

立法會
Legislative Council

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by the Administration)

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Subcommittee on Children's Rights

**Minutes of the fourteenth meeting
on Tuesday, 23 January 2018, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon SHIU Ka-chun (Deputy Chairman)
Hon LEUNG Yiu-chung
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon Alvin YEUNG
Hon HUI Chi-fung
Dr Hon CHENG Chung-tai

Members absent : Dr Hon Helena WONG Pik-wan
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick

Public Officers attending : **Agenda Item I**

Labour and Welfare Bureau

Mr Caspar TSUI, JP
Under Secretary for Labour & Welfare

Education Bureau

Dr CHOI Yuk-lin, JP
Under Secretary for Education

Ms SO Yuen-yi
Principal Education Officer (School Administration)

Housing Department

Ms Catherine FONG
Senior Housing Manager/Applications 1

Social Welfare Department

Mr FUNG Man-chung
Assistant Director (Family & Child Welfare)

Ms Annisa MA
Chief Social Work Office (Domestic Violence)

Hong Kong Police Force

Mr Crusade YAU
Chief Superintendent of Crime Support

Mr Brian LEUNG
Senior Superintendent of Police (Identification Bureau)

Ms Kitty WONG
Chief Inspector of Police, Family Conflict and
Sexual Violence Policy Unit

Hospital Authority

Dr SIN Ngai-chuen
Chief Manager (Patient Safety & Risk Management)

**Attendance by
invitation**

: Agenda Item I

Democratic Alliance for the Betterment
and Progress of Hong Kong _____

Ms LAI Ka-man
Deputy Spokesperson

Mr WHY

Mr LEUNG Kwok-hung

PathFinders

Ms Siti-octrina MALIKAH
Case Manager

The Civic Party

Mr LUI Kai-wing
District Developer of the New Territories East

Liberal Party

Mr CHEUNG King-fan
Member

Anti480 Anti-Sexual Violence Resource Centre

Ms CHAN Suet-yee
Centre-In-Charge

The Society for Truth and Light

Ms Helen FU Dan-mui
Deputy General Secretary

The Young Civic

Mr Daryl CHOI Ming-hei
District Developer of the New Territories East

Baptist Oi Kwan Social Service

Ms TANG Man-hang
Social Worker

Hong Kong Professional Teachers' Union

Mr CHONG Yiu-kwong
Vice-President

同根同天空

馮婉冰
成員

同根社

黃佳鑫
組織幹事

保良局

Eugenie MAK Kam-yum
婦女庇護中心前線社工

和諧之家

胡綺玲
服務督導主任(署理)

The Association for Concern for Legal Rights of
Victims of Domestic Violence

Yenni KWOK
Representative

Centre for Comparative and Public Law, Faculty of Law,
The University of Hong Kong

Puja Kapai PARYANI
Associate Professor

東華三院芷若園

Pandora LIU
主任

**Clerk in
attendance**

: Ms Angel WONG
Chief Council Secretary 4(4)

**Staff in
attendance**

: Miss Mandy NG
Council Secretary 4(4)

Ms Sandy HAU
Legislative Assistant (4)4

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I. Rights of children affected by domestic violence

(LC Paper No. CB(4)504/17-18(01) -- Paper provided by the Labour and Welfare Bureau)

Written submissions from deputations not attending the meeting

(LC Paper No. CB(4)504/17-18(04) -- Submission from Queenie LIU
(*Chinese version only*)

LC Paper No. CB(4)531/17-18(04) -- Submission from Mother's Choice (*English version only*)
(*Restricted to members only*)

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

2. The Subcommittee received views from 18 deputations/individuals attending the meeting and two written submissions from a deputation/individual who had not attended the meeting. The major views and concerns expressed by deputations/individuals at the meeting were summarized as follows:

Child protection policy

- (a) the impact of witnessing domestic violence could be traumatic for a child and resulted in emotional or psychological abuse. Children's witnessing domestic violence should be considered as a form of child abuse;
- (b) the Commission on Children to be set up by the Administration in 2018 should be empowered to formulate policies on child protection and welfare. A children's commissioner should be appointed to coordinate different bureaux and departments in implementing the policies;
- (c) multidisciplinary collaboration among different bureaux and departments should be enhanced to address the problem of domestic violence;

