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Panel on Welfare Services

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

Purpose

This paper reports on the deliberations of the Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence ("the Subcommittee").

The Subcommittee

2. The Panel on Welfare Services ("the Panel") agreed at its meeting on 21 January 2013 to appoint a subcommittee on strategy and measures to tackle family violence. While the Subcommittee was waiting for activation, the Panel agreed at its meeting on 10 November 2014 that the name of the subcommittee be changed to "Subcommittee on Strategy and Measures to Tackle Domestic Violence and Sexual Violence" and its terms of reference be revised accordingly. The revised terms of reference of the Subcommittee is set out in **Appendix I**. The Subcommittee held its first meeting in December 2014. The approval of the House Committee was obtained at its meeting on 9 October 2015 for extension of the Subcommittee's work and continuation of operation until 2 February 2016.

3. Dr Hon Fernando CHEUNG and Hon CHAN Yuen-han were elected as Chairman and Deputy Chairman of the Subcommittee respectively. The membership list of the Subcommittee is in **Appendix II**. The Subcommittee held a total of 13 meetings. The Subcommittee also received views from 79 deputations/individuals on various issues of concerns at its meetings. A list of the deputations/individuals which/who have given views to the Subcommittee is in **Appendix III**.

Deliberations of the Subcommittee

Definition of domestic violence

4. The current legal framework dealing with domestic violence and sexual 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. The civil legislative framework includes the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) ("DCRVO"), which provides civil remedies to victims of domestic violence and offers victims of domestic violence relief from molestation.

5. Members have raised concern about the need to define "domestic violence" and "sexual violence" in the related legislation. The Administration has advised that it is considered not necessary to define "domestic violence" and "sexual violence" in DCRVO as abundant court cases have confirmed that the existing DCRVO applies to physical, psychological and sexual abuse. The Administration has further advised that the Social Welfare Department ("SWD") has developed three sets of guidelines, namely the "Procedural Guide for Handling Intimate Partner Violence Cases", the "Procedural Guide for Handling Child Abuse Cases" and the "Procedural Guidelines for Handling Adult Sexual Violence Cases" to assist professionals concerned in handling cases of domestic violence and sexual violence. The procedural guidelines set out the definition of different forms of abuse and respective codes of practice for reference by various professionals working in the relevant departments and organisations, which will be updated with inputs from relevant professionals and organisations as and when necessary. To ensure consistency in identifying domestic violence cases, members call on the Administration to introduce a consistent definition of "domestic violence" in various operational procedures and guidelines for handling domestic violence cases.

6. Members share the views of many deputations that as witnessing domestic violence can bring severe negative impact on children's emotional and psychological development, the definition of child abuse should cover psychological trauma caused by witnessing domestic violence. Moreover, psychological abuse is easily overlooked and requires a clear definition. The Administration is requested to review the definition of domestic violence in

various procedural guidelines to cover children witnessing domestic violence and psychological abuse.

7. The Administration has advised that there are divergent views on whether children's witnessing of domestic violence should be defined as child abuse. In determining whether a case of witnessing domestic violence should be taken as a case of child abuse, it is necessary to look into the actual circumstances of individual cases, such as the child's age, the consequences of the act on the child, the frequency and nature of incident that have occurred. The responsible professionals will make assessment case by case and take into consideration the actual circumstances and various factors.

Definition of sexual violence

8. Some deputations have expressed the concern about the inadequate coverage of the definition of sexual violence adopted in Procedural Guidelines for Handling Adult Sexual Violence Cases. Members note that sexual violence in the guidelines refers to coercing or attempting to coerce any sexual contact or behaviour without consent. It includes marital rape, all forms of sexual assault, or involvement in any undesirable sexual acts, etc. Members concur with the suggestions of the deputations and request the Administration to review the definition of sexual violence in the relevant departmental procedural guidelines to include, among others, marital rape, indecent assault, sexual contact or behaviour with sex workers without consent.

Classification of and referral mechanism for domestic violence cases

9. Members note with concern that over 80% of the domestic conflict reports are classified by the Police under the category of domestic incidents and that the number of newly reported domestic violence cases received by SWD represented only a small proportion of the number of domestic conflict cases handled by the Police. Members also note that since the Police have implemented the new classification, the number of domestic violence cases has dropped significantly. Members have expressed concern about the collaboration between the Police and SWD in handling and referral of such cases. Specifically, they are worried that the Police would make no referral to SWD for follow-up in respect of domestic incidents and the victims concerned will miss the prime time for receiving timely and appropriate assistance.

10. According to the Administration, the Police will classify the domestic violence cases, according to the degree of seriousness, into three categories, namely "domestic violence (crime)", "domestic violence (miscellaneous)" and "domestic incidents". The "domestic incident" category was created by the Police in January 2009 to include non-violent incidents involving any party in a marital or intimate partner relationship (irrespective of the gender), which do

not involve any elements of crime, such as dispute, nuisance, annoyance, distress or argument, etc. To ensure a proper classification of problematic families, upon receipt of domestic conflict reports, a police officer of Sergeant rank or above will be deployed to the scene to take charge of the investigation and to ensure that the case is properly handled and accurately classified. The divisional and district management will monitor significant cases and those requiring special attention. Such cases are recorded in the Enhanced Central Domestic Violence Database so as to fully reflect the situation of domestic conflict. In addition, each police district has at least one "Designated Domestic Violence Unit" for investigating all serious domestic violence case, and the high-risk non-crime domestic violence cases identified are handled by crime investigation units. Following the introduction of the "One family one team" system, the investigation team which has handled the domestic conflict reports involving the same family earlier will take over the newly reported case. This will ensure that the investigation team will have a better understanding of the overall circumstances of the case in making decision.

