furthermore, in order to enhance the communication capability and professional sensitivity of frontline police officers, Police Districts would arrange for training, such as language courses and cultural awareness workshops for these officers

according to the demographic and related law and order situation of the Districts. An array of services and community engagement projects has also been launched by the Police, in addition to meetings with EM groups in order to better understand their needs and enhance communication. Besides, different topics covering the handling of EM are included in various police training including Foundation Training, Promotion Courses, Development Courses and Police Training Days, etc.

Shelter Service

34. It is the objective of SWD to assist all people in need, regardless of their gender, ethnicity, sexual orientation and religion, by providing appropriate services to them. If needed, EMs and their families in the face of domestic or sexual violence can also receive the services provided by SWD or subvented NGOs, including various shelters.

35. To meet the special needs of EMs in respect of their cultures and lifestyles, the refuge centres for women will arrange interpretation services as appropriate and adjust the arrangement of cooking to meet their personal needs during their stay.

36. In planning for various services, SWD will have to consider the demands of different people and service targets in the community and balance the needs of various fronts taking into account the limited resources. SWD at present has no plan to set up a dedicated shelter for EMs.

Support Services for Victims of Sexual Violence (Meeting on 10 November 2015)

Number of Sexual Violence Cases Handled by CEASE

37. In 2014-15, CEASE Crisis Centre handled a total of 130 new cases of sexual violence (including rape and indecent assault cases), as well as provided outreach services for 103 sexual violence cases (outreach locations included hospitals, police stations or the location where the sexual violence victim stayed) to accompany the victims concerned to go through the necessary procedures. SWD does not keep figures on the sexual violence cases which were handled in hospitals.

38. The accident and emergency (A&E) departments of HA providing medical services for victims of sexual violence are set out below –

1. Pamela Youde Nethersole Eastern Hospital
2. Queen Mary Hospital
3. Ruttonjee Hospital
4. St. John Hospital
5. Kwong Wah Hospital
6. United Christian Hospital
7. Queen Elizabeth Hospital
8. Princess Margaret Hospital
9. Caritas Medical Centre
10. Yan Chai Hospital
11. Tseung Kwan O Hospital
12. Prince of Wales Hospital
13. North District Hospital
14. Alice Ho Miu Ling Nethersole Hospital
15. Tuen Mun Hospital
16. Pok Oi Hospital
17. North Lantau Hospital

Support Services for Victims of Child Abuse Cases (Meeting on 8 December 2015)

Number of School Social Workers Who Had Participated in SWD's Training Programmes on Sexual Orientation

39. Participants of training programmes related to topics on sexual orientation included social workers from SWD, NGOs and HA. Since SWD does not require participants to provide details of their posts during registration of the training

programmes, no information on the number of participants who are school social workers could be provided.

Number of Referral related to the Comprehensive Child Development Service

40. The Comprehensive Child Development Service (CCDS) has been jointly implemented by LWB, EDB, DH, HA and SWD since 2005 to identify, at an early stage, various health and social needs of children (aged 0 to 5) and their families as well as provide the necessary services so as to foster the healthy development of children. Needy children and families identified will be referred to the appropriate health and/or social services. From 2013-14 to 2015-16 (till September 2015), the number of CCDS cases referred by the Maternal and Child Health Centres of DH and HA to IFSCs/ ISCs is 6 175.

Support Services for Victims of Elder Abuse (Meeting on 12 January 2016)

41. For more effective early identification and intervention so as to prevent family problems from deteriorating, FCPSUs, IFSCs, ISCs and Psychiatric Medical Social Service Units have implemented the Family Support Programme (FSP). Through telephone calls, home visits and other outreaching services, families with members at risk of domestic violence (including suspected elder abuse) or mental illness as well as those in social isolation will be contacted and referred to a host of support services. From 2013-14 to 2015-16 (till September 2015), 23 054 individuals/families have been successfully contacted through FSP.

Advice Sought

42. Members are invited to note the content of this paper.

Labour and Welfare Bureau
Constitutional and Mainland Affairs Bureau
Hong Kong Police Force
Home Affairs Department
Hospital Authority
Immigration Department
Social Welfare Department

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