

**NSS Enriching Knowledge for the Health
Management and Social Care (HMSC)
Curriculum Series –
Domestic Violence**

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Overview of Domestic Violence

Moses Mui

The Hong Kong Council of Social Service

Outline

1. Myths about Domestic Violence
2. Nature of Domestic Violence - Power and Control
3. Definition of Domestic Violence
4. Etiology of Domestic Violence
5. Cycle of Domestic Violence
6. Prevention of Domestic Violence

1. Myths about Domestic Violence

Myth 1 : Domestic violence is rare to occur. Even though it does happen, it will unlikely deteriorate.

Truth 1 : In most of the domestic violence cases, the victims are hesitated to disclose themselves because of lacking support. Thus, the actual number of cases is far higher than the reported cases. According to the HKU study, it is estimated that the prevalence rate of spousal abuse is around 10%. And only 1-2% of the cases will seek help which has reflected the fact that the reported cases have just shown the tip of the iceberg.

Myth 2 : Domestic violence only occurs in those families of low income, low education, new arrival or ethnic minorities.

Truth 2 : Domestic violence do happens in various families regardless of the economic, educational, racial and religious background.

Myth 3 : It is commonly believed that family conflict can always be resolved within the family. It is not necessary for the “outsiders” to intervene such family issue.

Truth 3 : Domestic violence always occurs in the form of cycle. It is essential for the professional intervention to stop the cycle, or else the cycle will become a vicious one.

Myth 4 : It is important to keep the integrity of the family since domestic violence should be addressed by the efforts of all family members.

Truth 4 : It is commonly found that domestic violence is always coupled with chaotic family relationship. Thus, temporary separation could provide new perspective for the family members to revisit the problem they are facing.

Myth 5 : Domestic violence is only a way of emotional ventilation which should be understandable and acceptable.

Truth 5 : Negative emotion should not be an excuse for domestic violence. To get at the root, ones should learn other alternatives of emotional management which is not harmful to others.

Myth 6 : It should not be difficult for the abused woman to leave the family.

Truth 6 : Many abused women are conservatively attached to their family, thinking that they are responsible for the whole family. Their lack of independence

and the threat from the abuser upon leaving also contribute to their struggle in leaving the family.

Myth 7: In order to provide a complete family to children, abused women have to bear the abuse albeit reluctantly.

Truth 7: Witnessing violence is sufficient enough to create great harm to the children. Children are only victims but not beneficiaries in a complete but unhealthy family.

Myth 8: Family violence usually occurs after the abuser has been provoked and triggered to hurt others when he cannot bear anymore. The abuser does not do it on purpose, nor is he willing to do so.

Truth 8: Domestic violence is about power and control. The abuser usually regards himself more authoritative than other family members that he can decide how to control those who do not behave desirably, including using violence. Hence, the abuse is an act of willingness and consciousness.

Myth 9: Abusers are usually losers who do not have much achievement in life and lack sympathy, looking cruel and violent.

Truth 9: Some abusers are professionals such as doctors and lawyers who look decent while some abusers can be rather considerate.

Myth 10: The abuser cannot change or control his violent behavior.

Truth 10: As long as the abuser is willing to admit that violence is wrong and be responsible for his deeds by receiving counseling to learn how to replace violence with new behaviors, it is possible that the abuser can change effectively.

Vicious Cycle of Domestic Violence

Believing in Myths – Inaccurate Judgment – Ineffective Intervention – Rationalization of Violence Behavior