11. The Administration has stressed that the Police classify the reported cases according to the facts of cases, handle and investigate the cases with professionalism, irrespective of cases of domestic violence or domestic incidents. If the victim needs the assistance of SWD and gives consent for referral by the Police, the case, irrespective of its category, will be referred to SWD for follow-up. Nonetheless, the Police will take the initiative to refer the cases considered to be of high risk to SWD for follow-up, irrespective of the victim's consent for referral.

12. To ensure early identification and provision of appropriate support services to victims of domestic violence, members and deputations request the Administration to introduce a mandatory reporting mechanism for reporting cases of domestic violence and child abuse. The Administration has, however, advised that there is no consensus on the issue among the community. Moreover, some other major jurisdictions, for example, the United Kingdom, also have not adopted mandatory reporting mechanism.

Training for frontline professionals

13. The Subcommittee considers it vital to identify victims, including hidden victims, as early as practicable so as to provide them with timely and appropriate assistance and follow-up support services. To this end, members share the concerns of deputations that frontline personnel, including social workers and police officers, should be provided with professional and specific training to enhance their sensitivity and skills in dealing with cases of domestic violence and sexual violence involving people of different gender, background, culture and sexual orientation.

14. According to the Administration, SWD has provided frontline social workers and other professionals with a wide spectrum of training programmes on the knowledge and skills in dealing with domestic violence and sexual violence cases. The majority of social workers in SWD and non-governmental organisations ("NGOs"), particularly those of Integrated Family Service Centres, has received training on the handling of violence cases. As for police officers, training on various domestic conflict related issues has been provided at various stages of their service. Ad-hoc seminars have also been conducted for frontline police officers for the purpose of enhancing their professional sensitivity and updating their knowledge with the latest developments and changes in relevant laws and procedures.

15. Some members have suggested that frontline police officers should be provided with adequate and professional training to improve their sensitivity and attitudes in dealing with sexual violence cases, particularly those involving sexual minorities and sex workers. According to the Administration, the Police have been making continuous efforts to enhance the skills and knowledge of frontline police officers in handling sexual violence cases by incorporating various topics relating to the handling of victims of sexual violence into the regular police training courses.

16. Most members share the concern of some deputations that staff training on sexual orientation should not be conducted by trainers who have firm stance of not accepting people with different sexual orientations. They also consider that it is inappropriate for social workers to make referral of people with different sexual orientation for conversion therapy, which is considered potentially harmful to the mental health of the persons concerned. The Administration should adopt international health guidelines and advice on the impact of conversion therapy on the recipients of the treatment and review the need of including such content in staff training programmes.

17. The Administration has advised that given the unique needs of sexual minorities, SWD has strengthened staff training to enhance frontline social workers' understanding of and sensitivity towards people with different sexual orientation, and improve the working skills required for providing appropriate assistance. Moreover, the Administration has paid due attention to the expertise and background of trainers/speakers when inviting them to conduct staff training programmes relating to sexual orientation-related issues, and will review the content of staff training courses from time to time having regard to the participants' feedback and the latest development of the relevant disciplines.

Information system on abuse cases

18. The Subcommittee notes that SWD maintains the Central Information System on Spouse/Cohabitant Battering Cases and Sexual Violence Cases (the

"Central Information System") to collect data on cases of spouse/cohabitant battering and sexual violence handled by different departments and organisations. At present, the reporting agencies include service units operated by SWD and NGOs, Hospital Authority ("HA"), the Police and Legal Aid Department ("LAD"), etc. Members share the concern of deputations that the Central Information System should maintain data separately on abuse cases of non-physically violent nature. In addition, it should accept data reporting by sexual minority groups, so as to better reflect the actual situation of domestic violence and sexual violence in same-sex cohabitation relationship and facilitate the formulation of specific preventive measures and support system/services.

19. According to the Administration, the reporting mechanism of the Central Information System already covers an extensive range of cases of spouse/cohabitant battering and sexual violence handled by frontline personnel of the departments and organisations. To ensure data accuracy, the Central Information System does not accept reporting by individuals or groups at the moment. Nonetheless, to enable the reporting professionals to provide precise data of domestic violence involving same-sex victims, the data input form and reporting mechanism were reviewed by a task force set up by SWD in 2011. A revised input form has been in use since January 2013. SWD will keep the Child Protection Registry ("CPR") and the Central Information System under review and introduce modifications as and when appropriate. In the light of members' view, SWD has consulted the Working Group on Combating Violence at its meeting on 20 May 2015 on the relevant reporting mechanism and arrangement. The Working Group has agreed to maintain the existing mechanism in collecting data on abuse cases involving same-sex cohabitation relationship.

20. The Administration has pointed out that while the Central Information System does not accept data reporting by individuals or groups at present, staff of any organisations, such as schools and sexual minority groups, coming across cases of intimate partner violence can, with the victims' consent, seek advice from or refer those cases to SWD's service units or other reporting agencies, which include NGOs, HA, the Police, Department of Health ("DH") and LAD. The frontline social workers and professionals of these service units or reporting agencies will conduct professional assessment on the nature of each case before reporting to the Central Information System. The Administration has not provided any channel to report sexual minority domestic violence cases when victims do not give their consent to be referred to the SWD's service units or other reporting agencies.