Prevention and intervention of domestic violence

- (d) the Administration should introduce a mandatory reporting mechanism for reporting child abuse and domestic violence cases to foster early detection of abuse;

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- (e) similar to primary and secondary schools, kindergartens should be required to report students' non-attendance to the Education Bureau ("EDB") on the 7th day (instead of after an entire month) of student's continuous absence regardless of the reasons to safeguard students' well-being;
- (f) to foster early detection of abuse and render assistance to needy children, additional resources should be allocated to increase the provision of social workers and psychologists. The policy of "one school social worker for each secondary school" should be extended to kindergartens and primary schools;
- (g) excessive homework might affect family life and possibly led to a greater risk of violence and abuse in some extreme cases. It was suggested that the time spent on homework be capped to reduce pressure of children as well as parents;
- (h) to prevent sexual violence and encourage victims to seek help, the Administration should enhance sex education in schools to raise children' awareness of sexual violence and self-protection;
- (i) as single parent families were at high risk of financial hardship and faced more difficulties in looking after their children, their children were more likely to have been exposed to domestic violence. To alleviate the stress of single parents, the Administration should provide them with support in areas of financial assistance, employment training, social welfare and child care. In addition, the Administration should consider setting up a maintenance board to help divorcees collect maintenance payments;
- (j) in families where there was a risk of domestic violence/child abuse, guidance and counselling for adults could prevent children from being victims. The Administration should identify families most in need of the service and provide home visitation services for these families;
- (k) training for frontline personnel who worked with children, including social workers, teachers, police, etc. should be enhanced to facilitate them in detecting and reporting early signs and symptoms of domestic violence;
- (l) to protect children in foster care from abuse, the Administration should put in place a more stringent assessment process to assess potential foster families and closely supervise foster families throughout the placement;

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- (m) the Administration should re-consider whether to introduce joint parental responsibility model by legislative means to deal with the arrangements of children after the divorce of their parents which might increase the hostility between parents and lead to domestic violence;
- (n) to ensure that timely and appropriate assistance could be provided for families at risk, the Administration should study the prevalence of domestic violence in Hong Kong and its causes so as to enhance relevant social welfare services, including outreaching services, for families in need;
- (o) more resources should be allocated to more widespread public education on ways to raise children, correct concepts and attitude towards domestic violence, and the need to seek help;

Remedial measures

- (p) protection for children witnessing domestic violence were highly recommended. The Administration should increase the places for refuge centres for women and residential child care services so as to provide timely residential care for children affected by domestic violence and victims of child abuse;
- (q) children affected by domestic violence should be provided with child-oriented services. Each refuge centre should be provided with a clinical psychologist so that children affected by domestic violence could receive timely intervention and treatment services for psychological health. Regular counselling and psychological assessment should be provided to these children to minimize consequences like emotional problems;
- (r) Social Welfare Department ("SWD") should follow up with children affected by domestic violence with a view to formulating welfare plans for them. In doing so, the Administration should maintain a central database on the personal particulars of the victims of child abuse to facilitate social workers in formulating welfare plans in the best interests of these children ;
- (s) housing needs of victims of domestic violence and their children should be addressed by increasing the Compassionate Rehousing ("CR") quota and raising the maximum level of rent allowance under the Comprehensive Social Security Assistance;

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- (t) school placement services should be provided for children affected by domestic violence to ensure that their schooling would not be affected by family problems or crises;
- (u) batterers should undergo mandatory counselling to prevent the recurrence of violence and a higher level of penalty should be imposed on them for a stronger deterrent effect;
- (v) when the Court had concerns about the custody/access of children for cases having filed for divorce, the Court might order SWD to prepare an investigation report. To assist the Court to have a full understanding of the family background and welfare needs of the concerned child, the case manager of the domestic violence case should also submit report(s) to the Court;
- (w) the Police had classified domestic conflict reports into three categories, viz. domestic violence (crime), domestic violence (miscellaneous) and domestic incidents (including disputes) and categorized most domestic violence cases as domestic incidents (including disputes). As a result, cases of domestic incidents far outnumbered domestic violence (crime) and domestic violence (miscellaneous) cases, and the seriousness of the problems of domestic violence and child abuse could not be truly reflected. The Police should consider reviewing the classification of domestic conflict cases; and
- (x) frontline personnel including the Police, teachers, etc. should be provided with professional and specific training to enhance their skills in dealing with cases of domestic violence.

