

For information on
11 February 2019

**LEGISLATIVE COUNCIL
PANEL ON WELFARE SERVICES**

**Policies on Preventing Abuse of Elderly Persons and
of Persons with Intellectual Disability**

Purpose

This paper briefs Members on policies, measures and relevant support services on preventing abuse of elderly persons and persons with intellectual disability.

Principles

2. The Government attaches great importance to the welfare of elderly persons and persons with intellectual disability, and does not tolerate any harmful act affecting them. Through multi-disciplinary collaboration, we prevent and handle abuse cases with a view to protecting elderly persons and persons with intellectual disability, and providing them with appropriate assistance.

Measures on Protecting Elderly Persons and Persons with Intellectual Disability

3. The Social Welfare Department (SWD) implements a series of measures to ensure early communication with needy families and individuals, providing support for needy elderly persons and persons with intellectual disability, and preventing abuse against them. These measures include the provision of a series of support services for elderly persons, persons with intellectual disability and their carers, such as concern visits, emotional support and counselling, assistance in handling their welfare needs, etc. These services are delivered through integrated family service centres, integrated service centres, family and child protective services units, medical social services units, district elderly community centres, neighbourhood elderly centres and district support centres for persons with disabilities, etc.

Working Guidelines

4. In order to strengthen co-operation and communication among the relevant departments and organisations, protecting elderly persons and persons with intellectual disability from abuse, and providing more effective and appropriate support services to those suspected to have been abused, SWD has, through multi-disciplinary and inter-departmental collaboration, formulated the following procedural guidelines:

- (a) Procedural Guidelines for Handling Elder Abuse Cases (Procedural Guidelines)¹ – the Procedural Guidelines define elder abuse and set out the beliefs and principles in handling incidents of elder abuse, so as to enhance the awareness of elder abuse among personnel providing elderly services. They also contain guidelines and principles of cooperation among relevant departments/units for handling suspected elder abuse incidents, including the convening of a “multi-disciplinary conference” in order to provide the most appropriate services and care to victims, and prevent the recurrence of abuse. The Procedural Guidelines also state that organisations have the responsibility to report cases of abuse inflicted by their personnel to relevant regulatory authorities (such as the Subventions Section and the Licensing Office of Residential Care Homes for the Elderly (LORCHE) of SWD);
- (b) The Guidelines for Handling Mentally Handicapped/Mentally Ill Adult Abuse Cases (Working Guidelines)² – the Working Guidelines prescribe that service organisations/units shall formulate policies and procedures and take all reasonable measures to ensure the protection of service users against abuse. If a case involves social service units subvented by SWD, the respective organisation

¹ In 2001, SWD set up a multi-disciplinary Working Group on Elder Abuse (WGEA) comprising representatives from the Labour and Welfare Bureau, SWD, the Hospital Authority (HA), the Department of Health (DH), the Hong Kong Police Force (HKPF), the Hong Kong Council of Social Service (HKCSS), non-governmental organisations (NGOs), etc., to examine the phenomenon of elder abuse in Hong Kong and provide advice on methods and work plans of handling elder abuse. With the support of the WGEA, the Procedural Guidelines were published by SWD for reference and use by the personnel of government departments and NGOs (including social service units, HKPF, HA, DH, the Housing Department, etc) who may come across elder abuse cases. A review on the Procedural Guidelines is currently in progress and views of the sector are being sought. The revised version of the Procedural Guidelines is tentatively scheduled to be published within 2019.

² A working group was established in September 2008, comprising representatives of HKCSS, NGOs, as well as parent organisations of mentally handicapped/mentally ill persons, to jointly formulate working guidelines for service units that may come across or handle suspected abuse cases of mentally handicapped/mentally ill persons. After seeking the views of the working group and different stakeholders, SWD published the Working Guidelines for reference by relevant personnel.

shall immediately report any suspected case of abuse to relevant regulatory authorities (e.g. the Subventions Section and the Licensing Office of Residential Care Homes for Persons with Disabilities (LORCHD) of SWD), and submit a report upon the completion of investigation so that appropriate follow-up actions could be taken. The organisation must take reasonable actions and follow-up measures to ensure the safety of persons suspected to have been abused by providing supportive and remedial welfare services.