21. The Subcommittee also notes that SWD maintains CPR to collect data on child abuse cases. However, data about the disabilities or special needs of abused children is not covered. According to the Administration, SWD will set up a task force in the first quarter of 2016 to review the operation of CPR,

including the scope of information to be collected on abused children. It is expected that the new information system on child abuse cases will come into operation in 2018. While welcoming the proposal, members strongly call on the Administration to expedite the review and advance the implementation date of the system to the earliest possible.

Support services for various groups of victims

22. The Subcommittee has examined in details the support services for specific vulnerable groups of victims of domestic and sexual violence, including children and young persons, elderly, sexual minorities, ethnic minorities ("EMs") and foreign domestic helpers ("FDHs"). The major views and concerns are summarised in paragraphs 23 to 42 below.

Children and young persons

23. Members have expressed concern about the service gap under the Comprehensive Child Development Service ("CCDS") for children between 18 months and three years old, as these children are not required to attend Maternal and Child Health Centres ("MCHCs") of DH for vaccination and other routine child health services, which are the major referral channels for CCDS. They consider that due consideration should be given to introducing infant and early childhood home visiting programmes to facilitate early identification and prevention of child abuse cases. Moreover, given that the Multi-disciplinary Case Conference on Child Abuse ("MDCC") has been operated for many years, there is a need for a review of the relevant procedural guidelines.

24. The Administration has advised that it is reviewing the operation of MDCC. After the review exercise which will be completed by the end of 2015, the Administration will commence a review of CPR. In the end of 2016, a full review of the procedural guidelines will be conducted in consultation with the professionals of various disciplines.

25. In response to members' suggestion of establishing a mechanism similar to the existing Child Fatality Review Panel to review cases of child serious injuries, the Administration has explained that such proposal will involve complex legal, privacy and operational issues. Under the current policy framework for child protection, MDCC already serves as a robust mechanism for handling suspected child abuse cases. Nonetheless, SWD will study the review findings of MDCC thoroughly to identify scope of further improvement, and continue to explore ways to enhance the current child protection and child welfare service systems. Furthermore, SWD will discuss the findings with the social welfare sector in the first quarter of 2016.

26. Some deputations have expressed concern that children and adolescents with different sexual orientation are subjects of domestic violence because of the non-acceptance of their family members. However, the responsible social workers will usually refer the abused children and young persons for conversion therapy, instead of providing assistance and support services for them. Sharing the concern, members strongly urge the Administration to review the follow-up referral services for young persons with different sexual orientation and provide appropriate support services.

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

Elderly persons

28. Members take the view that the elderly, especially those who are financially dependent on and living with family members, are more vulnerable to domestic violence and may be reluctant to seek assistance and support services. Members have requested the Administration to enhance outreach to victims and hidden abused elderly persons and provide short-term accommodation for those elderly suffering from abuse by family members. The Administration has advised that emergency placements are available at subsidised residential care homes for the elderly ("RCHEs") and nursing homes to offer temporary or short-term accommodation for elderly people with urgent care need (including victims of elder abuse cases).

29. Members have also expressed concern that elder abuse incidents have reportedly occurred in RCHEs. The Administration should increase the manpower of the Licensing Office of RCHEs to step up inspections to RCHEs. The Administration should also enhance the existing accreditation system for RCHEs to ensure their service quality.

30. According to the Administration, it has all along attached great importance to the welfare of the elderly. Priority is accorded to further strengthen the monitoring mechanism of RCHEs under the existing legal framework to ensure their service quality. In this regard, SWD has issued circulars and guidelines to RCHEs from time to time regarding the service quality. Having regard to the ever-changing service needs, the Administration will constantly review the Code of Practice for RCHEs which sets out the

principles, procedures, guidelines and standards for the operation, keeping, management or other control of RCHEs. The Administration will maintain close communication with the elderly service sector.

31. Members note that the Working Group on Elder Abuse formed under SWD is reviewing the Procedural Guidelines for Handling Elder Abuse Cases, which was last revised in August 2006, with a view to further enhancing co-ordination and communication among government departments and organisations in handling elder abuse cases, and the review exercise is expected to be completed by the end of 2016. Members urge the Administration to invite service users to join the Working Group such that their service needs can be fully taken heed of during the review.

Ethnic minorities

32. Members take the view that language barrier is one of the primary obstacles deterring EM victims of domestic violence and sexual violence from seeking help. As such, reliable interpretation and translation services should be arranged for EM victims when seeking assistance. It is inappropriate and undesirable for frontline officers (including social workers, police officers and healthcare personnel) serving EMs to rely on the victims' spouses who are the batterers in most cases, their children, relatives or friends to serve as interpreters. Members call on the Administration to ensure the provision of professional and impartial interpreters to EM victims.

33. According to the Administration, SWD and the Police will arrange interpretation services provided by NGOs, such as the Centre for Harmony and Enhancement of Ethnic Minority Residents operated by the Hong Kong Christian Service as well as seek assistance from part-time foreign language interpreters registered with the Court Language Section of the Judiciary Administration when providing social welfare services and handling domestic violence and sexual violence cases involving EMs. In addition, SWD has since March 2011 installed web-cam facilities in 10 service units for conducting tripartite video conferencing among service users, staff of service units and interpreters when needed. However, it was revealed by the deputation that the video-conferencing facility has never used once. The Administration has also advised that HA provides interpretation service in 18 languages of EM via service contractors, which is operated face-to-face or over the telephone under urgent situation. Moreover, there are standard cue cards and multi-lingual phrasebooks that serve as primary tools of communication with EM patients before an interpreter is available.