3. Members shared the views expressed by deputations/individuals attending the meeting, and stressed the importance of domestic violence prevention and the need to cover psychological trauma caused by witnessing domestic violence under the definition of child abuse.

4. On the views and concerns expressed by members and deputations at the meeting, the Administration made the following responses:

Child protection policy

- (a) the Administration attached great importance to the well-being of children and provided "child-centred, family-focused and community-based" welfare services to safeguard the well-being of children;

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- (b) two focus groups had been set up to discuss thoroughly the definition of child abuse, approaches in handling child abuse cases, identification of child abuse cases, initial assessment and risk assessment. It was anticipated that the review would be completed in 2019;
- (c) the Commission on Children to be set up in mid-2018 would be a high-level advisory body that would bring together relevant bureaux/departments and child concern groups and focus on addressing children's issues as they grow. The Administration had taken note of the suggestion of establishing a children's commissioner to coordinate Government efforts to address children's issues, and would take into account the public views collected in the public engagement on the establishment of a Commission on Children when discussing its roles and functions;

Prevention and intervention of domestic violence

- (d) under the Child Protection Registry maintained by SWD, reported child abuse cases were classified into five types, viz. physical abuse, neglect, sexual abuse, psychological abuse and multiple abuse. Child abuse cases were reported by various parties, including children being abused, batterers, schools, healthcare officers, social workers, etc. Nonetheless, the Administration would explore measures to further enhance the existing reporting arrangement;
- (e) EDB would explore with the education sector how the mechanism for reporting students' absence in kindergartens could be revised to enhance child protection;
- (f) the Administration was aware of the request for "one school social worker for each primary school" in the community and would seek resources for its early implementation in primary schools. The review on the new kindergarten education policy to be conducted by the Administration could cover, among others, social work services in kindergartens;
- (g) to reduce parents' stress in supporting their children over homework, the Administration would strengthen parent education to help parents provide guidance to their children;
- (h) sex education was part of values education. Schools should plan their curricula and other learning activities holistically and systematically for implementing values education, including sex education. Schools were also encouraged to further enhance sex

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education through weekly assemblies, class teacher lessons and extra-curricular activities. To support schools in implementing sex education, EDB had collaborated with NGOs to develop learning and teaching resources and help conduct seminars for teachers;

- (i) to ensure early identification and timely intervention of child abuse cases, frontline personnel were reminded to stay sensitive and alert to cases with high-risk indicators, such as those involving unmarried mothers with child care problems, drug-abusing mothers, mothers with postnatal depression and families with psychological needs;
- (j) the Police and SWD jointly organized regular seminars relating to combating domestic violence for their officers as well as the Department of Justice, Department of Health and non-government organizations;
- (k) EDB was jointly organizing a number of briefings with SWD and the Police with a view to strengthening teachers' ability to identify and facilitate early intervention in child abuse cases;
- (l) SWD launched in 2017-2018 a series of television and radio Announcements of Public Interest, and displayed banners and posters to promote the message of protection of children and against child abuse;

Remedial measures

- (m) to protect children suspected/found to be abused and children who had witnessed domestic violence, "Procedural Guide for Handling Child Abuse Cases (Revised 2015)" ("Procedural Guide") and "Procedural Guide for Handling Intimate Partner Violence Cases" had been drawn up for reference by different professionals in handling cases of child abuse/domestic violence;
- (n) to further enhance the procedures for handling child abuse cases, the current Procedural Guide was being reviewed. Although the review was expected to be completed within the second half of 2019, enhancement measures would be implemented anytime as deemed necessary instead of waiting for the completion of the review;
- (o) the Administration concurred that children who had witnessed domestic violence might be affected by the traumatic experience. Whenever necessary, assessment and treatment by clinical psychologists or psychiatrists would be arranged for these children. For example, the Family and Child Protective Services Units of

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SWD would collaborate with tertiary institutions to provide art therapy service for children who witnessed domestic violence;

