

**Minutes of the
Social Welfare Advisory Committee (SWAC) Meeting
held on 2 November 2005**

Present

Mr Wilfred Wong Ying-wai (Chairman)
Mrs Cheung Ang Siew-mei
Dr Miranda Chung Chan Lai-foon
Ms Christine Fang Meng-sang
Mr Quentin Fong
Mr Herman Hui Chung-shing
Mr Keith Lam Hon-keung
Mr Vincent Lo Wing-sang
Prof Diana Mak Ping-see
Mr Aaron Wan Chi-keung
Mr Silva Yeung Tak-wah
Ms Lisa Yip
Miss Jessie Yu Sau-chu
Ms Wendy Cheung (Secretary)

In Attendance

Health, Welfare and Food Bureau (HWFB)

Ms Linda Lai Deputy Secretary for Health, Welfare & Food
(Family and Women)
Ms Salina Yan Deputy Secretary for Health, Welfare & Food
(Elderly Services and Social Security)
Mr Freely Cheng Principal Assistant Secretary for Health, Welfare &
Food (Family)
Ms Dora Fu Principal Assistant Secretary for Health, Welfare &
Food (Women)
Ms Hinny Lam Assistant Secretary for Health, Welfare & Food
(Women)(Special Duties)

Social Welfare Department (SWD)

Mr Paul Tang Director of Social Welfare

Mr Fung Pak-yan Assistant Director of Social Welfare (Family and
Child Welfare)

Ms Pang Kit-ling Chief Social Work Officer (Domestic Violence)

Hong Kong Police Force

Mr Lau Sik-tim Chief Superintendent (Crime Support)(Crime Wing)

Absent with Apologies

Dr Stephen Chow Chun-kay

Dr Benjamin Lai Sau-shun

Dr Leung Cho-bun

Ms Marina Wong Yu-pok

Mr Tung Chi-fat

**Item 1 : Briefing on the new initiatives for the welfare area in the 2005-06
Policy Address and Policy Agenda**

Presentation

A paper for the Legislative Council Panel on the new welfare initiatives on family, domestic violence, rehabilitation and elderly in the 2005-06 Policy Address was sent to Members on 14 October 2005. Progress of the initiatives introduced in the last Policy Address in January 2005 was also mentioned in the paper.

2. Members made the following comments:
- (a) helping people build up their capacity to overcome adversities and targeting resources for those most in need was the right direction of welfare policy;
 - (b) resources should be focused on preventive measures to reduce the occurrence of social problems rather than just increasing social worker manpower or remedial actions, particularly in tackling domestic violence;
 - (c) the Administration should organize briefing sessions for the welfare sector to further discuss on the implementation of individual new initiatives. A longer-term and overall planning of welfare should also be undertaken in future;
 - (d) the Government should have more collaboration with other concerned parties such as NGOs in developing policies and implementing measures;
 - (e) single parent CSSA recipient was a complicated issue in which mandatory part-time employment and employment assistance alone might not be able to solve the problem;
 - (f) a member considered that the Government should re-open the Single

Parents Centres to cater for the specific needs of the single parents. Some felt that more focused services for the ethnic minorities and new arrivals should also be made available at the Integration Family Services Centres;

- (g) more researches and studies on families should be conducted to identify the needs of families and to review the existing provision of services;
- (h) on rehabilitation and elderly services, training to frontline medical/healthcare workers should be strengthened to equip them with the necessary skills and knowledge in taking care of the needy. More emphasis should be placed on the development of community care and ancillary facilities for the disabled such as transportation to facilitate their participation in community life;
- (i) information on the existing service gaps and waiting lists of welfare services, and poverty situations in various districts should also be covered in the collection of district indicators for welfare planning purposes; and
- (j) more training should be provided to the frontline workers on the necessary marketing and networking skills to solicit support and sponsorship from the business partners in achieving social partnership to help the disadvantaged.

