

**For discussion
On 9 April 2018**

Legislative Council Panel on Welfare Services

Policy and Services on Tackling Domestic Violence

This paper briefs Members on the current policy on tackling domestic violence and various support services for those exposed to domestic violence.

Relevant Laws and Guidelines

2. Domestic violence is a complex social problem. Tackling domestic violence effectively requires close collaboration between various sectors and professionals in the community. To this end, the Administration has adopted a multi-disciplinary model as well as a multi-pronged intervention approach to tackle domestic violence and to support the victims and their families.

3. The current legal framework dealing with domestic violence is made up of provisions in various pieces of legislation, imposing criminal sanctions on acts of violence, or providing civil remedies to victims of domestic violence. For the criminal legislative framework, the Offences Against The Person Ordinance (Cap. 212) imposes criminal sanctions on murder, manslaughter, attempts to murder, wounding or inflicting grievous bodily harm, exposing child whereby life is endangered, ill-treatment or neglect by those in charge of child or young person, causing bodily injury by gunpowder etc, assaults occasioning actual bodily harm and common assaults; while the Crimes Ordinance (Cap. 200) imposes criminal sanctions on acts of intimidation, arson, destroying or damaging property and sexual offences including rape, incest, indecent assaults etc.

4. The civil legislative framework includes the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189), which provides civil remedies to minors affected by domestic violence and offers victims of domestic violence relief from molestation. They are protected irrespective of whether they are residing with the abusers. The Protection of Children and Juveniles Ordinance (Cap. 213)

empowers the court to grant a supervision order or appoint a legal guardian in respect of a child or juvenile who is in need of care or protection.

5. To assist the personnel concerned (e.g. police officers, social workers, medical and school personnel) in handling child abuse, spouse/cohabitant battering cases in a professional and effective manner, the Social Welfare Department (SWD) has drawn up, in collaboration with relevant government departments, non-governmental organisations (NGOs) and relevant professionals, and has issued the the “Procedural Guide for Handling Intimate Partner Violence Cases (Revised 2011)” and the “Procedural Guide for Handling Child Abuse Cases (Revised 2015)” for reference by the personnel concerned in carrying out the necessary assessments, enquiries, and follow up plans when encountering suspected cases of child abuse and spouse/cohabitant battering cases.

Multi-disciplinary Model

6. Preventing and tackling domestic violence require concerted efforts of different departments, professionals and NGOs. To this end, various mechanisms for regular communication and liaison among different sectors and disciplines are in place at the central, district and frontline levels.

Central level

7. The Committee on Child Abuse (CCA) and the Working Group on Combating Violence (WGCV) comprising representatives from the Hong Kong Police Force (the Police), Education Bureau (EDB), Hospital Authority (HA), SWD and NGOs, etc. have been set up at the central level to map out strategies to tackle the problems of child abuse, spouse/cohabitant battering.

8. To monitor the trend and understand the characteristics of domestic violence cases in Hong Kong, two central information systems, namely the “Central Information System on Spouse/ Cohabitant Battering Cases and Sexual Violence Cases” and the “Child Protection Registry”, are maintained by SWD to capture statistical information of domestic violence cases reported by different parties including the Police, HA,

casework units, etc. The statistical information are reported to CCA and WGCV and shared with relevant departments/organisations regularly. Moreover, the statistical figures on reported domestic violence cases are uploaded on SWD's website – "Statistics on Cases Involving Child Abuse, Spouse/Cohabitant Battering and Sexual Violence" quarterly for information of the general public.

District level

9. There are "District Coordinating Committee on Family and Child Welfare" and "District Liaison Group on Family Violence" in each of the 11 SWD administrative districts, with the participation of representatives from various government departments, NGOs, local organisations, community leaders, etc., to coordinate the provision of support services for victims of domestic violence and to consolidate effort in combating domestic violence at district level.

Frontline level

10. A referral mechanism for domestic violence cases between SWD and the Police has been implemented since 2003. Under this mechanism, the Police can refer domestic violence cases (including cases of high risk of domestic violence for which consent of referral from the persons have not been obtained) to SWD promptly for crisis intervention, counselling and other relevant assistance. As to suspected cases of child abuse, HA will refer all cases identified as suspected cases of child abuse to SWD or the social welfare service unit that is handling the case of the child / family. As the nature of intrafamilial or organised child sexual abuse cases is more complicated, the Police will conduct joint investigation with SWD by forming a Child Protection Special Investigation Team so as to achieve better planning of action and better protection of the child victims.