- (p) upon receipt of reports or referral of child abuse cases, SWD must accord high priority to the immediate safety of the child even if there were insufficient details of the incident. SWD would conduct initial assessment of the case and take appropriate follow-up actions accordingly;
- (q) in view of the high utilization rate of refuge centres for women, SWD provided in 2016-2017 additional manpower resources to these centres and the Multi-purpose Crisis Intervention and Support Centre with a view to enhancing support to the children who were temporarily accommodated in the Centre, and provided additional eight places with relevant manpower to refuge centres for women. SWD would further provide additional 22 places in 2018-2019. SWD would continue to closely monitor and review the utilization of the refuge centres and consider increasing the residential places of refuge centres when necessary;
- (r) in view of the urgent accommodation needs of victims of domestic violence, Housing Department, upon receipt of SWD's recommendations, would complete eligibility assessment of the applicants for CR within seven working days (normally three weeks) and arrange flat allocation promptly;
- (s) based on SWD's experience of conducting the Batterer Intervention Programme ("BIP") for male batterers, the treatment results for batterers who were mandated in some way to join the programmes were less favourable than those who participated on a voluntary basis. Therefore, it was not considered appropriate to provide compulsory counselling to batterers of domestic violence. An evaluation study on the Programme for women was being conducted;
- (t) since not every batterer would voluntarily participate in BIP which was of longer duration, SWD provided short-term batterer programme to encourage more batterers to receive short-term counselling. SWD would continue to actively improve the programmes to prevent the re-occurrence of domestic violence;
- (u) when handling domestic conflict reports, the Police would classify the cases, according to the degree of seriousness, into three categories, namely domestic violence (crime), domestic violence (miscellaneous) and domestic incidents. The Police created the domestic incident category in January 2009 to include non-violent

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incidents occurring in a "married or having a family relationship" context, which were without any crime element, such as dispute, nuisance, annoyance, distress, etc. The creation of the category aimed to expand the safety net to cover high-risk non-crime domestic violence cases so that frontline police officers could have a better understanding of the overall circumstances of the case in making decision. These cases were also recorded in the Enhanced Central Domestic Violence Database ("ECDVD") to ensure that the overall situation of domestic conflict was fully reflected;

- (v) the Police had provided its frontline officers with professional training and clear guidelines for effective handling of domestic violence cases. Where practicable, a male and a female police officers would attend the scene. A police officer of the rank of Sergeant or above would also be deployed to the scene to supervise the case to ensure that it was properly handled and classified. Police officers on the scene would check against ECDVD to ascertain whether there were any past reported domestic conflicts involving the same family and assess the risks accordingly. Depending on the assessment results, the Police would take necessary and proper action, such as detention of offenders as appropriate to protect the victims and their children from further attack. Where necessary, the Police would 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; and
- (w) through close liaison between SWD and the Hospital Authority ("HA") in expediting the handling of child abuse cases, unnecessary hospitalization of children had been greatly reduced and the average length of overstay had been improved from 58 days to 32 days. The Administration would continue to monitor the situation and take timely action as appropriate.

5. The Subcommittee requested the Administration to provide:

- (a) the statistics on reporters reporting child abuse cases received by SWD in the past five years;
- (b) the number of children who witnessed domestic violence were referred to clinical psychologists by SWD in the past five years;
- (c) the number of domestic conflict cases received and handled by the Police and among them, the number of cases referred to SWD for follow-up in the past five years;

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- (d) the operational procedures and guidelines for frontline police officers handling domestic conflict reports and functions of ECDVD;
- (e) the number of applications for Care or Protection Orders made by SWD and the Police under the Protection of Children and Juveniles Ordinance (Cap. 213) in the past five years;
- (f) the latest situation of unnecessary hospitalization of children in Paediatrics Units of HA; and
- (g) a consolidated written response to the views and concerns raised by the deputations and members at the meeting.

(Post-meeting note: The Administration's written information was issued to members vide LC Paper No. CB(4)664/17-18 (01) on 27 February 2018.)

II. Any other business

6. There being no other business, the meeting ended at 1:03 pm.

Council Business Division 4
Legislative Council Secretariat
26 July 2018

Subcommittee on Children's Rights
Proceedings of the fourteenth meeting
on Tuesday, 23 January 2018 at 10:45 am
in Conference Room 1 of the Legislative Council Complex