3. The Government made the following responses:

- (a) our welfare system aimed to enhance the capacity of people to overcome adversities as well as nurture the spirit of mutual help and responsibility in helping the less fortunate members of our community. Partnership was the key and therefore the Government encouraged cross-sectoral co-operation. The new policy initiatives on family, domestic violence, elderly and rehabilitation would be formulated and implemented along these principles;
- (b) additional resources would not be just spent on increasing social worker manpower but also on developing more volunteer support networks in the community;
- (c) the annual consultation mechanism with the welfare sector would continue in future. The timing of the consultation sessions would tie in with the Policy Address cycle. As regards Members' suggestion on organizing briefing sessions with the welfare sector on implementation of the new policy initiatives, they would be organized when the detailed plans were drawn up at a later stage;
- (d) SWD would not re-open the Single Parents Centres and New Arrivals Centres because a continuum of comprehensive services was already provided under the Integrated Family Services Centres to meet the needs of people from various backgrounds. As

integration of services was the direction for welfare services, it was not desirable to have special centres for the single parents and ethnic minorities/new arrivals which might create a labeling effect on the service recipients;

- (e) while the revised assistance for the single parents recipients under the CSSA Scheme might not help single parents out of poverty immediately, mandatory requirement on part-time employment was considered as an important step to encourage able-bodied single parents on CSSA to integrate with the community as early as possible;
- (f) on collection of district indicators, the present data collected should be sufficient in analyzing districts needs and formulating district plans. Furthermore, if there were any specific welfare needs in particular districts, the respective District Welfare Officers would reflect them to the central management for follow-up actions; and
- (g) on training for frontline workers on social partnership, SWD had raised with the tertiary institutes the need for more management skills training for social work undergraduates. The issue would continue to be followed up under the Social Work Training Advisory Committee separately. For the existing staff, relevant training such as corporate governance would be enhanced.

4. Members supported the basic principles in formulating welfare

policies in that the welfare system should encourage people to help themselves and increase their resilience. The Government should, through the joint efforts of all the relevant parties including the business sector and the community, help those who were most in need. There should also be more joint meetings between SWAC and other related committees/commissions to enhance the interfacing and collaboration on cross-cutting welfare issues such as elderly and poverty, etc.

5. Members also supported the Government in attaching greater importance to the traditional core values of families. However, implementation of the concrete programmes which could bring out the concept was very important. Publicity campaign and promotional efforts should be accompanied by corresponding enhancement in services.

6. Members considered that SWAC should examine social policies from a broader conceptual level and make suggestions to the Government. It could play a more proactive role during the concept development stage as well as initiative implementation stage.

Item 2 : Administration's preliminary responses to the recommendations of the Consultancy Study on Child Abuse and Spouse Battering (SWAC Paper No. 12/05)

7. In April 2003, the SWD commissioned the Department of Social Work and Social Administration of the University of Hong Kong (the

Consultant) to conduct a Study on Child Abuse and Spouse Battering. Part One of the Study aimed to estimate the prevalence rate of child abuse and spouse battering in Hong Kong, to analyze the demographic, social, psychological and family profile of perpetrators and victims, as well as to identify elements contributing to effective prevention and intervention, including studying the feasibility and implications of adopting mandatory treatment of perpetrators in Hong Kong and examining the existing legislative measures. Part One of the Study was completed in June 2005 and the results were presented to the SWAC at its meeting on 7 July 2005. Among others, the Consultant had made a total of 21 recommendations on the social and legal measures for prevention and intervention of domestic violence. The SWAC had requested the Administration to consider the recommendations and consult the Committee when it was ready to do so.

8. The HWFB had convened an inter-departmental working group with related government bureaux and departments to examine the recommendations in details. The paper introduced the Administration's preliminary responses to these recommendations.