2. Nature of Domestic Violence - Power and Control

Duluth Minnesota

USING COERCION AND THREATS <ul style="list-style-type: none"> ● Making and/or carrying out threats to do something to hurt her ● Threatening to leave her, to commit suicide, to report her to welfare ● Making her drop charges ● Making her to illegal things. 	MINIMIZING, DENYING AND BLAMING <ul style="list-style-type: none"> ● Making light of the abuse and not taking her concerns about it seriously ● Saying the abuse didn't happen ● Shifting responsibility for abusive behavior ● Saying she caused it.
USING ECONOMIC ABUSE <ul style="list-style-type: none"> ● Preventing her from getting or keeping a job ● Making her ask for money ● Giving her an allowance ● Taking her money ● Not letting her know about or have access to family income. 	USING ISOLATION <ul style="list-style-type: none"> ● Controlling what she does, who she sees and talks to, what she reads, where she goes ● Limiting her outside involvement ● Using jealousy to justify actions.
USING MALE PRIVILEGE <ul style="list-style-type: none"> ● Treating her like a servant ● Making all the big decisions ● Acting like the "master of the castle" ● Being the one to define men's and women's roles. 	USING EMOTIONAL ABUSE <ul style="list-style-type: none"> ● Putting her down ● Making her feel bad about herself ● Calling her names ● Making her think she's crazy ● Playing mind games ● Humiliating her ● Making her feel guilty
USING CHILDREN <ul style="list-style-type: none"> ● Making her feel guilty about the children ● Using the children to relay messages ● Using visitation to harass her ● Threatening to take the children away. 	USING INTIMIDATION <ul style="list-style-type: none"> ● Making her afraid by using looks, actions, gestures ● Smashing things ● Destroying her property ● Abusing pets ● Displaying weapons.

www.duluth-model.org

3 Definition of Domestic Violence

- Physical Violence

Physical violence includes pushing, choking, shaking, slapping, punching, burning and other types of contact that result in physical injury or even death to the victim.

- Psychological/Emotional Violence

Psychological/ emotional violence is defined as any behavior that threatens or intimidates the victim's self-worth, or controls the victim's freedom. It also includes forceful efforts to isolate the victim, keeping them from contacting friends or family.

- Sexual Violence

Sexual violence can be categorized as three types, 1) use of physical force to compel a person to engage in a sexual act against his or her will, whether or not the act is completed; 2) attempted or completed sex act involving a person who is unable to understand the nature or condition of the act, unable to decline participation, or unable to communicate unwillingness to engage in the sexual act, e.g., because of underage immaturity, illness, disability, or the influence of alcohol or other drugs, or because of intimidation or pressure; and 3) abusive sexual contact.

- Economic Violence

Economic violence includes controlling over the victim's money and other economic resources. It may also involve withholding money at will, and forcing the victim to loan or being guarantor.

4 Etiology of Domestic Violence

Psychological Perspective

- The violent behavior comes from the abuser's characteristics (such as lack of security, personality disorder, impulsive and manipulative personality and being a victim of abuse in the past).
- The victim usually has low self-esteem and poor communication skills, dependent personality and is willing to be suppressed by traditions.
- Fathers from incest families fear being abandoned due to negative childhood experience; mothers usually have poor relationship with the children while emotionally and economically attached to the partner.

Social Stress Perspective

- Violent behavior is the result of accumulated pressure of the abuser. Sources of pressure may include unemployment, difficulty in bringing up children, etc.
- According to the Family System Theory, children growing up under domestic violence learn the violent pattern of interaction between couples and between parents and children and then bring it to adulthood.

Psychosocial Perspective

- According to the Social Learning Theory, abuser's behaviour comes from imitation of people around him or the media.
- Feminists believe that the androcentric thinking structure causes males to control females through violence to maintain androcentricity.

Ecological Perspective

- Human beings live in interactions of different systems. The cause of domestic violence cannot be explained by one single factor. It must be comprehensively explained from various aspects such as individual, family, social and cultural. These aspects include four parts: macrosystem, mesosystem, microsystem and individual system.
 - **Macrosystem:** A system formed by the culture, belief and values of society. In a society where men are superior to women, tolerance towards male abusers and rationalization of domestic violence are easy to form. How the laws of a nation define domestic violence also affects citizens' view towards domestic violence. If child abuse is a legal method of teaching children, such a society undoubtedly fosters child abuse.
 - **Mesosystem:** A system formed when individuals interact with organizations

outside the family, including schools, companies, religious organizations, hospitals and community centres. The more preventive against domestic violence a unit in the system is, the more effectively can domestic violence be discovered and intervened. If schools provide education on preventive measures towards domestic violence, hospitals establish procedures to handle domestic violence, society provide hotline and counseling services, then a sensitive and supportive environment can be created to suppress domestic violence.