11. Students spend considerable time at schools every day and thus schools have more opportunities to perceive the symptoms of child abuse. EDB has all along reminded schools of the need of early identification and provision of support to students in need through various channels, including issuing a circular and related documents to all schools

(including kindergartens, primary and secondary schools) stating the procedures on handling child abuse cases and areas to which the schools should pay attention. Schools are advised to keep an eye on the behaviour and emotion of students for early identification of students suspected of being abused. Schools are also reminded to take appropriate measures according to the Procedural Guide for Handling Child Abuse Cases (Revised 2015) with a view to providing necessary assistance and support to the students concerned. EDB is reviewing the relevant circular and documents in order to provide clearer instructions to schools. Besides, if students are absent from schools for a long period of time, schools should find out the reasons. Owing to the administrative needs, reporting mechanisms of students' non-attendance are established for the kindergartens, primary and secondary schools. In light of the need to holistically enhance the alertness of school personnel of kindergartens regarding suspected child abuse cases, EDB has also decided to make use of the reporting mechanism for absentees to achieve this goal. In this connection, EDB issued Circular No. 4/2018 "Reporting Mechanism for Absentees in Kindergartens" on 23 February 2018, requiring kindergartens to report to EDB on students' absence for seven consecutive school days without reasons or under doubtful circumstances. Upon receiving the report from kindergartens, EDB will discuss with the school how to handle the case, including approaching the SWD for professional advice or support. EDB has emphasized in the circular that should kindergartens find, or suspect, any child abuse cases, they should not be limited by the number of days of absence in reporting to relevant departments. Even if a student is absent for less than seven school days, or even attending school as usual, or absent intermittently, should the school personnel notice any wounds or any signs of child abuse, they should immediately refer to the Procedural Guide for Handling Child Abuse Cases (Revised 2015), and seek assistance from SWD and/or the Police as appropriate. As regards primary and secondary schools, they are required to report students' non-attendance to EDB on the 7th day of students' continuous absence so as to help them resume schooling at an earliest opportunity with a view to upholding the right of school age children to universal basic education under the law. Irrespective of the number of days of students' absence, if the students or their families are found to have other problems or needs, the cases should

be referred to SWD, relevant social services agencies or the Police for provision of appropriate professional support services.

12. To reduce the victim's stress and the trauma of repeating the account of unpleasant experience, the case manager approach is adopted in the crisis intervention process so that the victim only needs to interact with the case manager for most of the time. The key social worker handling the case would normally take up the role of a case manager to coordinate services provided to the victim and offers instant support to the victim so that the victim can go through the process in a convenient, safe, confidential and protected manner. The multi-disciplinary case conference (MDCC) has been established as an effective forum for related professionals to exchange views on individual domestic violence cases and formulate appropriate welfare plans for the victims and their families.

Three-pronged Intervention Approach

13. Besides the aforementioned mechanisms at various levels, the Administration also adopts a three-pronged approach, i.e. preventive measures, supportive services and specialised services, to tackle domestic violence.

Preventive Measures

14. To raise public awareness of the importance of family cohesion and prevention of domestic violence, as well as to encourage people in need to seek early assistance, SWD has promoted since 2002 the "Strengthening Families and Combating Violence" publicity campaign, through which territory-wide and district-based publicity and public education programme are organised. SWD has produced in recent years a series of television and radio Announcements of Public Interest (APIs) and displayed posters to appeal to the public to protect themselves and their children from becoming victims of domestic violence and seek early assistance where necessary. In 2017-18, SWD launched a series of television and radio APIs, and displayed banners and posters to promote the message of protection of children and prevention of child abuse. The District Social Welfare Offices of SWD also organise education programmes relating to combating domestic violence and protection of children. SWD has also set up a website of "Support

for Victims of Child Abuse, Spouse/ Cohabitant Battering and Sexual Violence” to help victims understand their rights, protection provided by the law, and support services available in the community.

15. Moreover, the Family Life Education Resource Centre of SWD provides a variety of multi-media resource materials to all related departmental units and social service agencies providing family education services with a view to promoting family functioning, strengthening family relationship and preventing family breakdown.

Supporting Services

16. Early identification of families at risk (e.g. parents under stress by parenting duties and couples often at conflicts), and providing support and counselling services help to reduce the occurrence of domestic violence. The Government provides various services and support to families at risk.

