

**For discussion on  
22 December 2009**

**Sexual Minorities Forum**

**Policy on Combating Domestic Violence and Services Provided by the  
Social Welfare Department to Persons (Including Same Sex Couples)  
Involved in Domestic Violence**

Domestic violence is an extremely complex matter with its roots in the interaction of many factors at individual and societal levels. As stated in the 2005-06 Policy Address, the Government does not tolerate domestic violence. To this end, the Government has enhanced support services and protection for victims of domestic violence through various means in recent years. This paper outlines the policy objective of the Government and the services provided by the Social Welfare Department (SWD) in this regard.

**Policy Objectives**

2. Recognising the nature of domestic violence, our policy objectives are to –
  - (a) prevent domestic violence as far as practicable;
  - (b) ensure safety and providing support for domestic violence victims (including crisis intervention, refuge centres, counselling / clinical psychological treatment, medical treatment, housing assistance etc.); and
  - (c) stop batterers from committing domestic violence acts.

## **Implementation Strategies and Measures**

3. To achieve the policy objectives, the Government adopts a three-pronged approach to tackle domestic violence, including –

(a) strengthening preventive measures (such as publicity and community education);

(b) providing supportive services (such as family services, housing assistance, financial assistance and child care services); and

(c) providing specialized services and crisis intervention services (such as Family and Child Protective Services Units, Clinical Psychological Services, Refuge Centres for Women, Family Crisis Support Centre, 24-hour Hotline and Outreaching Services, etc).

## **Improvement Measures**

4. Attaching great importance to combating domestic violence, SWD has in recent years stepped up efforts in strengthening the preventive measures against domestic violence and support services for abusers/victims and their family in need. These include –

(a) an enhanced 24-hour hotline operated by the SWD in collaboration with a non-governmental organization (NGO);

(b) a crisis support centre dedicated to victims of domestic violence and sexual violence;

(c) strengthening the functions and capacity of the refuge centres for women; and

(d) an expanded manpower provision of the Clinical Psychology Unit and the Family and Child Protective Services Units within the SWD.

## **Cross-departmental and Cross-sectoral Collaboration**

5. Domestic violence is a multi-faceted problem which requires a multi-pronged response to be implemented by the concerted efforts from all relevant parties and from our society. The Government recognizes the importance of coordination of the joint efforts of different departments, professionals and NGOs in preventing and tackling family violence, and has taken a proactive approach to set up an effective mechanism in this regard.

6. At the central level, the Working Group on Combating Violence has been set up to map out strategies and approaches, and coordinate the efforts among various Government Bureaux, departments and NGOs to address the problem of domestic violence in Hong Kong. Major Bureaux and Departments, amongst others, involved in the planning and implementation of the policy to combat family violence include –

(a) Labour and Welfare Bureau – Formulate and review policy and legislation related to domestic violence in consultation with departments and NGOs concerned.

(b) Social Welfare Department – Major department tasked to tackle domestic violence through professional crisis intervention, supportive services and preventive education, etc.

(c) Police – Law enforcement agency. Their specific roles include protecting victims of family violence and the children involved from attack; preventing the affected persons from further violent attack; taking firm and positive actions against the alleged offenders and investigating any offences that may have been committed; and referring the victims and / or alleged offenders to appropriate Government departments or other NGOs for assistance.

(d) Legal Aid Department – Provide legal aid to victims of family violence subject to their meeting the eligibility criteria. The purpose is to ensure that no one would be denied access to seeking legal justice due to a lack of financial means.

(e) Housing Department – Render housing assistance to victims of family violence where appropriate.

(f) Hospital Authority – Provide medical services to victims of family violence.

7. At district level, there are currently 11 District Liaison Groups on Family Violence (DLGFV) which provide platforms for regular communication amongst the Police, SWD and NGOs. Parties involved would also exchange views on possible measures to strengthen the collaboration in handling domestic violence cases. As for individual cases, the responsible social workers convene multi-disciplinary case conferences during which the professionals concerned share their knowledge and information on the subject cases and work together in formulating the most appropriate welfare plans for high-risk cases.

### **Legal Protection**

8. Currently, any acts of violence are liable to criminal sanctions under the Offences Against the Person Ordinance (Cap. 212) and the Crimes Ordinance (Cap. 200), irrespective of the relationship between the abuser and the victim. Persons in same-sex cohabitation relationship are afforded the same level of protection as those in heterosexual cohabitation relationship under the existing criminal legislative framework.

9. Under the civil legislative framework, the Domestic Violence Ordinance (DVO) (Chapter 189) provides civil remedies in the form of injunctions for persons in specific relationships. Since its enactment in 1986, the DVO has enabled a party to a marriage, or a man and a woman in cohabitation relationship, to obtain quick and temporary relief from molestation by applying to the court for an injunction order. After a thorough review of the DVO, the Administration has extended the scope of the Ordinance through the Domestic Violence (Amendment) Bill 2007 (the 2007 Bill) to cover, inter alia, former spouses and former heterosexual cohabitants, as well as immediate and extended family members.

10. During scrutiny of the 2007 Bill by LegCo, some quarters of the community and Legislative Council (LegCo) members of various political parties urged the Administration to re-examine the feasibility of further extending the scope of the DVO from covering heterosexual cohabitants to also same-sex cohabitants. Noting that violent incidents could quickly escalate into life-threatening situations or even fatality, the Administration

agreed that, while upholding its policy stance of not recognising any same-sex relationship as a matter of legal status, exceptional consideration could be given to extending the scope of the DVO from heterosexual cohabitants to also persons in same-sex cohabitation relationship. Subsequently, the Administration has introduced the Domestic Violence (Amendment) Bill 2009 (the Bill) into the LegCo on 17 June 2009. The Bill was passed on 16 December 2009.

### **Services for Batterers**

11. Following the completion of the Pilot Project on Batterer Intervention Programme (BIP) in March 2008, SWD continues running BIP as part of counselling service for batterers. Furthermore, different effective treatment modalities will be mapped out to meet the needs of different types of batterers, their spouse / intimate partners and children. With the enactment of the Domestic Violence (Amendment) Ordinance 2008, SWD has also introduced an Anti-Violence Programme (AVP) which seeks to help abuser change his / her abusive attitude and behaviour, provide treatment for the abusers aiming to reduce the risk of reoccurrence of violence / abuse and enhance the safety of spouses and / or family members of the participants.

12. In connection with the Domestic Violence (Amendment) Bill 2009, the Service Operators of AVP will expand their programmes to cover also abusers in same sex relationships.

### **Conclusion**

13. The overall objectives of SWD's services are to preserve and strengthen family solidarity, to develop caring interpersonal relationships, and to enable individuals and family members to deal with personal and family problems. Currently, SWD's services are catered for the needs of both the victims and their family. All service users, irrespective of their gender, age, race or sexual orientation, will be provided with appropriate counselling and support services.

14. While the services currently provided by SWD have already covered service users of different sexual orientation, we have arranged and will continue to arrange training programmes for social workers to enhance their

assessment skills and sensitivity in handling domestic violence cases involving same sex couples. Social workers will also be kept informed of the latest development on the legislative front.

Social Welfare Department  
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