- **Microsystem:** Interaction, communication pattern, boundary and structure of a family also affect the occurrence of domestic violence. Under the family structure of men taking charge of external matters while women taking care of domestic matters, women are inferior. It is difficult for them to seek help and thus falling into the vicious cycle of domestic violence. If conflicts often occur between parents and children, domestic violence is triggered easily due to accumulation of pressure.
- **Individual system:** It includes the individual's psychological response, characteristics and the culture of the family of origin. An abused child or one who witnessed domestic violence has more tendency than other children to abuse others. This obviously shows the influence of the family of origin towards domestic violence. Studies also show that eccentric and authoritative personalities have much relation with violent behavior.

5 Cycle of Domestic Violence

Calm Phase: is the brewing stage of domestic violence. At this stage, the potential factors which give rise to domestic violence already exist. The relationship between both sides starts to get tense that it comes to the flashpoint, as if a scale which will lose balance with only a slight touch. The abused will be filled with fear and fright at the time as if they were standing on the edge or treading on thin ice. It is unlikely for them to have intense quarrels at this stage, mostly cold war and occasionally some small rows. This stage is also the most effective in preventing violence from happening. If both sides can communicate effectively, the whole violence cycle can come to an end without even a start. With the occurrence of violence cycle increasing, the stress stage will gradually shorten and this brewing period of time can even totally be left out.

Tension Building Phase: is the interposition stage of the direct cause of domestic violence. At this time, the balance during the stress stage has already been destroyed. Both sides start to have large scale of dispute that the situation has heated up. Violent behavior is usually elicited at this stage. Generally speaking, psychological abuse behavior like using spoken language to humiliate the other side, threatening the other side with violent acts and intending to force the other side to change their behavior, etc. has already started. After these events, physical violent behavior, which means abusers intend to end the dispute with violent behavior to maintain absolute advantage, will be elicited directly. The dispute stage, same as the stress stage, will shorten as the frequency of violence cycle increases. Violent behavior even happens at the beginning of the dispute stage or when there is no dispute stage at all because violent behavior has already become a habit.

Acting-out Phase: is the stage when violent behavior officially starts. After the breeding of the above two stages, concrete behavior is brought out. Violence at this stage is mainly physical abuse and sexual abuse. After a series of violent behavior (for example, punches and kicks and rape), the abused will feel that their mind is completely blank due to the extreme fright and they only start to have the consciousness of emotion by the time violence behavior ends. They usually feel confused at first, then terrified and frightened, which further generates more complicated emotions like indignation and helplessness. This stage will gradually become the only stage of the violence cycle with the

increase in the frequency of violent behavior because abusers learn that adopting violent behavior directly is the fastest way to solve problems, end disputes, relieve stress and maintain family status advantage, and normally will not be punished. When the frequency of domestic violence increases or it even becomes a normality or habit, violence cycle is just the continuation of the abuse violence stage. It is already not necessary for other stages to happen.

Honeymoon Phase: is the temporary pausing stage of domestic violence. At this stage, abusers will usually do their best to be nice, to apologize and also take some compensatory actions, or they will deny, diminish or rationalize previous violent behavior. Victims are usually under the illusion that violence has already ended, but actually it is just a temporary pause and another violence cycle probably starts again. Since abusers at this stage will probably please the abused more often than usual, and when compared with the abuse violence stage, the difference is really big, so the abused will soften with some thoughts like “He still loves me very much.” and “He was just acting on impulse.” and do not take any precautions to stop domestic violence. From the angle of abusers, he will think “She will forgive me anyway.” and “Fawning on her and making an apology are enough to obtain her forgiveness.” As for abusers, there are only advantages but no disadvantages for using violence, so violent behavior may intensify. Same as the stress stage and the dispute stage, with the increase of violence cycle, the honeymoon stage will also shorten or even disappear because abusers gradually treat violence as legitimate.

6. Prevention of Domestic Violence

The ultimate goal of prevention of domestic violence is not only providing direct crisis intervention, but also terminating the cycle of violence and avoiding the occurrence of violence.

