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the Administration)

Panel on Welfare Services

Subcommittee on Strategy and Measures to Tackle Family Violence

**Minutes of the 20th meeting
held on Friday, 18 April 2008, at 3:30 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 TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
Hon Mrs Anson CHAN, GBM, JP
- Members absent** : Hon LEE Cheuk-yan
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Alan LEONG Kah-kit, SC
- Public Officers attending** : Item I
- Miss Hinny LAM
Principal Assistant Secretary (Welfare)2
Labour and Welfare Bureau
- Ms Winnie LEUNG
Assistant Secretary (Welfare)2A
Labour and Welfare Bureau
- Mrs Anna MAK
Assistant Director (Family and Child Welfare)
Social Welfare Department
- Ms PANG Kit-ling
Chief Social Work Officer (Domestic Violence)
Social Welfare Department

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

Ms Gloria YU
Superintendent (Crime) (Support)
Hong Kong Police Force

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

Miss FUNG Ching
Executive Committee Member

Association Concerning Sexual Violence Against Women

Ms Linda WONG
Executive Director

Ms TAN Kong-sau
Counsellor

Caritas-Hong Kong Family Service

Miss HO Yee-ching
Social Worker

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

Ms LIU Ngan-fung
Chairperson

Harmony House

Ms Heidi IP
Supervisor

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Ms Dorothy WONG
Social Worker

The Hong Kong Council of Social Service

Miss Jeff WONG
Officer (Family and Community Service)

Association for Concern for Legal Rights of Victims of
Domestic Violence

Ms NG Wai-ching
Chairperson

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

I. Further discussion on the review of the improvement measures on handling domestic violence by the Police

[LC Paper Nos. 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), CB(2)907/07-08(01), CB(2)936/07-08(01), CB(2)1015/07-08(01), CB(2)1604/07-08(01), CB(2)1649/07-08(01) and CB(2)1677/07-08(01) to (05)]

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

2. The Subcommittee received views from the following deputations -

- (a) The Against Elderly Abuse of Hong Kong
[LC Paper Nos. CB(2)2810/06-07(08) and CB(2)1677/07-08(01)];
- (b) Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch
[LC Paper Nos. CB(2)526/07-08(02) and CB(2)1649/07-08(01)];
- (c) Association Concerning Sexual Violence Against Women
[LC Paper Nos. CB(2)2810/06-07(04), CB(2)560/07-08(01) and CB(2)1677/07-08(02)];

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- (d) Caritas-Hong Kong Family Service
[LC Paper Nos. CB(2)2810/06-07(05), CB(2)526/07-08(03),
CB(2)1015/07-08(01) and CB(2)1677/07-08(03)];
- (e) Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)
[LC Paper Nos. CB(2)907/07-08(01) and CB(2)1677/07-08(04)];
- (f) Harmony House
[LC Paper Nos. CB(2)2810/06-07(06), CB(2)936/07-08(01) and
CB(2)1677/07-08(05)];
- (g) The Hong Kong Council of Social Service
[LC Paper No. CB(2)2810/06-07(07)]; and
- (h) 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 -

Police's improvement measures on handling domestic violence

- (a) some frontline Police officers tended to mediate or dismiss domestic violence cases as mere family disputes and no prosecution action would be taken against the abusers. In the light of this, the Police should strengthen its training to the frontline officers to ensure that full and fair investigation would be conducted to determine whether there was evidence of an offence, in particular for reports of domestic violence with the abusers being the children of the victims or self-defense was claimed by parties involved, and enhance the frontline officers' sensitivity on the victim's psychology and safety in the handling of domestic violence cases;
- (b) to facilitate effective liaison between the follow up social workers and the Police in the handling of domestic violence cases other than the serious cases handled by Designated Domestic Violence Investigation Units (DV Units), the Police should put in place a mechanism to ensure that the domestic violence victims and the follow up social workers could reach the Officer-in-charge of the Case (OC Case) where necessary;
- (c) the Police should review the arrangement of releasing the abusers in domestic violence cases on bail shortly after the arrest as this might put the victims concerned at a higher risk of repetitive abuse;
- (d) to further assess the effectiveness of bind over orders in deterring abusers from re-offending, the Police should compare the relapse rate

