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the Administration)

Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

Minutes of the 19th meeting
held on Tuesday, 22 January 2008, at 4:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon CHAN Yuen-han, SBS, JP (Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon TAM Yiu-chung, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Mrs Anson CHAN, GBM, JP
- Member attending** : Hon Ronny TONG Ka-wah, SC
- Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LI Fung-ying, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
- Public Officers attending** : Item I
Miss HINNY LAM
Principal Assistant Secretary for Labour and Welfare (Welfare)2

Ms Winnie LEUNG
Assistant Secretary for Labour and Welfare (Welfare)2A

Mr NG Kam-wing
Chief Superintendent (Crime Support) (Crime Wing)
Hong Kong Police Force

Ms Irene HO
Superintendent Superintendent (Child Protection Policy Unit)
(Crime Wing)
Hong Kong Police Force

Mrs Anna MAK
Assistant Director (Family and Child Welfare)
Social Welfare Department

Deputations : Item I
by invitation

The Against Elderly Abuse of Hong Kong

Ms Kennex YUE
Chief Executive Director

Hong Kong Chinese Civil Servants' Association, Social Work
Officer Grade Branch

Mr LEUNG Kin-hung
Chairman

Mr CHEUNG Kam-ki
Vice-Chairman (External Affairs)

Hong Kong Association for the Survivors of Women Abuse
(Kwan Fook)

Ms LIU Ngan-fung
Chairperson

Caritas-Hong Kong Family Service

Miss HO Yee-ching
Crisis Care Worker

Harmony House

Ms Dorothy WONG
Social Worker

Association Concerning Sexual Violence Against Women

Ms Linda WONG
Executive Director

Ms TAN Kong-sau
Counsellor

The Hong Kong Council of Social Service

Miss Jeff WONG
Officer (Family and Community Service)

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Ms Maisie LAM
Council Secretary (2) 2

Ms Sandy HAU
Legislative Assistant (2) 5

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I. Review of the improvement measures on handling domestic violence by the Police

[LC Paper No. CB(2)2777/06-07(03), CB(2)2810/06-07(04) to (08), CB(2)37/07-08(01), CB(2)526/07-08(02) to (03), CB(2)560/07-08(01) and CB(2)907/07-08(01)]

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

The Subcommittee received views from the following deputations on the improvement measures on handling domestic violence by the Police -

- (a) The Against Elderly Abuse of Hong Kong
[LC Paper No. CB(2)2810/06-07(08)];

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- (b) Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch
[LC Paper No. CB(2)526/07-08(02)];
 - (c) Caritas-Hong Kong Family Service
[LC Paper Nos. CB(2)2810/06-07(05) and CB(2)526/07-08(03)];
 - (d) Harmony House
[LC Paper Nos. CB(2)2810/06-07(06) and CB(2)936/07-08(01)];
 - (e) Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)
[LC Paper No. CB(2)907/07-08(01)];
 - (f) Association Concerning Sexual Violence Against Women
[LC Paper Nos. CB(2)2810/06-07(04) and CB(2)560/07-08(01)]; and
 - (g) Association for Concern for Legal Rights of Victims of Domestic Violence
[LC Paper No. CB(2)37/07-08(01)].
3. Major views expressed by deputations were as follows -
- (a) to ensure that the Emergency Referral Questionnaire (ERQ) and the Action Checklist (AC) could achieve the desired effect to assist the handling officers to make a more informed decision on whether any emergency referral to the outreaching teams of the Social Welfare Department (SWD) was required, the Police should let the concern groups to have sight of these risk assessment tools. The Police should also provide information on the number of referrals made since the introduction of the tools, so as to gauge the effectiveness of the measures implemented to tackle domestic violence;
 - (b) to further enhance the professionalism and expertise in the handling and the classification of domestic violence reports and incidents occurring in a domestic context, an officer at the rank of Inspector or above, instead of one at the rank of Sergeant or above, should be deployed to the scene to take charge of the investigation;
 - (c) consideration should be given to setting up designated investigation units at District level to investigate all domestic violence reports, or assigning an officer of each Divisional/District Investigation Team to act as a focal point of contact, so as to facilitate the victims and the social workers to follow up the case;