Level of Prevention	Major Goals	Operation Level	Strategies
Primary Prevention	<ul style="list-style-type: none"> ● To arouse public concern on domestic violence ● To promote family harmony 	Whole Society	<ul style="list-style-type: none"> ● Reduction of social factors of violence (e.g. unemployment, discrimination etc) ● De-legitimatization of violence behavior ● Promotion of community collaboration ● Changing gender stereotype through education ● Promotion of family life education
Secondary Prevention	<ul style="list-style-type: none"> ● To identify risk factors of violence ● To provide surveillance ● To provide early identification and intervention 	Professional	<ul style="list-style-type: none"> ● Developing screening tools for investigating risk factors ● Professional training for medical practitioner, social worker, teacher and police ● Providing intervention to avoid deterioration
Tertiary Prevention	<ul style="list-style-type: none"> ● To reduce relapse and casualty of domestic violence 	Professional	<ul style="list-style-type: none"> ● Medical support ● Emergent settlement ● Legal assistance ● Police intervention ● Judicial proceeding ● Safety plan formulation ● Psychotherapy

Suggested Reference :

- 《從公共衛生角度處理家庭及性暴力研討會文集》(2003 年)
- 香港大學虐兒及虐偶研究報告 (2005 年)
- 天水圍家庭服務檢討報告 (2004 年)
- 香港社會服務聯會 家庭暴力資料庫www.hkcss.org.hk/fs/er

Understanding Child Abuse

Mrs Priscilla Lui

Director, Against Child Abuse

Outline:

1. Definition on Child Abuse and Its Form
2. What should be done to ensure children protected?
3. The Outcome
4. Impact of Advocacy
5. Review and Milestone of Child Abuse Protection
6. Deliberation on Child Protection
7. Interdisciplinary Collaboration and Comprehensive Intervention
8. Notion
9. 10-Recommendations

Important Questions To Answer

1. What is Child Abuse and Why Do We Define?
2. What should be done to ensure children protected?
3. What Have Been Achieved and What Not?
4. Whose Responsibility?

1. Definition on Child Abuse and Its Form

1.1 Definition on Child Abuse

In a broad sense, **child abuse** is defined as any act of commission or omission that endangers or impairs the physical / psychological health and development of an individual under the age of 18.

Extracted from Procedures for handling Child Abuse Cases (Revised edition 2007)

1.2 Form of Child Abuse

PHYSICAL ABUSE is a physical injury or suffering to a child (including non-accidental use of force, deliberate poisoning, suffocation, burning, Munchausen's Syndrome by Proxy, etc.), where there is a definite knowledge, or a reasonable suspicion that the injury has been inflicted non-accidentally.

Extracted from Procedures for handling Child Abuse Cases (Revised edition 2007)

SEXUAL ABUSE is the involvement of a child in sexual activity (e.g. rape, oral sex) which is unlawful, or to which a child is unable to give informed consent. This includes direct or indirect sexual exploitation and abuse of a child (e.g. production of pornographic material.) It may be committed by individuals whether inside the home or outside. It may be committed by parents, or carers or other adults singly or acting in an organized way, or children; it includes acts which may be rewarded or apparently attractive to the child; it may be committed by individuals either known or strangers to a child; (Child sexual abuse differentiates from casual sexual relationship that does not include any sexual exploitation e.g. between a boy and a girl, though the boy can be liable for offences like indecent assault or unlawful sexual intercourse with an underaged girl.)

Extracted from Procedures for handling Child Abuse Cases (Revised edition 2007)

NEGLECT is severe or a repeated pattern of lacking of attention to a child's basic needs that endangers or impairs the child's health or development. Neglect may be:

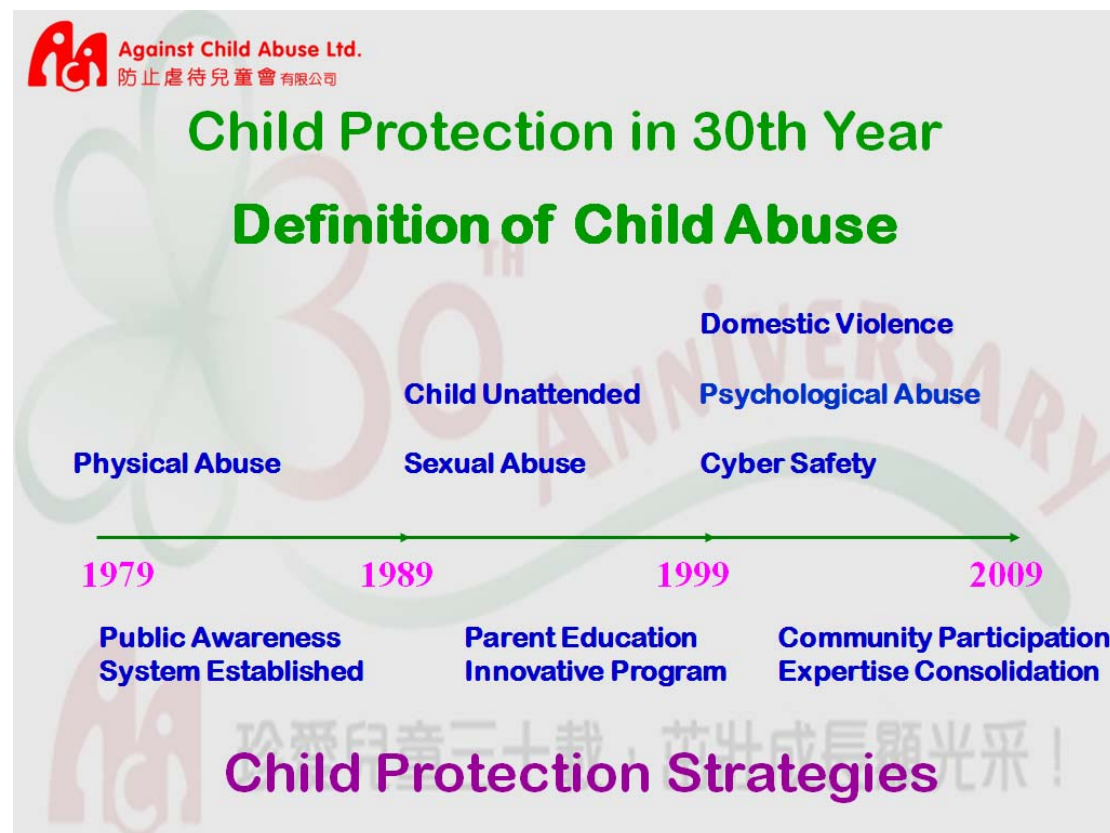
- Physical (e.g. failure to provide necessary food, clothing or shelter, failure to prevent physical injury or suffering, lack of appropriate supervision or left unattended.
- Medical (e.g. failure to provide necessary medical or mental health treatment)
- Educational (e.g. failure to provide education or ignoring educational needs arising from a child's disability)
- Emotional (e.g. ignoring a child's emotional needs, failure to provide psychological care, or permitting a child to use alcohol or other drugs)

Extracted from Procedures for handling Child Abuse Cases (Revised edition 2007)

PSYCHOLOGICAL ABUSE is the repeated pattern of behaviour and attitudes towards a child or extreme incident that endangers or impairs the child's emotional or intellectual development. Examples include acts of spurning, terrorizing, isolating, exploiting / corrupting, denying emotional responsiveness, conveying to a child that he/ she is worthless, flawed, unwanted or unloved. Such act damages immediately or ultimately the behavioural, cognitive, affective, or physical functioning of the child.

Extracted from Procedures for handling Child Abuse Cases (Revised edition 2007)

1.3 Definition on Child Protection



1.4 Why do we define?

1. To strive for a common understanding and baseline
2. To ensure children protected

1.5 How to define?

1. Holistic Growth & Development : Body, Mind, and Spirit
2. Social participation (including adults and children, government, professionals and the public)
3. International standards and indicators
4. Measurable targets and guidelines for the evaluation criteria

2. What should be done to ensure children protected?

2.1 What kind of protection do children need?

- Physical
- Psychological & Emotional
- Social

- Economic
- Academic
- Medical
- Housing

2.2 How to provide such protection?

- Policy provision: Proactive rather than remedial approach
- Legislation: fully reflect the spirit of the Convention of the Rights of the Child
- Education:
 - Family
 - School child-friendly, non-violent culture
 - Media
- Services: child protection system
- Administration: child-centered, family-oriented

Important Questions To Answer

- a) What kind of protection do children need?
- b) How to provide such protection?
- c) Whose responsibility to provide such protection?