34. Members have expressed concern that while a variety of interpretation and translation services, such as telephone interpretation, face-to-face interpretation and tripartite video conferencing, can be arranged by SWD for

needy EMs, such services are under-utilised and not readily accessible. Members consider it undesirable to rely on NGOs and outsourced interpreters to provide interpretation services. Therefore, SWD, Police and HA need to hire and train their in-house interpreters. In view of the severe shortage of professional interpreters in EM languages in Hong Kong, members are of the view that the Administration should allocate more resources on the face-to-face interpretation service to strengthen interpretation support for EMs to ensure the provision of interpretation and translation services for EM service users where necessary. To ensure the quality of interpretation services, members also call on the Administration to draw up a uniform standard for interpretation and translation services in respect of various EM languages, provide training and conduct assessment of interpreters to ensure the provision of such services to EMs in a professional and impartial manner. In addition, the Constitutional and Mainland Affairs Bureau ("CMAB") should set out clearly in the Administrative Guidelines on Promotion of Racial Equality that concerned bureaux, departments and other public authorities should provide translation and interpretation services for EM communities.

35. Members note that most EM women are immigrants and enter Hong Kong for residence as dependants of their spouses. Members are gravely concerned that these EM women will lose their right to stay in Hong Kong if their spouses withdraw their sponsorship, and therefore EM victims are refrained from reporting domestic violence and sexual violence cases and seeking appropriate assistance and support services. As a consequence, EM victims are prone to risks of future domestic violence without appropriate assistance and support services. Members call on the Director of Immigration to exercise discretion in considering and approving applications for extension of stay from EM women who are involving in domestic violence and sexual violence cases even if their spouses have withdrawn the sponsorship.

Foreign domestic helpers

36. At present, there are over 336 600 FDHs in Hong Kong. In the light of FDHs' unique circumstances as live-in employees, members have expressed concern that FDHs, when facing physical or sexual abuse in the domestic setting, will encounter relatively more difficulties in seeking assistance due to language barriers, cultural differences and lack of family support. They consider that these FDHs should be provided with adequate support services, such as temporary accommodation and legal assistance, while awaiting their cases to be resolved. As FDHs' complaints of being abused by their employers are usually treated by the Police as labour disputes, a referral mechanism should be established among the Immigration Department ("ImmD"), the Police and the Labour Department ("LD") for dealing with cases of violence (including sexual violence) in domestic setting involving FDHs, so as to provide the latter with timely and appropriate assistance.

37. According to the Administration, FDHs facing violence in domestic setting or sexual violence while working in Hong Kong can seek temporary accommodation at refuge centres for women and the Multi-purpose Crisis Intervention and Support Centre (named as CEASE Crisis Centre) as well as emergency financial assistance or in-kind relief. To raise FDHs' awareness of their employment rights and obligations, and the channels for seeking assistance and redress, members call on the Administration to step up publicity and promotional efforts through various channels easily accessible to FDHs.

38. Members note that some deputations have called for a review of the existing policy on employment of FDHs and the current legislation relating to domestic violence so as to provide more protection for FDHs, for example, allowing FDHs who are victims of violence to apply for an injunction against further molestation. To enhance the protection of FDHs and the deterrent effect on abusive employers, it is also suggested that employers who have adverse records in respect of employment of FDHs, including abuse or exploitation of FDHs, should be prohibited from future employment of FDHs. According to the Administration, LD is reviewing the Code of Practice regulating the operation of employment agencies and will revert to the relevant Panel in respect of tightened control on employment agencies operating FDHs business.

Sexual minorities

39. Members note with concern that despite the implementation of DCRVO in 2010, the Administration has yet to draw up procedural guidelines specifically for handling abuse cases involving sexual minorities and provision of related support services. Members have expressed concern over the resources allocated for the support services specifically for victims of same-sex relationships suffering from domestic violence since the implementation of DCRVO.

40. According to the Administration, the support services operated by SWD or subvented NGOs for victims of domestic or sexual violence and families in need are also available to sexual minorities in need. Moreover, to tie in with the implementation of DCRVO, SWD has been providing training to the frontline social workers to enhance their understanding of the Ordinance and the knowledge about same-sex cohabitation relationships, with a view to enhancing their sensitivity in handling domestic violence cases involving same-sex cohabitant and applying for injunctions under the Ordinance. In addition, the existing three sets of guidelines, namely the "Procedural Guide for Handling Intimate Partner Violence Cases", "Procedural Guide for Handling Child Abuse Cases" and "Procedural Guidelines for Handling Adult Sexual Violence Cases" developed by SWD for dealing with different types of violence are applicable to

people with different backgrounds and needs, irrespective of their age, gender, race and sexual orientation.