Integrated Family Service Centres and Integrated Services Centres

17. The 65 Integrated Family Service Centres (IFSCs) and two Integrated Services Centres (ISCs) across the territory operated by the SWD and NGOs provide a spectrum of preventive, supportive and remedial services, including enquiry service, resource corner, family life education, parent-child activities, enquiry service, volunteer training and service, outreaching service, group work service, programme activities, counselling service and referral service, etc. Social workers of IFSCs/ISCs, equipped with related experience and skills, thoroughly assess and take care of the welfare needs of those in need and provide them with appropriate services.

Family Support Programme

18. To identify early and intervene in families in need which are prone to domestic violence but are not willing to seek help, IFSCs, ISCs, Family and Child Protective Services Units (FCPSUs) and Medical Social Services Units in the psychiatric setting implemented the “Family Support Programme”. Social workers will proactively contact and provide services for hard-to-reach individuals or families in need,

including those prone to domestic violence, mental illness and social isolation but are not willing to seek help, through more intensive support and outreaching services. Apart from proactive telephone calls, home visits and other outreaching services, the relevant unites also recruit and train ex-service users who have experienced similar problems or crises to become volunteers of the “Family Support Programme” to contact those families with a view to building up a caring and supportive community network.

Comprehensive Child Development Service

19. The Department of Health (DH), HA, SWD and EDB jointly implement the Comprehensive Child Development Service (CCDS) which targets early identification of various health and social needs of children aged between 0 to 5 and their families, and provides the required service so as to foster the children's healthy development. Leveraging the services of the Maternal and Child Health Centres under the DH, hospitals under the HA, as well as other relevant service units (e.g. IFSCs, ISCs and pre-primary institutions), CCDS identifies at-risk pregnant women, mothers with postnatal depression, families with psychosocial needs, as well as pre-primary children with health, developmental and behavioural problems, etc. Children and families identified in need are referred to relevant service units for receiving appropriate health and social service.

Hotlines Services

20. SWD has set up a 24-hour hotline which provides phone counselling, support and advice by social workers who will also arrange appropriate follow-up to individuals/families in need. Outside the duty hours (including public holidays), callers can choose to transfer their calls to the Hotline and Outreaching Service Team operated by Tung Wah Group of Hospitals for assistance from social workers.

Child Care Services

21. To support parents who cannot take care of their children (especially those under child abuse crisis), SWD has all along been

subsidising NGOs to provide a variety of day child care services, including the services of aided standalone child care centres (CCCs) and aided CCCs attached to KGs for children aged below 3, occasional child care service for children aged below 6, extended hours service and mutual help child care centres, as well as the Neighbourhood Support Child Care Project that provides flexible care service for children aged below 9. Besides, to support children or youth with behavioural and/or emotional problems who cannot be adequately taken care of by their families, SWD has all along been subsidising NGOs to provide various types of residential child care service free of charge, including institutional service, such as residential CCCs, children's home, boys'/girls' homes and boys'/girls' hostels, as well as non-institutional service, such as foster care service and small group homes.

Specialised Services

22. To handle domestic violence which is a complex problem would require specialised skills, and the Government has provided the following specialised services.

Specialised Units/Personnel in Handling Cases of Domestic Violence

23. SWD, the Police and HA have set up specialised unit/personnel to handle cases of child abuse, spouse/cohabitant battering. SWD has set up 11 FCPSUs across the territories as specialised units to provide a coordinated package of one-stop service for victims of domestic violence and their families (including the batterers). A social worker will serve as the case manager of a domestic violence case to provide counselling and other support for the whole family, and to co-ordinate cross-disciplinary intervention. The Police has set up in its five Police regions the Child Abuse Investigation Units for investigating cases of (i) sexual abuse where the victim is a child under 17 years of age and where the suspect is a family member of the victim or a person / family member who is entrusted with the care of the victim; (ii) sexual abuse cases which involve more than one victim who is a child under 17 years of age; and (iii) cases of serious physical abuse where the victim is a child under 14 years of age. Besides, a “Designated Domestic Violence Investigation Unit” is set up in each police district to investigate serious domestic

violence cases. Medical Co-ordinators on Child Abuse are designated in the Paediatric Departments within the HA Hospitals to handle child abuse cases. The aforementioned designated personnel will also provide advice in their professional capacity to other frontline personnel.