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- (d) the Police should video-tape the scene and arrange for the victim to undergo a medical check, if the victim refused to give evidence to testify against the abuser at the scene. More time, say, four weeks, should be allowed for the victim to consider bringing a criminal complaint against the abuser;
- (e) as far as the reports of domestic violence with the abusers being the children of the victims were concerned, the frontline officers should conduct fully and fairly investigation to determine whether there was evidence of an offence, rather than dismissing these cases as mere family disputes;
- (f) domestic violence victims who came forward to make reports to the Police should be provided with round-the-clock legal advice services to facilitate their understanding of the merits of their case, and their rights and obligations under the law. In addition, social workers should be arranged to provide support to the victims during statement-taking process;
- (g) given that the victim of domestic violence was likely to be a female in the majority of cases, consideration should be given to studying whether deploying an officer of the same sex to the scene would enable more effective investigation and risk assessment of such incidents, and if so, to make the deployment of a female officer to the scene of reports of domestic violence a standing practice;
- (h) taking into account that frontline officers might not be sufficiently aware of the fact that domestic violence included marital rape and psychological abuse, the Police should step up its training to promote greater awareness in this regard. The training should also cover the behaviour pattern of abusers and victims' psychology, and equip the officers with the skills in conducting initial emotional and risk assessments;
- (i) the Police should step up communication with social workers and other relevant professionals in the handling of domestic violence reports, so that the investigation would be conducted in such a way that the victims would not be further traumatised. For instance, the Police should take into account information provided by social workers on the incident and case background, so as to minimise the need for the victims to rehearse the traumatic experience during the statement-taking process; and

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- (j) promoting family unity and the willingness of the victim to initiate prosecution against the person to who he or she was married should not come into play in effecting an arrest in domestic violence cases involving rape on the basis of marital relationship. In all instances, the frontline officers should conduct thorough investigation to determine if there was sufficient evidence to justify a prosecution.

Responses from the Administration

4. Chief Superintendent of Police (Crime Support) said that -

- (a) being internal documents for frontline Police officers to follow, the Police had no intention to make public ERQ and AC as a matter of principle. It should however be noted that members of the Subcommittee should already have sight of these tools and the main thrust of them had been provided in LC Paper No. CB(2)2389/05-06(01) previously submitted to the Subcommittee for the meeting on 15 June 2006. Notwithstanding such, deputations were welcomed to provide him with recommendations for refining the content of the tools for consideration;
- (b) as at August 2007, the Police had made some 5 000 referrals to SWD for follow-up actions. The corresponding figure as at August 2006 was around 3 000;
- (c) on cases of violence against elders in the domestic context, it should be noted that under the operation of the existing legislative framework, persons in parent-son/daughter relationships fell outside the scope of protection under the Domestic Violence Ordinance (Cap. 189). However, any acts of violence are liable to criminal sanctions under the relevant ordinances, irrespective of the relationship between the abuser and the victim;
- (d) it had been stipulated in the Police's internal guidelines that a female officer should be deployed to the scene of domestic violence reports where necessary. At present, the female ratio of the Police officers stood at around 12%;
- (e) the Police maintained an open mind on the suggestion of arranging social workers to provide comfort to domestic violence victims in need of emotional support when giving evidence to the Police;
- (f) only firsthand testimony of the victim could be admitted in evidence. Information provided by social workers relating to what the victim

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had verbally stated about the incident was inadmissible in criminal proceedings; and

- (g) where necessary, case workers of SWD could contact the District Commanders or the Assistant Divisional Commanders (ADVC) to follow up on the case investigation or to relate any fresh development of a domestic violence case. In relation to any suspected mishandling of domestic violence cases, the aggrieved victim could lodge a complaint with the Complaints Against Police Office.

Discussion

Marital rape

5. Ms TAN Kong-sau from the Association Concerning Sexual Violence Against Women sought clarification from the Police as to whether marital rape would be classified as domestic violence, as there were cases where frontline officers only adopted a conflict management approach to follow up the plight of domestic violence victims of being raped by their husbands. Mr LEUNG Kwok-hung said that to his understanding, some officers were unaware of the fact that a husband could be convicted for raping his wife due to the lack of proper training in this respect.