41. Members also note with concern that none of the NGOs serving victims of domestic violence and sexual violence has pledged to adopt the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation ("the Code of Practice") promulgated by CMAB, which seeks to eliminate discriminatory practices in employment and promote equal employment opportunities among all persons, irrespective of their sexual orientation. A query is therefore raised as to whether such NGOs, in particular those with religious background, can provide impartial support services for sexual minorities who are victims of domestic violence or sexual violence. According to the Administration, CMAB has been promoting the Code of Practice and calling for public and private sector organisations to pledge to adopt the Code of Practice. CMAB will continue to appeal for support from more organisations, as well as organise talks and seminars for introducing and promoting the Code of Practice.

42. Members have expressed dissatisfaction at the Administration's passive role in the promotion of the Code of Practice. Members request SWD to issue letters to subvented NGOs to appeal to their adoption of the Code of Practice.

Working Group on Combating Violence

43. Noting that the Working Group on Combating Violence ("the Working Group"), which is chaired by the Director of Social Welfare, is set up under SWD to formulate policies to combat domestic and sexual violence, members and deputations take a strong view that the Working Group should include representatives of sexual minority groups so that their concerns and views can be fully reflected and taken into account in mapping out strategies to address the problems of domestic violence and sexual violence involving sexual minorities.

44. The Administration has advised that the Working Group is tasked to examine the problem of domestic violence and sexual violence in Hong Kong; map out strategies and approaches in combating the problem; examine the existing procedures and guidelines and recommend improvement measures; strengthen co-ordination and co-operation among government departments, NGOs and professionals in handling and combating the problem; and co-ordinate statistics and facilitate research studies, etc. Given its extensive purview, the Working Group has a total of 23 members with a balanced representation of the relevant stakeholders, further expansion in the structure and organisation of the Working Group is not advisable for its effective operation and function. The Administration considers that its composition has fully reflected the views of the stakeholders concerned.

45. The Administration has further advised that SWD has since 2011 met with sexual minority groups on a regular basis to discuss domestic violence issues involving sexual minorities and their views on various support services. It is hoped that through regular meetings and communication with different groups, there can be in-depth and focused discussions and exchanges. SWD will continue to maintain close liaison and communication with various sectors, improve its services and enhance the training of frontline social workers, with a view to providing better support for individuals and families faced with domestic or sexual violence.

46. Members are not satisfied with the Administration's explanation. They strongly call on the Administration to revisit its stance on the proposal to include representatives of sexual minority groups to the Working Group.

47. To facilitate understanding of the discussion of the Working Group, members have requested the Administration to provide the Subcommittee with past records of meetings of the Working Group. The Administration has advised that after careful deliberations, SWD is of the view that the disclosure of the past records of meetings may inhibit frank and candid discussion within the Working Group in offering views and advice to the Government on matters relating to domestic and sexual violence as well as the enhancement of services. SWD will therefore maintain the current practice that the records of the meetings will not be disclosed to the public.

Housing assistance

48. At present, 2 000 flats are reserved in the Government's Public Rental Housing ("PRH") Allocation Plan every year for Compassionate Rehousing ("CR"). Some deputations have submitted their view to the Subcommittee that there is a lack of transparency in the processing of CR and other housing assistance applications from victims of domestic violence and sexual violence by SWD and the Housing Department ("HD"). In addition, the unduly long time taken for processing housing assistance applications has caused stress to individuals or families in crisis and resulted in an extended stay of those who are seeking temporary accommodation at refuge centres. The situation is undesirable as the refuge centres have already been fully utilised. Sharing the concerns, members have expressed concern about whether the number of flats reserved for CR can be increased to meet the demand. Members note with concern that the number of 2 000 CR flats has not been increased since 1997 and the actual number of CR approvals has dropped significantly in recent years to about 1 500.

49. According to the Administration, the number of 2 000 flats is only for planning reference, and not an upper limit of allocation. In the past years, the actual number of allocation of PRH flats for CR has been over 2 000 and even

reached 2 700, having regard to the housing needs of individual cases. SWD on average completes an assessment on a CR application within 40 days after receiving all required documents from the applicant. Given the nature and complexity of the domestic violence or sexual violence problems which give rise to the need for housing assistance, social workers have to determine the eligibility for CR on a case by case basis. For applicants recommended by SWD and having met the other eligibility criteria for PRH, HD will proceed with the allocation which will not be constrained by any limits. HD normally arranges flat allocation to the eligible applicant within two months, although the actual processing time for CR cases may vary according to different circumstances of each case. Under the co-ordination mechanism between SWD and HD for processing CR applications, due priority will be given to special or urgent cases, such as families facing domestic violence or sexual violence.

50. To facilitate better understanding of the processing procedures and assessment criteria for handling housing assistance requests from victims of domestic violence, members call on the Administration to make public the "Guidelines and Procedures for Processing Applications for Compassionate Rehousing and Other Housing Assistance" as well as the major reasons for not recommending or approving CR applications.

51. The Administration has advised that SWD will enrich the contents of the existing website and leaflet, which set out the relevant eligibility criteria of CR, by including therein more comprehensively relevant information in the guidelines (e.g. the information or documents to be provided by the clients and their family members, the related assessment criteria and the processing procedures) for reference by members of the public. The revised leaflet will be made available around April 2016. The Administration has further explained that the major reasons for not recommending CR applications are the applicants having sufficient financial means to solve the housing problem on their own, or failing to obtain recommendation from the case medical officer to substantiate their claims for CR on medical grounds, etc. Members have expressed regret at the Administration's refusal to accede to the request of making public the relevant guidelines.