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of the bind over objects with that of the domestic violence offenders who were put in jail or on probation order. The Police should also categorise the abusers in domestic violence cases to whom prosecution was initiated on the basis of gender; and

- (e) clear guidelines should be provided to frontline Police officers in the handling of the plight of being raped by people other than family members, such as boyfriend, as there were cases where the frontline officers classified such reports as domestic violence cases instead of rape cases.

Multi-disciplinary collaboration in tackling domestic violence

- (f) consideration should be given to changing the existing meeting arrangements of the Working Group on Combating Violence (WGCV) with a view to enhancing its effectiveness in tackling domestic violence. For instance, meetings should be scheduled on a weekly basis to review whether there was any loophole in the handling of domestic violence cases in the week, and the Police and the non-governmental organisations (NGOs) should take turns to be the convenor of meetings as practised in the United States (US);
- (g) the Administration should enlist representatives from organisations specialising in handling various kinds of domestic violence, such as Kwan Fook for spouse battering, Against Elderly Abuse of Hong Kong for elder abuse and Association Concerning Sexual Violence Against Women for sexual violence victims, and victims of domestic violence as members of the 11 District Liaison Groups on Family Violence (DLGFVs). Similar request had been made by members and deputations at the Subcommittee meeting on 28 November 2006;
- (h) given that it were the Police officers from the divisional crime investigation teams who were responsible for the investigation of domestic violence-related crime cases, the Police should be represented by the Assistant Divisional Commanders (Crime) (ADVC Crime), instead of the Assistant Divisional Commanders (Operations) (ADVC OPS), on DLGFVs so as to ensure effective and direct communication;
- (i) the Administration should consider including representatives from service units providing assistance to victims of domestic violence as members of the multi-disciplinary case conferences in order to formulate a more comprehensive welfare plan for the victims and their families. At present, only representatives from the Police and the professionals concerned would be invited to attend the meeting;
- (j) additional resources should be allocated to the Social Welfare Department (SWD) and related NGOs to strengthen the supportive

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services provided to victims of domestic violence, particularly in the area of legal support so as to enhance the victims' awareness of their legal rights, provide assistance in their applications for legal protection and better prepare them for undergoing court proceedings against the abusers. Consideration could be given to establishing a legal advocate scheme as practised in the United Kingdom (UK);

- (k) disagreed that the NGOs of overseas countries, such as UK and US, received only minimal financial support from the Government and had limited social work manpower in providing services to victims of domestic violence. To the deputations' understanding, the Government of these countries had provided heavy financial and other support to these NGOs; and
- (l) the procedural guidelines for handling child abuse, battered spouse and adult sexual violence cases published by SWD should be binding on, rather than merely provided a reference for, the relevant professionals.

Responses from the Administration

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

- (a) the Police were committed to handling and investigating all reports of domestic violence professionally and would conduct 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 each individual case and subject to availability of sufficient evidence, the Police would initiate prosecution action. Out of all the 7 509 domestic violence cases received in 2007, 2 505 were found to be crime related and the remaining 5 004 cases were miscellaneous (non-crime) cases;
- (b) officers from the Uniform Branch and divisional crime investigation teams had to perform shift duty. However, there was no cause for concern that SWD social workers would have difficulty in contacting the OC Case to follow up with the case concerned. In the event that the OC Case was not available for contact, requests could be made to the ADVC serving as the representative on DLGFV, the duty officer of the Police station, the DVC or ADVC Crime concerned for follow up;
- (c) the Police's investigative response to domestic violence was built on a three-tiered structure which reflected a graded response according to the seriousness of the cases while also taking into consideration the existence of high-risk factors in the family. The DV Units set up at District level were to investigate serious domestic violence reports