2.3 Mode of Child Protection

Levels of Prevention

Tertiary Level

- Identify and Work with those harmed or adversely affected
- A sound, well trained and coordinated protection system

Secondary Level

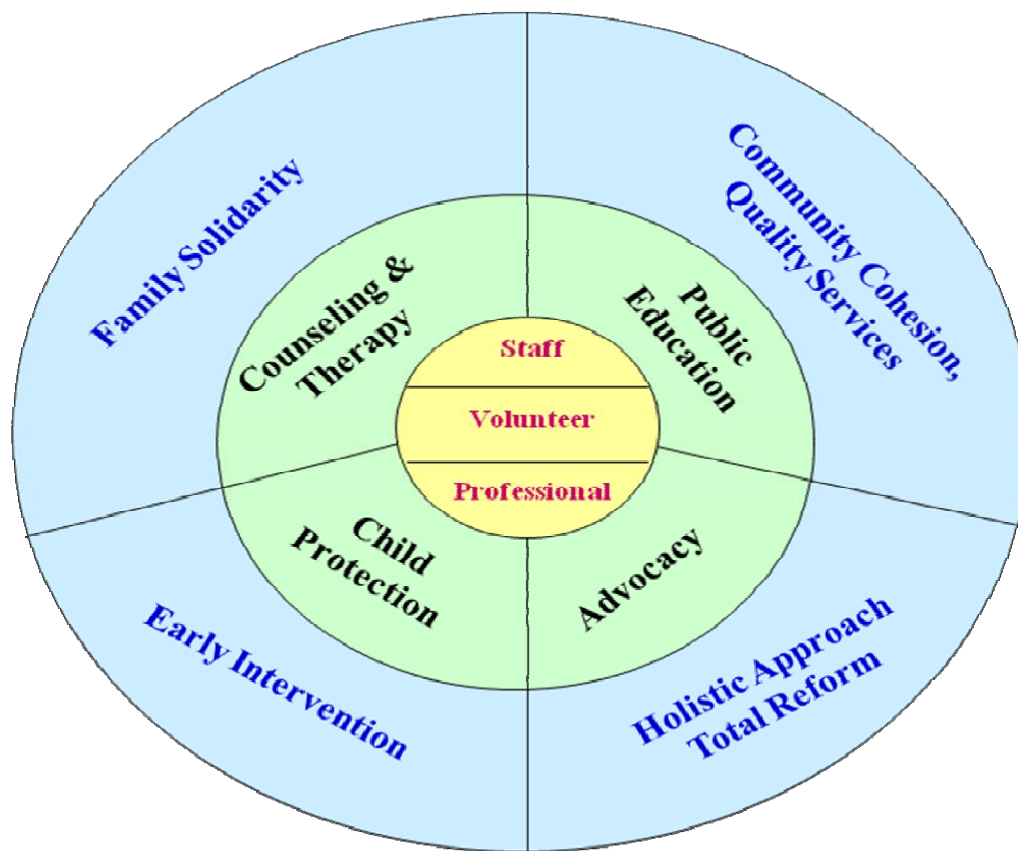
- Identify and work with the At Risk
- Early identification by ensuring safety net in place

First Level

- Total Reform – involve everyone in the community
- Value, attitude, knowledge and Behavioral Change

2.4 Our Roles & Objectives in Child Abuse Prevention

New Media : Web Magazine, Website, Youtube, SMS, Hotline



3. The Outcome

- I. To enhance awareness
- II. To involve in assistance
- III. To render home visits: research shows
 - No longer alone (UCLA Loneliness Scale)
 - No longer depressed (Chinese Depressive Symptom Scale)
 - Reduce child abuse (Child Abuse Potential Inventory)
 - Reduce the pressure
 - Actively improve the other problems
- IV. To promote community care and support
- V. To Volunteer and act as mentors
- VI. To contribute and make donations
- VII. To exchange experience and sharing (local and overseas)