Shelter service

52. At present, SWD subsidises five refuge centres for women operated by NGOs with a total capacity of 260 places to females and their children aged below 18 who need temporary refuge because of immediate risk of domestic violence or serious personal or family problems. In addition, CEASE Crisis Centre also provides 80 short-term residential service places for individuals (irrespective of their gender and sexual orientation) or families facing domestic violence or other family crisis, as well as for victims of sexual violence.

53. Noting that the average utilisation rate of the refuge centres in 2013-2014 was 103%, members consider the provision of short-term accommodation for victims of domestic violence and sexual violence inadequate to address the needs. Members strongly urge the Administration to provide additional resources to increase the number of places of refuge centres to address the accommodation problem encountered by victims of domestic violence and sexual violence. They consider that the refuge centres should enhance their mutual referral mechanism so that better arrangement can be made to reserve adequate residential places for urgent cases amidst a tight supply situation.

54. According to the Administration, it is aware of the high utilisation rate of refuge centres, and SWD is making active effort to explore with the operators of refuge centres the possibility of increasing the number of places through in-situ expansion by utilising spare space and to bid for additional resources and manpower in accordance with the established mechanism. The Administration has subsequently advised that SWD will provide additional places and corresponding manpower in a refuge centre for women and the Family Crisis Support Centre, as well as provide additional manpower for refuge centres for women and CEASE Crisis Centre to enhance support service for children staying at these centres temporarily. Details will, however, be made available in the context of the 2016-2017 Budget.

55. While welcoming the Administration's positive response, members strongly request the Administration to draw up a concrete plan for increasing the capacity of refuge centres and earmark additional provisions for the expansion of shelter service. They also request that consideration should also be given to setting up dedicated refuge centres as well as crisis and support centres for victims of domestic violence and sexual violence from vulnerable groups, such as elderly persons, EMs and sexual minorities, to cater for their specific needs.

Support services for batterers of domestic violence

56. Members consider that providing counselling to help batterers realise the consequences and damage of domestic violence and change their attitude and behaviour is an important component of the overall strategy against domestic violence. Members note that social workers will arrange suitable group counselling services according to the needs of batterers, including the Batterer Intervention Programme ("BIP") and the Educational Programme on Stopping Domestic Violence ("EPSDV") specifically designed for batterers of intimate partner violence. Social workers will also arrange batterers to participate in the Anti-Violence Programme ("AVP") as required by the court in granting a non-molestation order under DCRVO to attend.

57. Members have, however, expressed concern about the effectiveness of the batterer programmes given that only some 70 and 150 perpetrators have attended BIP and EPSDV respectively in a year. Members call on the Administration to make reference to the practice in some overseas jurisdictions by requiring perpetrators of domestic violence to receive mandatory treatment and counselling services. The Administration has advised that based on the experience of BIP conducted by SWD, the treatment results for batterers who are mandated in some way to join the programmes are less favourable than those who participated on a voluntary basis. Therefore, the Administration does not consider it appropriate to provide compulsory counselling to batterers of domestic violence. In this connection, SWD will continue to implement BIP as part of the regular services of the Family and Child Protective Services Units. To meet the needs of female batterers, SWD has started to provide group counselling designed for female batterers from 2010-2011 on a trial basis.

58. Members also note with concern that since the launch of AVP in August 2008 and up to September 2015, the court has only referred a total of five cases for AVP, while one of them had subsequently been cancelled. The Administration has pointed out that given the different circumstances of individual spouse battering cases, victims may not necessarily apply for injunctions under DCRVO. SWD will continue its efforts to promote AVP through publicity and training so that applicants of injunctions, the Judiciary, legal professionals and frontline social workers could understand more about AVP.

59. In the light of limited number of participants of various batterer programmes, members consider that more resources should be allocated for providing counselling programmes for batterers of domestic violence and high-risk individuals at an early stage to prevent deterioration of the situation as well as follow-up services.

Handling of sexual violence cases

60. Some members have expressed concern about whether the negative attitudes towards sex workers by some frontline police officers have denied sex workers suffering sexual violence access to necessary support and services. In these members' view, the Police should formulate clear procedural guidelines governing handling of sexual violence against sex workers and set up a dedicated team to deal with sexual violence cases. According to the Administration, the Police are conducting an internal study on related procedures, including conduct of body searches on members of the public (including transgender persons), and will revise the internal guidelines by making reference to the relevant practices adopted in overseas jurisdictions as appropriate. Members have requested the Administration to expedite the review and promulgate the Police's revised guidelines as early as practicable.

61. Members note that SWD has, in consultation with the relevant departments and organisations including HA, drawn up the Procedural Guidelines for Handling Adult Sexual Violence Cases. As the procedural guidelines were last revised in 2007, members consider that it is an opportune time for reviewing the existing procedural guidelines. In addition, the views and concerns expressed by relevant organisations serving victims of sexual violence should be engaged during the review.

One-stop services for victims of sexual violence

62. According to the Administration, SWD has since 2007 implemented a new service model to handle sexual violence cases, under which a social worker is designated as the case manager to provide support to victims of sexual violence. In addition, when a victim who has reported the case to the Police is seeking treatment in a public hospital, a designated nursing staff/medical officer in the hospital will, if circumstances warranted, arrange a suitable place in the hospital for forensic pathologists to conduct forensic examinations, police officers to take statements and social workers to provide immediate support and counselling.