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including homicide, rape, serious assault, wounding and criminal intimidation, etc. A victim management programme was planned to roll out in May 2008 with a view to further strengthening the collaboration between the Police officers from the DV units and the follow up social workers in the handling of these cases;

- (d) clear guidelines on the permitted length of Police detention were in place. Where a person arrested was charged with an offence, he/she had to be released from police detention, either on bail or without bail, as soon as practicable except in the case of serious offence or there were grounds for detention after charge. If a suspect was not to be charged, he/she should be released after Police investigation;
- (e) information on the relapse rate of domestic violence offenders against whom criminal charges had been laid was provided in LC Paper No. CB(2)2777/06-07(02) submitted to the Subcommittee for the meeting on 8 October 2007. Although the relapse rates of these subjects were lower than that of the bind over subjects (0.3% vs. 1.1% in 2005 and 1.8% vs. 5.8% in the first six months of 2006), bind over orders was considered to be effective in achieving preventive justice as a single-digit re-offending rate was considered very low;

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- (f) the Police would examine the feasibility of categorising the abusers in domestic violence cases to whom prosecution was initiated on the basis of gender and provide the Subcommittee with such information, if available;
- (g) taking into account the views expressed by members and deputations at the meeting on 22 January 2008, guidelines on the handling of domestic violence reports where self-defense was claimed by parties involved had been issued to the frontline Police officers;
- (h) the Police considered it appropriate for ADVC OPS to represent the Police on DLGFVs having regard to the ranking of the post and the fact that the handling of the miscellaneous (non-crime) domestic violence cases fell under the purview of ADVC OPS; and
- (i) deputations were welcomed to provide after the meeting details of any domestic violence cases which were suspected to be mishandled for him to follow-up.

5. Assistant Director of Social Welfare (Family and Child Welfare) (ADSW(F&CW)) said that -

- (a) information pertaining to the roles of the government and NGOs in UK, New Zealand and Australia in the provision of services for domestic violence cases provided in the Administration's paper [LC Paper No. CB(2)1604/07-08(01)] was based on information collected

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by SWD staff during their visits and attachment programmes to these countries;

- (b) the Administration was open-minded on the suggestion made by the deputations on how to strengthen multi-disciplinary collaboration in tackling domestic violence. SWD had already discussed with the Hong Kong Council of Social Service to understand its proposal to strengthen the legal support provided to domestic violence and sexual violence victims set out in its submission to the Subcommittee [LC Paper No. CB(2)2810/06-07(07)];
- (c) pursuant to the discussion at the meeting on 28 November 2006, the Administration had conveyed the suggestion to enlist representatives from organisations specialising in handling various kinds of domestic violence as members of DLGFVs for consideration by the District Social Welfare Officers (DSWOs) concerned. She undertook to relay again the views of the deputations to DSWOs; and
- (d) the Administration considered the current meeting arrangements of WGCV appropriate as the working group was responsible for the policy work relating to the strategies and approaches to address the problem of domestic violence.

Discussion

Support to victims of domestic violence

6. Members urged the Administration to strengthen legal support to victims of domestic violence to facilitate their understanding of the merits of their case and their rights under the law.

7. Principal Assistant Secretary for Labour and Welfare (Welfare)2 (PAS/LW(Welfare)2) said that where necessary, domestic violence victims could apply for the Duty Lawyer Service or the Legal Aid Service. The Administration would discuss with the relevant departments to see if there were rooms for further improvement. In addition, the Administration was exploring ways on how to strengthen the support services provided to victims of domestic violence based on the information collected by SWD staff during their visit to UK.