Relevant Laws

5. Hong Kong has sound legislation to protect the public (including the elderly persons and persons with disability) from harm and abuse. If any elderly person or person with disability is abused, and where the act could involve criminal elements, the Police will, depending on the actual circumstances of the case and the evidence, press charges in accordance with the relevant laws. Depending on the circumstances of the case, laws which may be applicable include:

- (a) Crimes Ordinance (Cap. 200) on acts such as indecent assault;
- (b) Theft Ordinance (Cap. 210) on acts such as theft and obtaining property by deception; and
- (c) Offences against the Person Ordinance (Cap. 212) on acts such as wounding or inflicting grievous bodily harm, assault occasioning actual bodily harm, etc.

6. Besides, we understand that a sub-committee under the Law Reform Commission of Hong Kong (LRC) is looking into reform of laws relating to sexual offences involving children and persons with mental impairment, and will be making final recommendations. Another sub-committee under the LRC is also actively reviewing the law relating to the criminal liability of persons caring for children or vulnerable adults who suffer death or serious harm while in their care. The Government will keep in view of the said reviews of the LRC.

Abuse Cases Involving Residential Care Homes

7. All residential care homes for the elderly (RCHEs) and residential care homes for persons with disabilities (RCHDs) have the obligation to protect their residents from any form of abuse and take all reasonable steps to ensure service users are free from such threats. Any suspected abuse incident should, in the light of the actual circumstances, be handled by the RCHE/RCHD according to the Procedural Guidelines or the Working Guidelines, and referred to social workers for follow-up action and conducting professional assessment. Suitable welfare plans and various follow-up measures should also be formulated for the residents in order to ensure the safety and well-being of the elderly persons and persons with intellectual disability.

8. On receiving complaints regarding abuse of elderly persons or persons with intellectual disability, SWD will, in accordance with relevant codes of practice and/or procedural guidelines, arrange for staff to investigate and follow up at the home/service unit in question, and require the organisation concerned to submit a report on the incident and provide necessary support services to the suspected victim and their family members as soon as possible. If any staff member of an RCHE/RCHD is alleged of abuse of the residents, the LORCHE/LORCHD under SWD will follow up seriously and promptly, and depending on the nature and severity of the case, implement enforcement actions such as issuing advice, warnings or directions on remedial measures, etc. If anyone is suspected to have committed a criminal offence, SWD will refer the case to the police for criminal investigation.

9. Having discussed the detailed arrangements with the sector and individual homes through different channels, SWD requires residential care homes to install Closed-circuit Television (CCTV) systems in public areas designated for residents' daily activities, interview/meeting rooms, etc, subject to the Guidance on Closed-circuit Television Surveillance and Use of Drones issued by the Office of Privacy Commissioner for Personal Data being observed. This seeks to facilitate the viewing of CCTV footage as and when required for collecting information, stepping up supervision of daily operation of the homes by the management and facilitating conduct of investigations. Besides, to identify abuse cases at an early stage and provide appropriate services to the abused elderly persons or persons with disability, notices on how to make reports/complaints must be displayed at prominent locations of the homes to inform the staff, residents, their family members or other persons of the channels for reporting suspected abuse incidents.

10. In the past 3 years (as at end-December 2018), the licensing offices of SWD received a total of 9 and 17 abuse cases in RCHEs and RCHDs respectively. All of the cases have been investigated and followed up promptly in accordance with the procedures, with referral arranged and appropriate assistance rendered in the light of the circumstances and needs of individual cases.