63. Members, however, note with concern that provision of one-stop services for victims of sexual violence in public hospitals has not been fully implemented. Members consider that public hospitals are common initial contact point of victims of sexual violence who may seek medical examination and treatment in person or by referral from the Police and social workers. To minimise the frequency of the victims being interviewed by various professionals from different departments at different locations as well as the need to repeat accounts of their unpleasant experience, victims of sexual violence should receive one-stop follow-up services and go through the necessary procedures (such as seeking medical treatment, reporting to and giving statement to the Police and undergoing forensic examination) in a convenient, safe and confidential environment in the hospital where they seek assistance.

64. The Administration has advised that if circumstances so required and having regard to the victims' own wish, statement-taking and forensic examination for a victim will, as far as practicable, be conducted in the same public hospital where the victim is receiving treatment. Having regard to the importance of providing one-stop services to victims of sexual violence in the hospital, members strongly request HA to designate a suitable place in the hospital for handling sexual violence cases. To this end, the Administration should allocate more resources to HA for extending the arrangements to all hospitals with A&E departments.

Publicity and public education

65. The Subcommittee takes the view that the Administration should allocate more resources to increase public awareness and understanding of the issue of domestic violence, enhance public education on anti-domestic violence and step up efforts in promoting the concepts of gender equality and family values. In view of the specific needs of various vulnerable groups, members call on the Administration to enhance their awareness of the specific support services available to them. For instance, promotional and publicity materials produced by the Government on the issues relating to domestic violence and sexual violence should be made available to EM communities in their languages and media channels. Educational materials targeting the needs of sexual minorities to enhance their awareness about the particular forms of domestic violence they encounter related to their sexual identity are recommended.

66. According to the Administration, SWD has launched a series of territory-wide publicity and district-based programmes to raise the public awareness of the problem of domestic violence. It also enhances public understanding of the scope of DCRVO and the relevant support services through different channels such as talks and district activities.

Recommendations

67. The Subcommittee urges the Administration to take into account the views and concerns expressed by members and deputations on various issues of concern as set out above. The Subcommittee also recommends that the Administration should -

Definition of "domestic violence" and "sexual violence"

- (a) adopt a consistent definition of "domestic violence" in various operational procedures and guidelines drawn up by various government departments for handling domestic violence cases;
- (b) review the definition of "sexual violence" in various departmental procedural guidelines to include, among others, marital rape, indecent assault, sexual contact or behaviour with sex workers without consent;

Classification and referral mechanism for domestic violence cases

- (c) enhance the collaboration between the Police and SWD in handling and referral of cases of domestic violence and sexual violence to ensure timely assistance and follow-up are provided;

Training for frontline personnel

- (d) allocate more resources for staff training to enhance their sensitivity and skills in dealing with cases of domestic violence and sexual violence involving people of different gender, background, culture and sexual orientation;
- (e) review the need of including conversion therapy in staff training programme on sexual orientation;
- (f) set government policy related to conversion therapy to adhere to international health guidelines;

Information system on abuse cases

- (g) maintain data separately on abuse cases of non-physically violent nature under the Central Information System and accept data reporting by sexual minority groups;
- (h) expedite the review of the Child Protection Registry and advance the implementation date of the new information system on child abuse cases;

Support services for specific groups of victims

- (i) invite service users to join the various working groups on the review of relevant procedural guidelines for handling cases of domestic violence and sexual violence such that the service needs can be fully taken heed of during the review;
- (j) allocate more resources to strengthen interpretation support for EMs, draw up a uniform standard for interpretation and translation services in respect of various EM languages, provide training and conduct assessment of interpreters to ensure the provision of professional and impartial interpretation services for EM communities;
- (k) request the Director of Immigration to exercise discretion in considering and approving applications for extension of stay from EM women who are victims of domestic violence and sexual violence cases even if their spouses have withdrawn their sponsorship;
- (l) include representatives from sexual minority groups in the Working Group on Combating Violence;
- (m) appeal to subvented NGOs to adopt the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation;

Housing assistance and shelter service

- (n) make public the Guidelines and Procedures for Processing Applications for Compassionate Rehousing and Other Housing Assistance;
- (o) draw up a concrete timetable for increasing the capacity of refuge centres and earmark additional provisions for the expansion of shelter service;

Support services for victims of sexual violence

- (p) allocate more resources to HA for implementing one-stop services for victims of sexual violence in all hospitals with A&E departments;

Support services for batterers of domestic violence

- (q) consider providing mandatory treatment and counselling services for perpetrators of domestic violence; and

Publicity and public education

- (r) allocate more resources to increase public awareness and understanding of the issue of domestic violence as well as the support services available to specific groups of victims, enhance public education on anti-domestic violence and step up efforts in promoting the concepts of gender equality and family values.

68. The Subcommittee further recommends that the support of the Panel should be sought for the priority allocation of a debate slot to the Chairman of the Subcommittee under rule 14A(h) of the House Rules, so as to enable him to move a motion to take note of the Subcommittee report at a Council meeting.