Crisis Intervention and Investigations

24. Domestic violence cases will normally be handled in a multi-disciplinary manner. When a social worker or relevant personnel receive/identify a domestic violence case, he/she will assess it in accordance with the initial information whether the victim is likely to be harmed again and if he/she needs emergency services such as medical check, etc., and will make necessary arrangement. For cases suspected to involve criminal offence, the relevant personnel will report to the Police. The Police treat all domestic violence reports seriously, with a high degree of professional sensitivity in pursuit of the dual objectives of protecting the victims from further harm and bringing the offenders to justice. The Police have put in place various measures to protect victims (including children and juveniles). Upon receipt of a Domestic Conflict Report, an officer of the rank of Sergeant or above will attend the scene to ensure that the report is properly handled. When handling domestic violence cases at the scene, the frontline personnel must ensure that the children of the concerned persons are treated with proper care. The Police have developed the “All-in-One Domestic Violence Booklet” to remind frontline officers to accord top priority to the safety of the victims and their children. The “Emergency Referral Questionnaire” and the “Action Checklist” also provide frontline officers with reference factors to facilitate their assessment of the victims and their children, including whether any referral is required and whether child abuse is involved. Based on the assessment results of domestic violence cases, the Police will take necessary and proper action, such as detention of offenders where appropriate to protect the victims and their children from further attack, and arrangement of temporary accommodation, counselling and other support services in collaboration with the SWD or other organisations for the victims and their children. The Police have also adopted the mode of ‘One-Family-One-Team’ under which reports involving the same family will be consolidated for investigation by the same investigation team. All Police Districts have “Designated

Domestic Violence Units” for investigating serious domestic violence cases, whereas the “high-risk” non-crime domestic violence cases identified are handled by crime investigation units.

25. In the course of investigation of child abuse cases, to avoid the trauma of repeating the account of the details of the abuse incidence, the Police and SWD will arrange video-recorded interview for the child to give evidence in a specially designed Video Interview Suite. Moreover, the social worker will also conduct social enquiry for the suspected child abuse case. The paediatricians of HA will keep close contact with the case manager on suspected child abuse case in hospitals. Whenever necessary, the child suspected to be abused will be referred to clinical psychology service for psychological assessment.

26. SWD has set up five refuge centres for women operated by NGOs. The five centres, with a total capacity of 268 places, provide short-term residential places to individuals/families facing domestic violence or in crisis. On the other hand, the Family Crisis Support Centre (FCSC) also provides a package of integrated and easily accessible services, including 50 places of short term accommodation and counselling service etc., to assist individuals and families in crisis or distress to handle family crisis at its early stage. Moreover, the Multi-purpose Crisis Intervention and Support Centre (CEASE) provides crisis intervention and support services and liaises with the relevant social and medical service units for victims of sexual violence and domestic violence as well as individuals/families who are in crisis or distress. CEASE also provide 80 short-term residential places.

Welfare Plan and Support Services

27. Upon completion of crisis intervention and investigation, the personnel concerned will provide, in accordance with the need and situation of the case, follow up and support services to the family which has violence problems. As to the suspected cases of child abuse, the service unit of the social worker who conducted the social enquiry will normally convene a MDCC for the personnel concerned (for examples, medical professionals, clinical psychologists, teachers, school social workers, and the Police, etc.) to share their professional knowledge, information and concerns. Most importantly, the MDCC will formulate a welfare plan for the abused child and his/her family, including

arrangements to meet the need for caring, school work, medical and psychological treatments of the abused child.

28. Apart from the casework services, the social worker will also arrange, in accordance with need, appropriate support services, psychological therapy and group counselling for individuals affected by domestic violence to supplement casework counselling. Some examples are set out below.

Clinical psychological service

29. There are altogether five Clinical Psychology Units (CPUs) under SWD. The clinical psychologists of the CPUs provide assessment and treatment services to victims, batterers and/or their children with symptoms of psychological problems.

The Victim Support Programme for Victims of Family Violence

30. The Victim Support Programme for Victims of Family Violence (VSP) which is funded by SWD commenced service in June 2010. The aim of VSP is to enhance the support to the victims of domestic violence, including those undergoing judicial proceedings. Through VSP, the victims will be provided with information on the legal proceedings and community support services (such as legal aid service, accommodation, medical treatment and child care support, etc.). They will also be provided with emotional support and, if necessary, company while going through the judicial process. Since July 2013, VSP has been further enhanced to provide strengthened support for victims of domestic violence involving ethnic or sexual minorities, to extend its child visitation services to victims of domestic violence living outside refuge centres or CEASE. Up till December 2017, VSP has provided services to 5,222 victims or their families.

Counselling Services for Batterers

31. On the basis of casework services, the social worker overseeing casework services will arrange suitable group counselling services according to the needs of the batterers and monitor their attendance.