Abuse Cases Involving Schools

11. The Education Bureau (EDB) attaches great importance to the well-being and safety of children and has all along reminded schools to early identify and support students in need through various channels. EDB has stated clearly in the circulars and related documents to all schools (including special schools) the procedures on handling child abuse cases and areas to which schools should pay attention. Schools are advised to keep an eye on the behaviour and emotion of students for early identification of whether they have been abused, and take appropriate follow-up measures according to the Procedural Guide for Handling Child Abuse Cases issued by SWD. Should school personnel notice any wounds or identify a student with emotional or behavioural problems, they should immediately report to SWD according to the Procedural Guide for Handling Child Abuse Cases with a view to conducting immediate investigation and rendering assistance by the respective unit.

12. Furthermore, EDB attaches great importance to the professional conduct of teachers and will closely follow up any cases involving teachers suspected of committing a criminal offence or an act of misconduct (including reviewing the registration status of the teacher concerned). To ensure safety of students, under the existing procedures, even if the teacher is not convicted, EDB can still examine whether he/she has committed any acts of misconduct and review his/her teacher registration status by making reference to court documents and information available. In general, if the teacher is convicted of a serious offence (especially if the victim is a child or his/her student) or commits an act of serious misconduct (for instance his/her conduct poses serious risks to the safety and well-being of students), EDB will cancel or refuse his/her teacher registration. Unless with the permission in writing of the Permanent Secretary for Education, he/she shall not enter or remain in any school. From 2009 to 2018, EDB handled 7 cases which occurred in special schools³ involving teachers. After

3 Special schools include schools for children with visual impairment, a school for children with hearing impairment, schools for children with physical disability, schools for children with intellectual disability and the Hospital School.

investigation, 2 cases were concluded as not substantiated. The other 5 cases were substantiated, and the registration status of the teachers concerned were reviewed by EDB. For the case that a teacher was convicted of a serious offence or committed an act of serious misconduct, the registration status of the teacher was cancelled by EDB.

Publicity and Public Education

13. The Government has all along been raising public awareness about preventing abuse of elderly persons and persons with intellectual disability through publicity and public education, and will continue to adopt various prevention and intervention measures to provide appropriate support for those with special needs. SWD has published a set of 6 leaflets on “Protecting Elderly Persons Against Abuse” to enhance the awareness of elderly persons and other members of the public about the problem of elder abuse, prevent elder abuse incidents, and encourage abused elderly persons, their family members and friends to seek early assistance to remedy the situation. The leaflets are available in Chinese, English and various ethnic minority languages to enable wider dissemination of the message of preventing elder abuse. District-based service units also organise public education activities on preventing abuse of elderly persons and persons with intellectual disability to enhance their and their families’ awareness of the issue, thereby encouraging those in need to seek early assistance.

Staff Training

14. SWD regularly organises different training programmes for management and frontline staff of service units for the elderly persons and persons with disability to enhance their understanding about abuse of elderly persons and persons with disability, knowledge and skills on handling suspected cases and capabilities in risk assessment, violence prevention, post-trauma counselling, etc. In 2017-18 and 2018-19 (as at end-December 2018), SWD organised about 30 relevant training programmes targeting staff members of service units for the elderly persons and persons with disability under SWD and NGOs, and those of HA and private RCHEs and RCHDs. A total of more than 3 500 participants attended the programmes, which aimed at enhancing their knowledge and skills to prevent and handle cases of abuse of elderly persons and of persons with intellectual disability.

15. Moreover, SWD has been collaborating with DH since 2008 to provide training programmes for home staff. Topics include drug safety, infection control, fall prevention, dementia care, prevention of elder abuse, handling of accidents and management of work stress, etc. From 2008 to end-December 2018, about 17 700 staff members attended these training workshops.

16. EDB, in collaboration with SWD and the Hong Kong Police Force, has also enhanced related training by organising seminars on handling suspected child abuse cases for the school personnel annually.

Advice Sought

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

**Labour and Welfare Bureau
Education Bureau
Social Welfare Department
Hong Kong Police Force
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