Advice sought

69. Members are invited to note the work of the Subcommittee and endorse its recommendations.

Panel on Welfare Services

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

Terms of reference

To study issues relating to the strategy and measures to tackle domestic violence and sexual violence, including:

- (a) the effectiveness and progress of the services already in place which were discussed by the Subcommittee on Strategy and Measures to Tackle Family Violence under the Panel on Welfare Services of the Third Legislative Council;
- (b) statistics, definition, identification and assessment of domestic violence and sexual violence;
- (c) relocation of accommodation, emotional support and various follow-up services for those involved in cases of domestic violence and sexual violence;
- (d) legal proceedings relating to cases of domestic violence and sexual violence, as well as anti-violence programmes and counselling services for batterers;
- (e) education and preventive measures against domestic violence and sexual violence (including hidden cases of domestic violence and sexual violence), and review on child fatality and serious cases;
- (f) manpower, resources and workload of the relevant organizations and government departments, as well as co-ordination among various services for handling domestic violence and sexual violence (including measures taken by the Police and the Social Welfare Department and their co-operation in handling the relevant cases, procedural guidelines and classification system of the Police for handling the relevant cases, as well as measures taken by the relevant organizations and government departments to help those involved in cases of domestic violence and sexual violence lead a new life);

- (g) special needs of specific groups, including elderly persons, children, new-arrivals, ethnic minorities, homosexuals, transgendered persons, persons with disabilities and sex workers, etc. when encountering domestic violence and sexual violence;
- (h) the relationship between the provision of mental health services and the occurrence of domestic violence incidents in the community, as well as the support for the families and persons concerned; and
- (i) policies and follow-ups for handling domestic violence and sexual violence.

Panel on Welfare Services

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

Chairman Dr Hon Fernando CHEUNG Chiu-hung

Deputy Chairman Hon CHAN Yuen-han, SBS, JP

Members Hon CHEUNG Kwok-che
Hon Alan LEONG Kah-kit, SC
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Helena WONG Pik-wan
Hon TANG Ka-piu, JP

(Total : 8 members)

Clerk Miss Betty MA

Legal Adviser Miss Rachel DAI

Date 10 November 2015

Panel on Welfare Services

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

List of organisations/individuals which have given oral representation to the Subcommittee

1. 八爪
2. Action Q
3. Labour Party
4. Civic Party
5. Midnight Blue
6. Catholic Diocesan Pastoral Centre for Workers (Kowloon)
7. Union of Nepalese Domestic Workers in Hong Kong
8. Equal Opportunities Commission
9. The Forthright Caucus
10. Democratic Alliance for the Betterment and Progress of Hong Kong
11. The Democratic Party
12. 同根同天空
13. New Arrival Women League
14. 同根婦女政策組
15. Liberal Party

16. Task Force on Foreign Helper's Problems of Liberal Party
17. Against Child Abuse
18. Asian Migrants Coordinating Body (AMCB)
19. Harmony House Ltd.
20. JJJ Association
21. VOICES
22. Sex Work Groups Alliance
23. Caritas Family Crisis Line and Education Centre
24. Caritas Family Crisis Support Centre
25. Tung Wah Group of Hospitals
26. Tung Wah Group of Hospitals CEASE Crisis Centre
27. Youth Union
28. Teen's Key
29. Po Leung Kuk
30. Daly & Associates
31. RainLily
32. Hong Kong Human Rights Monitor
33. Ms Puja Kapai Paryani, Associate Professor, Faculty of Law, The University of Hong Kong
34. Women Coalition of HKSAR
35. Project Touch, the Boys' & Girls' Clubs Association of Hong Kong
36. The Against Elderly Abuse of Hong Kong

37. Hong Kong Federation of Asian Domestic Workers Unions
38. Hong Kong College of Paediatricians
39. The Hong Kong Committee on Children's Rights
40. Society for Community Organization
41. The Hong Kong Council of Social Service
42. Hong Kong Christian Service
43. Hong Kong Federation of Women's Centres
44. Rainbow of Hong Kong
45. HKSKH Lady MacLehose Centre
46. Hong Kong Unison
47. 家暴受害人互助小組
48. 家暴婦女協助會
49. Thai Migrant Workers Union
50. International Domestic Workers Federation (IDWF)
51. Amnesty International Hong Kong
52. Christian Family Service Centre - Serene Court
53. 基層婦女家暴關注組
54. Ms Phyllis CHEUNG
55. Rainbow Action
56. Progressive Labor Union of Domestic Workers
57. Parents for The Family Association

58. New People's Party
59. 新來港婦女關注組
60. The Association for the Advancement of Feminism
61. YEUNG Chu-wing
62. Hong Kong Association For The Survivors of Women Abuse (Kwan Fook)
63. Association for Transgender Rights
64. Ms LAI Yuen-ki
65. 關注性騷擾小組
66. Association for Concern for Legal Rights of Victims of Domestic Violence
67. Association Concerning Sexual Violence Against Women
68. 關注援交少女小組
69. Anti480-Anti Sexual Violence Resource Centre
70. Diocesan Pastoral Centre for Filipinos
71. Eugene
72. Helpers for Domestic Helpers
73. Indonesian Migrant Workers Union (IMWU)
74. Mission For Migrant Workers
75. Nepali Social Service Hong Kong
76. New Beginnings Christian Fellowship (Hong Kong)
77. PathFinders Limited
78. The Bethune House Migrant Women's Refuge Limited

79. United Filipinos in Hong Kong

List of organisations/individuals which have provided written views to the Subcommittee

1. The Society for Truth and Light
2. Mr YEUNG Wai-sing, Member of Eastern District Council
3. Dr YANG Mo, Member of Southern District Council
4. The Law Society of Hong Kong
5. End Child Sexual Abuse Foundation
6. A group of dedicated community paediatricians working for child protection
7. The Coalition of Service Providers for Ethnic Minorities
8. The Rights Exposure Project