6. Chief Superintendent of Police (Crime Support) said that -

- (a) a marital relationship was immaterial to the offence of rape. A man who had sexual intercourse with his wife against her will was liable to be prosecuted for and be found guilty of rape. The Police was committed to handling and investigating all reports of domestic violence professionally and conducted thorough investigations according to the circumstances of each report. Where there was evidence of an offence, the Police would take prompt and decisive actions to effect arrest. Depending on the circumstances of individual cases and subject to availability of sufficient evidence such as victim's testimony, medical reports and other circumstantial evidence, the Police would initiate prosecution action;
- (b) in cases of doubt when deciding the way to deal with a plight of being raped by the spouse, advice from the Department of Justice would be sought;
- (c) there was no cause for concern that frontline officers could not identify whether a particular case of domestic violence was

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crime-related, as the training content of the Police placed heavy emphasis on equipping all Police officers with the knowledge and skill to identify acts that were liable to criminal offence since their six months basic training at the Police College and then their subsequent continuation training; and

- (d) to prepare for the full implementation of the Police improvement measures on handling domestic violence, a new training package on domestic violence was rolled out to all frontline officers between July and October 2006 in conjunction with social workers and clinical psychologists. Training in the handling of domestic violence was also incorporated into the Station Sergeant and Sergeant Promotion Courses in 2007.

Support to victims of domestic violence

7. Mrs Anson CHAN said that the cases raised by the deputations showed that there were further rooms for improvement in the Police's handling of domestic violence reports, particularly in providing support to victims of domestic violence, and consideration should be given to conducting regular sharing with the non-governmental organisations (NGOs) on case experiences.

8. Ms LIU Ngan-fung from Kwan Fook suggested that social workers of NGOs could station in the Police stations in districts where the occurrence of domestic violence was of high frequency, say, Tin Shui Wai, to provide emotional support and round-the-clock one-stop services to domestic violence victims throughout the whole criminal justice process from giving evidence to the Police to testifying against the abusers at court, as practised in the United States.

9. Principal Assistant Secretary for Labour and Welfare (Welfare)2 (PAS/LW(Welfare)2) said that multi-disciplinary cooperation mechanisms were in place to promote a coordinated effort in tackling domestic violence. For instance, a 24-hour Direct Referral Line had been established with SWD for the Police to seek urgent professional advice and/or support services from the SWD outreaching team so as to provide timely assistance to victims in high-risk cases. In addition, the Multi-disciplinary Case Conference provided a forum for professionals having a major role in the handling and investigation of a suspected child abuse case to share their professional knowledge, information and concern in respect of the case concerned. Notwithstanding such, there would always be room for further improvement.

10. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(F&CW)) supplemented that the Family and Child Protective Services Units (FCPSUs) of SWD served as the contact points for referrals and initial

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screening of domestic violence cases referred by the Police, so as to arrange timely support for victims. There were currently 11 District Liaison Groups on Family Violence (DLGFVs) set up in various districts to strengthen communication amongst the frontline officers of the Police, SWD and local NGO service units and to enhance multi-disciplinary collaboration in handling domestic violence cases. She assured members that efforts would be made to improve the work of DLGFVs according to the needs of individual districts.

11. The Chairman asked whether consideration could be given to the suggestion of the Harmony House that collaboration amongst different units should be further enhanced, so as to reduce the need for the victims of domestic violence to repeat their experience. This was particularly so when victims, having left the refuge centres, NGO service units, FCPSUs, the Integrated Family Service Centres (IFSCs) or the Police stations, had to seek further assistance and counselling from social workers of the SWD hotline. The Chairman asked whether reference could be made to the one-stop service provided by RainLily to victims of sexual violence.

12. PAS/LW(Welfare)2 advised that according to the revised Procedural Guidelines for Handling Adult Sexual Violence Cases effective from 26 March 2007, the social workers handling a sexual violence case, which under most circumstances would be the designated social workers of SWD and the Multi-purpose Crisis Intervention and Support Centre (the CEASE Crisis Centre), would act as a case manager to provide/coordinate services such as emotional support, counselling, report to the Police, medical treatment and forensic examination, etc for the victim. The new service model would reduce the sexual violence victim's stress and trauma of repeating the experience.

13. With regard to other victims of domestic violence, ADSW(F&CW) said that depending on the merits of the individual case, social workers of SWD might accompany the victims throughout the whole process. She added that with the additional resources allocated in the financial year of 2007-2008, the support given by caseworkers of the refuge centres in following up the case concerned when handing over of cases to social workers of SWD had been strengthened.