9. Members made the following comments :

(a) the launch of two pilot projects of Batterer Intervention Programmes (BIPs) on voluntary and statutory (through probation order) basis was welcomed. Nevertheless, support services for victims and witnesses should also be strengthened at the same time to protect their safety;

- (b) while the Government's stance of zero tolerance towards family violence was supported, some considered that it might not be easy to achieve and a pragmatic approach should be taken in implementing the concept.
- (c) the Consultant had approached the issue of handling family violence and come up with the recommendations from the academic perspective. However, it was considered that a more practical approach should be taken in formulating policy and measures to tackle the problem;
- (d) on the setting up of a domestic violence court that would handle all criminal and civil cases involving domestic violence, some considered that more in-depth examination on the feasibility of such recommendation would be required. This was because the proceedings and standard of proof in civil and criminal trials were very different. If criminal proceedings were adopted, it might disadvantage the victims who might not be able to meet the stringent level of proof required. Furthermore, it might discourage some victims from seeking help on fear that their spouse batterers might face more serious consequences;
- (e) as there was already a Family Court handling family cases in Hong Kong, for better utilization of resources, the existing Family Court should be empowered to handle domestic violence cases as well, as opposed to setting up a separate domestic violence court;

- (f) some took the view that all relevant ordinances related to domestic violence should be pulled together to integrate the criminal and civil laws to ensure fair treatments for both the batterers and victims. Nevertheless, some other Members held a different view that this might not be a feasible arrangement given the judges in our existing legal framework did not play an investigatory role in criminal cases and this might disadvantage the victims who might not be able to meet the stringent standard of proof required;
- (g) in launching the territory-wide family education and publicity campaign on combating family violence, the HWFB and SWD should have better coordination with the Education and Manpower Bureau (EMB) in curriculum planning of the respective education programmes such as health management and social care;
- (h) it was necessary for the parties concerned to assess the practical impact of domestic violence cases after all the legislative and policy amendments were implemented;
- (i) given domestic violence was a complicated problem cutting across many bureaux/departments, a standing inter-departmental coordination mechanism should be established for better coordination in tackling the problem; and
- (j) while education and training for frontline practitioners on family

violence should be strengthened, we should not expect police officers to perform the role of social workers by identifying the potential domestic violence cases for early intervention.

10. The Government made the following responses :

- (a) on 'zero tolerance', it was appreciated that there were different views on how to implement the concept. Some quarters suggest that the police should arrest suspected batterers immediately without discretion, whereas some are of the view that the frontline practitioners should be left with flexibility to determine the appropriate action depending on the unique situation of each case. More in-depth discussion was necessary;
- (b) it was agreed that prevention of domestic violence should start early from school education and the HWFB and SWD would work closely with the EMB on the review of the education curriculum. Furthermore, as most victims of domestic violence were women and children, the Government would also work on the aspects of gender relationship and mutual respect;
- (c) the recommendations on mandatory treatments of perpetrators and amendments to the existing legislations were very complicated and might have many read-across implications. Therefore, more thorough examination of the issues with all the parties concerned was needed in order to come up with practical measures that suited

Hong Kong's situation. To start with, two pilot projects of BIP would be introduced to identify effective treatment programmes for batterers and provide reference for the objective, content and standard of future BIPs;

- (d) on some Members' suggestion for the existing Family Court to take up domestic violence cases instead of establishing a specialised domestic violence court, the existing Family Court was mainly responsible for handling divorce cases and their workload was already stretched to the limit. It might not be most effective for the Family Court to absorb extra domestic violence cases; and
- (e) on the scope of responsibilities of the Police in combating domestic violence, the Police was responsible for investigating crimes involving domestic violence and holding the offenders accountable based on evidence.

11. Members welcomed the launch of the pilot projects which would provide more scientific basis for future batterer services. Nevertheless, they considered that the Government should not be bound by the recommendations of consultancy study. It should take a totality approach in formulating the policy and measures to better prevent and handle domestic violence in a pragmatic way.

12. Members noted that whether criminal proceedings should be adopted in all family violence cases was arguable as the standard of proof between

criminal and civil proceedings was very different and it might discourage some victims from seeking help. More careful examination on the feasibility of such recommendation was needed.

13. The Meeting understood that the Government would further study the subject and consult SWAC again in due course. It was hoped that there would be more thorough discussions from which we can come up with measures that suited Hong Kong's context.

Health, Welfare and Food Bureau

February 2006