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda Item I – Rights of children affected by domestic violence</i>			
000811 - 001332	Chairman	Opening remarks	
001333 - 001618	Chairman Democratic Alliance for the Betterment and Progress of Hong Kong	Presentation of views	
001619 - 001927	Chairman Mr LEUNG Kwok-hung	Presentation of views	
001928 - 002257	Chairman PathFinders	Presentation of views [LC Paper No. CB(4)531/17-18(01)]	
002258 - 002610	Chairman Civic Party	Presentation of views [LC Paper No. CB(4)545/17-18(01)]	
002611 - 002902	Chairman Liberal Party	Presentation of views	
002903 - 003216	Chairman Anti480 Anti-Sexual Violence Resource Centre	Presentation of views [LC Paper No. CB(4)518/17-18(01)]	
003217 - 003513	Chairman The Society for Truth and Light	Presentation of views [LC Paper No. CB(4)518/17-18(02)]	
003514 - 003803	Chairman The Young Civic	Presentation of views	
003804 - 004119	Chairman Baptist Oi Kwan Social Service	Presentation of views [LC Paper No. CB(4)504/17-18(02)]	
004120 - 004331	Chairman Hong Kong Professional Teachers' Union	Presentation of views [LC Paper No. CB(4)504/17-18(03)]	
004332 - 004637	Chairman 同根同天空	Presentation of views	

Time marker	Speaker(s)	Subject(s)	Action required
004638 - 004956	Chairman 同根社	Presentation of views	
004957 - 005315	Chairman 保良局	Presentation of views	
005316 - 005615	Chairman 和諧之家	Presentation of views	
005616 - 005947	Chairman The Association for Concern for Legal Rights of Victims of Domestic Violence	Presentation of views [LC Paper No. CB(4)531/17-18(02)]	
005948 - 010431	Chairman Centre for Comparative and Public Law, Faculty of Law, The University of Hong Kong	Presentation of views [LC Paper No. CB(4)531/17-18(03)]	
010432 - 010843	Chairman 東華三院芷若園	Presentation of views	
010844 - 011251	Chairman Mr WHY	Presentation of views	
011252 - 014257	Chairman Labour & Welfare Bureau ("LWB") Education Bureau ("EDB") Social Welfare Department ("SWD") Housing Department ("HD") Hospital Authority Hong Kong Police Force ("HKPF")	The Chairman's remarks and the Administration's response to the views and concerns expressed by the deputations	Paragraph 5 of the minutes refers
014258 - 014858	Chairman Mr LEUNG Yiu-chung LWB	Mr LEUNG's concerns about the Administration's preventive measures against domestic violence and child abuse, the need for a comprehensive review on the policy of "one school, one social worker" and inadequate provision of temporary residential places in refuge centres for women	Paragraph 5 of the minutes refers
014859 - 015511	Chairman Deputy Chairman SWD	The Deputy Chairman's concerns about the definition of child abuse, inadequate provision of child care services, regulation of foster care service and manpower shortage of care workers in refuge centres for women	

Time marker	Speaker(s)	Subject(s)	Action required
015512 - 020054	Chairman Mr IP Kin-yuen EDB	Mr IP's concerns about the provision of social workers in kindergartens, family conflicts arising from excessive homework and reporting of suspected child abuse cases by teachers	
020055 - 020106	Chairman	Extension of meeting for 15 minutes	
020107 - 020918	Chairman Mr HIU Chi-fung HKPF SWD	Mr HUI's concerns about the support for children exposed to domestic violence, reporting of suspected child abuse cases by schools, police's handling of domestic conflict reports involving child abuse	
020919 - 021456	Chairman Dr KWOK Ka-ki LWB	Dr KWOK's suggestion of establishing a children's commissioner/children's ombudsman	
021457 - 021621	Chairman Mr WHY	Presentation of views	
021622 - 021712	Chairman Hong Kong Professional Teachers' Union	Presentation of views	Paragraph 5 of the minutes refers
021713 - 021817	Chairman 同根社	Presentation of views	Paragraph 5 of the minutes refers
021818 - 022126	Chairman	The Chairman's concern about the functions of the Police's Enhanced Central Domestic Violence Database and his request for a consolidated written response from the Administration to the views and concerns raised by members and deputations at the meeting	Paragraph 5 of the minutes refers
022127 - 022213	Chairman Deputy Chairman	The Deputy Chairman's request for information on the latest situation of unnecessary hospitalization of children in Paediatrics Units of the Hospital Authority and the operational procedures and guidelines currently adopted by the Police for handling domestic conflict reports	Paragraph 5 of the minutes refers
<i>Agenda Item II – Any other business</i>			
022214 - 022237	Chairman	Closing remarks	