14. Chief Superintendent of Police (Crime Support) said that SWD currently served as the contact point for Police referrals. He took an open attitude as to whether collaboration between the Police and the NGO service units could be further strengthened.

15. Members expressed grave dissatisfaction at the Administration's reluctance to consider introducing new service modes with a view to enhancing the support to victims of domestic violence, given that the existing measures put in place by the Administration had failed to provide adequate support to victims. In the light of

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this, Mr LEUNG Kwok-hung urged that more resources be allocated to strengthen the manpower of social workers and clinical psychologists of SWD to handle the referrals of the Police. In addition, a commissioner to be appointed by the Chief Executive should be entrusted with the task of combating domestic violence. To enable members to have a better understanding on the adequacy of the existing services, he requested the Administration to provide information on a comparison with overseas countries the social work manpower in handling domestic violence, as well as the number of cases handled by CEASE Crisis Centre as compared with that of RainLily since March 2007.

16. PAS/LW(Welfare)2 stressed that the Administration had bid for additional resources and strengthened multi-disciplinary cooperation to enhance the services to victims of domestic violence over the past years and would continue to do so. She reiterated that under the existing mechanism, FCPSUs of SWD would serve as the contact points for referrals to provide a coordinated package of one-stop service and arrangement of various services for victims in domestic violence cases.

17. Notwithstanding the Administration's response, members remained of the view that more should be done to foster collaboration and communication between the Police, the Administration and the NGOs in providing support to domestic violence victims. Miss HO Yee-ching from Caritas-Hong Kong Family Service pointed out that at present, request from NGOs for immediate social work support in handling urgent domestic violence cases during midnight was often being turned down by the outreaching team of SWD.

18. Holding the view that greater involvement of social workers in the investigation of a domestic violence case would be conducive to ensure that the best interest of the victims and their family members could be protected, Mr LEUNG Kin-hung from the Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch urged the Police to draw reference to the existing arrangements for child abuse cases whereby Police officers of the Child Abuse Investigation Units and the social workers of FCPSUs would form the Child Protection Special Investigation Team to conduct joint investigation in serious child abuse cases. Such arrangements also facilitated communication between the social workers and the officer-in-charge of the case (OC Case).

19. Chief Superintendent of Police (Crime Support) said that there was no cause for concern that social workers of SWD would have difficulty in contacting the OC Case to follow up with the case concerned. If the OC Case was not available for contact, requests could be made to the ADVC or the duty officer of the Police station for follow up. For the handling of emergencies, the 999 hotline service should be used. He added that with the introduction of the improvement measures in the handling of domestic violence cases, designated Domestic

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Violence Investigation Units (DV units) had been set up at District level to investigate serious domestic violence reports. In addition, a "One Family One Team" approach was adopted so that the same investigation team would take over all investigations involving the same family to facilitate a timely intervention and the provision of appropriate assistance. Given the above measures and the limited manpower of the Police, he did not see the need to establish separate investigations units to conduct joint investigation for all domestic violence reports.

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20. In closing, the Chairman requested the Administration to give further thoughts to and revert to the Subcommittee on the views of members and deputations with regard to strengthening cooperation and establishing regular communication/liaison among all the concerned professionals, so as to enhance the effective handling of domestic violence cases.

21. PAS/LW(Welfare)2 said that the Administration would be more than happy to discuss with the deputations to further improve the operation of the existing measures in handling domestic violence cases.