8. Members considered that the Administration's response had failed to address the concern raised by members and deputations. Ms LI Fung-ying asked whether consideration could be given to providing legal support of a nature similar to the legal assistance offered by the Equal Opportunities Commission for legal proceedings for claims of discrimination, harassment or vilification, which included giving legal advice about the case, arranging for lawyers to act as legal representative, and arranging for lawyers or counsel to appear on the applicant's behalf in court. Mr LEUNG Kwok-hung considered that incentives should be provided to encourage privately practising lawyers to provide free legal advice to domestic violence victims.

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9. PAS/LW(Welfare)2 said that the Administration would take into account the views and suggestions from members in considering the way forward.

Established mechanisms for communication and liaison

10. Dr Fernando CHEUNG questioned the effectiveness of WGCV in strengthening multi-disciplinary collaboration and coordination in handling and combating domestic violence when it only met around two times a year. He said that consideration should be given to increasing the number of meetings, allowing representatives from NGOs to propose the items for discussion, making use of the readily available data from the Central Domestic Violence Database in mapping out the strategies to tackle domestic violence, and looking into ways to address the inadequacy of legal support to domestic violence victims.

11. ADSW(F&CW) responded that under the current arrangements, members of WGCV would be invited to propose agenda items for the meetings. She agreed to take Dr CHEUNG's suggestions aboard in deciding the work plan of WGCV.

12. In response to Dr Fernando CHEUNG's enquiry about the allegation raised by the Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch in its submission [LC Paper No. CB(2)526/07-08(02)], Chief Superintendent of Police (Crime Support) assured members that the Police officers concerned must attend the multi-disciplinary case conferences unless there were justifiable reasons. He would investigate the case in point accordingly.

13. Members expressed appreciation to the Police for demonstrating a high level of open-mindedness and commitment to improve the handling of domestic violence cases in recent years.

Social work manpower

14. Mr Albert HO expressed concern about the heavy workload of the frontline social workers of SWD in dealing with cases of domestic violence. Mrs Anson CHAN asked whether consideration could be given to allocating additional resources to further strengthen the services provided by NGOs to domestic violence victims so as to alleviate the workload of the social workers of SWD.

15. Deputations attending the meeting shared members' views and called on the Administration to provide additional resources to and strengthen collaborations with NGOs. Ms LIU Ngan-fung from Kwan Fook and Miss Jeff WONG from the Hong Kong Council of Social Service remarked that it was unreasonable to require the social workers of the Family and Child Protective Service Units to handle more than 50 cases at any one time, as compared to overseas countries where the number of cases handled by a social worker was around 20. Ms NG Wai-ching from the Association for Concern for Legal Rights of Victims of Domestic Violence pointed out that given the existing social work manpower of SWD, it would be difficult for the social workers to take care of the needs of the domestic violence victims under the principle of "one family one worker".

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16. ADSW(F&CW) advised that additional manpower and resources had been provided to SWD in the recent financial years. Efforts had also been made to streamline the procedures in handling domestic violence cases and step up staff training with a view to promoting early identification and intervention of domestic violence before allowing the problems to deteriorate. Moreover, the Administration had and would continue to explore the feasibility of tapping on the NGOs to provide various support services for victims of domestic violence.

II. Any other business

17. Members agreed that the Subcommittee should discuss the result of the pilot project on Batterer Intervention Programme and the implementation of the pilot project on Child Fatality Review at the next meeting.

18. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 2
Legislative Council Secretariat
8 August 2008