FCPSU of SWD has specially designed for batterers of intimate partner violence the Batterer Intervention Programme (BIP) and the Educational Programme on Stopping Domestic Violence (EPSDV), as well as the Anti-Violence Programme (AVP) approved by the Director of Social Welfare as ordered under the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189)

32. SWD implemented the pilot project of the Batterer Intervention Programme (Pilot Project) from April 2006 to March 2008 to provide 13 sessions of two-hour group counselling for persons who had battered their intimate partners but wished to keep the relationship. The Pilot Project aimed to help them stop the use of violence and improve relationship with their partners. According to the findings of the Pilot Project, the provision of casework services together with group counselling services and the provision of casework services alone were both effective in changing participants' violent behaviour. As for enhancing participants' relationship with their partners, participants of the Pilot Project demonstrated more significant positive changes than people who only received casework counselling. The positive changes helped them continue to get along with their partners in non-violent ways. In this regard, SWD regularised the Batterer Intervention Programme in April 2008. To meet the needs of female batterers, SWD started to provide group counselling designed for female batterers from 2010-11 on a trial basis. From April 2008 to December 2017, a total of 559 male batterers and 124 female batterers attended the BIP.

33. The court, in granting a non-molestation order under the Domestic and Cohabitation Relationships Violence Ordinance (CAP 189), may require the respondent to attend the Anti-Violence Programme (AVP). The Target users of AVP include persons acting in a violent or molesting manner to their (former) spouses/(former) cohabitants, children or other family members. Social workers implementing AVP provide participants with group or individual counselling (12 to 14 sessions of at least 90 minutes each) with a view to changing their violent/molesting behavior and attitude. Since the launch of AVP in August 2008 and up to December 2017, the court had referred a total of seven cases, while one of them had subsequently been cancelled due to the cancellation of the application by the victim and another case had been returned to the court as the batterer refused to participate in the programme.

34. Since not every batterer will be mandated by the Court to attend AVP or voluntarily participate in BIP which is of longer duration, SWD launched the Educational Programme on Stopping Domestic Violence (EPSDV) in October 2013 to provide another service alternative to those batterers who are in need and willing to receive short-term counselling. EPSDV provides a 6-hour individual or group educational programme for batterers or potential batterers. It seeks to equip participants with the basic and practical knowledge and skills in handling anger and resolving conflicts with their partners so as to prevent the use of violence. It also helps participants cope with the crisis arising from their violent behaviour and improve relationship with their partners. Target service users of EPSDV include people with different sexual orientations, non-Cantonese speakers and ethnic minorities. Interpretation service is available. Up till December 2017, a total of 753 participants had completed the programme, of which 493 were male and 260 were female.

Training for Frontline Personnel

35. SWD, the Police and EDB regularly organise different training programmes and invite different organisations to speak on tackling domestic violence for frontline personnel to strengthen their capabilities in risk assessment and intervention, violence prevention and post-trauma counselling. The content of these training programmes includes the laws regarding protection for the victims of domestic violence (e.g. application of injunction order under the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189)), the knowledge and handling skills of the problems of domestic violence that involve ethnic minorities and same sex cohabitants.

Enhancement of Support Services

36. To raise the alertness of school personnel in early identification of students in need of support or suspected child abuse cases so that early intervention and appropriate support and services can be provided in a timely manner, EDB, the Police and SWD proactively and collaboratively enhance the training for school personnel. In addition to the regular training programme, a total of five briefings had been organised between January and early February this year for KGs and primary schools. Personnel of the relevant bureaux/departments and HA speak on how to

identify and handle suspected cases of child abuse. A total of about 2,200 persons attended the briefings. EDB, the Police and SWD plans to organise another eight briefings of second round between mid-March and early May this year with a view to provide training to more school personnel. Starting from the end of 2018, more in-depth workshops on case handling will also be organised for school personnels of different districts.

37. In 2018-19, the Government will strengthen the manpower of the FCPSUs of the SWD for strengthening child protection and family support services, including outreach services and counselling and groups. On the other hand, SWD will also provide resources to enhance the Educational Programme on Stopping Domestic Violence. The Educational Programme supports children witnessing or exposed to domestic violence, and help perpetrators and individuals with the risk of using violence to stop their violence and protect their children from harm. The recurrent expenditure involved will amount to some \$43 million

Advice Sought

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

Labour and Welfare Bureau

Education Bureau

Social Welfare Department

Hong Kong Police Force

Department of Health

Hospital Authority

March 2018