22. There being no other business, the meeting ended at 6:40 pm.

Council Business Division 2
Legislative Council Secretariat
19 May 2008

**Proceedings of the meeting of
Subcommittee on Strategy and Measures to Tackle Family Violence
on Tuesday, 22 January 2008, at 4:30 pm
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject | Action required |
|--------------------|--|---|------------------------|
| 000000 - 000453 | Chairman | Opening remarks | |
| 000454 - 000724 | The Against Elderly Abuse of Hong Kong | Presentation of views [LC Paper No. CB(2)2810/06-07(08)] | |
| 000725 - 001350 | Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch | Presentation of views [LC Paper No. CB(2)526/07-08(02)] | |
| 001351 - 001917 | Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) | Presentation of views [LC Paper No. CB(2)907/07-08(01)] | |
| 001918 - 002404 | Caritas Hong Kong - Family Service | Presentation of views [LC Paper Nos. CB(2)2810/06-07(05) and CB(2)526/07-08(03)] | |
| 002405 - 002716 | Harmony House | Presentation of views [LC Paper Nos. CB(2)2810/06-07(06) and CB(2)936/07-08(01)] | |
| 002717 - 002931 | Association Concerning Sexual Violence Against Women | Presentation of views [LC Paper Nos. CB(2)2810/06-07(04) and CB(2)560/07-08(01)] | |
| 002932 - 003313 | Hong Kong Council of Social Service | Presentation of views [LC Paper No. CB(2)2810/06-07(07)] | |
| 003314 - 004319 | Chairman Admin | Police's responses to the views expressed by deputations | |
| 004320 - 004515 | Mrs Anson CHAN Admin | Criteria of the Police for determining what constituted a family dispute case and a domestic violence case, so as to ensure consistency in the handling of domestic violence reports | |
| 004516 - 004651 | Association Concerning Sexual Violence Against Women Admin | Whether marital rape would be classified as domestic violence | |
| 004652 - 005924 | Kwan Fook Mrs Anson CHAN Admin Chairman | Arranging social workers of NGOs to station in the Police stations to provide support and round-the-clock services to domestic violence victims | |
| 005925 - 010506 | Harmony House Chairman Admin Association Concerning Sexual Violence Against Women | Collaboration amongst different units should be further enhanced, so as to reduce the need for the domestic violence victims to repeat their experience when seeking assistance and counselling | |

| Time marker | Speaker | Subject | Action required |
|-----------------|---|---|---------------------------|
| 010507 - 011202 | Chairman Admin Association Concerning Sexual Violence Against Women | Provision of one-stop support services for victims of domestic violence throughout the whole criminal justice process | |
| 011203 - 013425 | Mr LEUNG Kwok-hung Admin | Sought clarification from the Police on whether frontline officers had received training on the offence of marital rape; and urged that additional resources should be allocated to strengthen the manpower of social workers and clinical psychologists of SWD to handle the referrals of the Police, so as to facilitate effective multi-disciplinary collaboration The Administration was requested to provide information on a comparison with overseas countries the social work manpower in handling domestic violence, as well as the number of cases handled by CEASE Crisis Centre as compared with that of RainLily since March 2007 | ✓ (Admin to follow up) |
| 013426 - 013746 | Chairman Admin | Urged the Administration to adopt an open attitude towards the suggestions of the deputations | |
| 013747 - 015016 | Kwan Fook Chairman Mrs Anson CHAN Admin | Reiterated that the Police should provide an office space at the Police stations for use by NGOs for the provision of support to domestic violence victims on a 24-hour basis | |
| 015017 - 015143 | Caritas Hong Kong - Family Service Chairman | Support provided by the outreaching team of the SWD in handling urgent domestic violence cases | |
| 015144 - 020448 | Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch Admin Chairman | Consideration should be given to establishing designated domestic violence investigation units to facilitate the conduction of joint investigation by and effective communication between the Police officers and social workers of the Social Welfare Department | |
| 020449 - 020515 | Harmony House Chairman | The Police should let the concern groups to have sight of the Emergency Referral Questionnaire (ERQ) and the Action Checklist (AC), so as to ensure that these risk assessment tools could achieve the desired effect | |
| 020516 - 020737 | Chairman Mrs Anson CHAN Admin | The Administration was requested to give further thoughts to and revert to the Subcommittee on the views of members and deputations with regard to strengthening cooperation and establishing regular communication/liaison amongst the Police, SWD and NGOs in the handling of domestic violence cases | ✓ (Admin to follow up) |
| 020738 - 020903 | Admin Chairman Harmony House The Against Elderly Abuse of Hong Kong Clerk | The main thrust of ERQ and AC had been provided in the Administration's paper previously submitted to the Subcommittee [LC Paper No. CB(2)2389/05-06(01)] | |

| Time marker | Speaker | Subject | Action required |
|--------------------|----------------|--------------------|------------------------|
| 020904 - 020943 | Chairman | Concluding remarks | |

Council Business Division 2
Legislative Council Secretariat
19 May 2008