**Proceedings of the meeting of
Subcommittee on Strategy and Measures to Tackle Family Violence
on Friday, 18 April 2008, at 3:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000256	Chairman	Opening remarks	
000257 - 000728	Admin Chairman	Briefing by the Administration on its response to issues raised by members at the meeting on 22 January 2008 [LC Paper No. CB(2)1604/07-08(01)]	
000729 - 001203	The Against Elderly Abuse of Hong Kong	Presentation of views [LC Paper No. CB(2)1677/07-08(01)]	
001204 - 001755	Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch	Presentation of views [LC Paper No. CB(2)1649/07-08(01)]	
001756 - 002233	Association Concerning Sexual Violence Against Women	Presentation of views [LC Paper No. CB(2)1677/07-08(02)]	
002234 - 002608	Caritas Hong Kong - Family Service	Presentation of views [LC Paper No. CB(2)1677/07-08(03)]	
002609 - 003308	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Presentation of views [LC Paper No. CB(2)1677/07-08(04)]	
003309 - 003759	Harmony House	Presentation of views [LC Paper No. CB(2)1677/07-08(05)]	
003800 - 004201	Hong Kong Council of Social Service	Presentation of views	
004202 - 004717	Association for Concern for Legal Rights of Victims of Domestic Violence	Presentation of views	
004718 - 010012	Chairman Admin	Police's responses to the views expressed by deputations	
010013 - 010433	Chairman Admin	The Administration's responses to the views expressed by deputations	
010434 - 011000	Dr Fernando CHEUNG	Effectiveness of the established mechanisms for communication and liaison among the Police, the Social Welfare Department (SWD) and non-governmental organisations (NGOs) in handling and combating domestic violence The definition of high-risk cases under the referral mechanism between the Police and SWD which had been in place since 2003, and the number of referrals	

Time marker	Speaker	Subject	Action required
		made by the Police to SWD under the 24-hour Direct Referral Line set up in October 2006	
011001 - 011457	Mr Albert HO	Urged the Administration to strengthen legal support services to victims of domestic violence and address the heavy workload of the social workers of SWD in handling domestic violence cases	
011458 - 011751	Admin	Police and the Administration's responses to the views expressed by members	
011752 - 012705	Mrs Anson CHAN Admin Chairman Association for Concern for Legal Rights of Victims of Domestic Violence Kwan Fook Harmony House	Called on the Administration to allocate additional resources to NGOs specialising in handling various kinds of domestic violence, and the delineation of roles and responsibilities between SWD and NGOs in the provision of services to victims of domestic violence	
012706 - 013219	Ms LI Fung-ying	The importance of providing frontline Police officers with continuous training in the handling of domestic violence, and the suggestion that the legal support provided to victims of domestic violence should be of a nature similar to the legal assistance provided by the Equal Opportunities Commission for legal proceedings for claims of discrimination, harassment or vilification	
013220 - 013809	Mr LEUNG Kwok-hung Chairman	The suggestions that incentives should be provided to encourage privately practising lawyers to provide free legal advice to victims of domestic violence, and that a commissioner to be appointed by the Chief Executive should be entrusted with the task of combating domestic violence	
013810 - 014142	Chairman	Urged the Administration to be open-minded on the views and suggestions raised by deputations	
014143 - 014432	Hong Kong Chinese Civil Servants' Association, Social Work Officer Grade Branch	The Social Work Officer Grade Branch's sincerity in tackling the problem of domestic violence through enhancing the collaboration with the Police	
014433 - 014634	The Against Elderly Abuse of Hong Kong	The suggestion of including representatives from organisations specialising in handling various kinds of domestic violence as members of the District Liaison Groups on Family Violence	
014635 - 014757	Association Concerning Sexual Violence Against Women	Collaboration and coordination between NGOs and SWD to improve the support and services provided to domestic violence victims	
014758 - 014843	Caritas Hong Kong - Family Service	Collaboration with the Police in the handling of domestic violence cases	
014844 - 014948	Hong Kong Council of Social Service	Workload of social workers of the Family and Child Protective Service Units	

Time marker	Speaker	Subject	Action required
014949 - 015303	Admin	The Administration and the Police's responses to the views and suggestions raised by members and deputations	
015304 - 015724	Chairman Dr Fernando CHEUNG Admin	The suggestions on the meeting arrangements of the Working Group on Combating Violence with a view to enhancing its effectiveness in tackling the problem of domestic violence	
015725 - 020202	Chairman Dr Fernando CHEUNG Admin Ms LI Fung-ying	Discussion items for the next meeting	

Council Business Division 2
Legislative Council Secretariat
8 August 2008