4. Impact of Advocacy

- I. Committee on Child Abuse appointed

- II. Specialized services:
 - Social Welfare Department: Family and Child Protective Services Unit
 - Hospital Authority: Medical Child Abuse Coordinator
 - Police Force: Child Protection Policy Unit, Child Abuse Investigation Team
- III. Child Protection Registry
- IV. Legislative amendment (such as the Protection of Children and Juveniles Ordinance, Offences Against the Persons Ordinance, Education Ordinance - ban corporal punishment in schools, Child Pornography Ordinance Amendment)
- V. Handling of child sexual abuse cases
- VI. Fatality review mechanism
- VII. Sex offender register (currently being discussed)
- VIII. Legislative Council passed the motion urging the Government to set up Child Commission
- IX. Discussion of a cross-border family policy and forum. The legislative Council set up a Panel on Constitutional and Mainland Affairs

5. Review and Milestone of Child Abuse Protection

➤ Policy

- Zero to five years of age – well being
- Comprehensive Child Development Services
- Child Minding
- Combating poverty
- Multiple visits documents for Cross-Border families

➤ The Law

- Amendment of Protection of Children & Juveniles Ordinance and Offences Against the Person Ordinance
- Amendment of Criminal Procedure Ordinance, Vulnerable Witnesses Ordinance
- Video taping made admissible in court
- Age of Criminal Responsibility raised from 7 to 10 years of age
- Amendment of Child Pornography Ordinance to cover virtual images and possession (To list sentencing guideline)
- The Statement on the Treatment of Victims and Witnesses
- Pre-trial Witness Interviews by Prosecutors (Consultation)

6. Deliberation on Child Protection

➤ Policy

- Lack of a child policy
- No Child Perspective in Policy Development
- No Child Impact Assessment in Chief Executives Policy Address
- Lack of Emphasis in prevention
- No platform for Cross-border children & families matters

➤ Comprehensive law reform

➤ Total abolition of Corporal Punishment

➤ Family Support and prevention of Neglect

➤ Background checking and Sex Offenders Register

➤ An Independent Review mechanism for services and fatal child cases

Challenges for the Future

➤ Budget Allocation for Prevention

- No Funding Align with Prevention Policies

➤ Central Data Bank for Children

➤ Effective Measurement for Success

- Baseline Measurement and Household Survey of Child Abuse and Domestic Violence was established since 2004/05
- Limited Research and Lack of Funding on Children Rights

➤ On going Child Neglect/ Child Protection training for policy makers and multidisciplinary personnel

➤ Improve Children's rights education

➤ Heighten positive media participation

7. Interdisciplinary Collaboration and Comprehensive Intervention

- a. Acquire Zero Tolerance of Violence
- b. Help to Early Identify Child At Risk or Abused
- c. Help to Dialogue and Work with Other Professionals to Monitor Abuse/ Neglect and refer promptly to ensure child safety
- d. Ensure a Child Safe and Friendly Environment & the Best Interest of the Child Notion

Zero Tolerance of Violence

- To carry out and implement with the help of education and legislation
- To counsel and treat perpetrators and abused children with properly training & supervision
- Legislation to Ban Corporal Punishment (26 Countries have Banned Corporal

Punishment with reference to Sweden Anti Sparking Law enacted in 1979)

26 Countries Have Banned Corporal Punishment and Advocated Positive Discipline

26 Countries Have Banned Corporal Punishment and Advocated Positive Discipline

Sweden 1979	Germany 2000	New Zealand 2007
Finland 1983	Israel 2000	Portugal 2007
Norway 1987	Bulgaria 2000	Uruguay 2007
Austria 1989	Iceland 2003	Venezuela 2007
Cyprus 1994	Romania 2004	Spain 2007
Italy 1996	Ukraine 2004	Costa Rica 2008
Denmark 1997	Hungary 2004	Republic of
Latvia 1998	Greece 2006	Moldova 2008
Croatia 1999	Netherlands 2007	Luxembourg 2008

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http://www.endcorporalpunishment.org/pages/progress/prohib_states.html

8. Notion

Graph 1



Graph 2

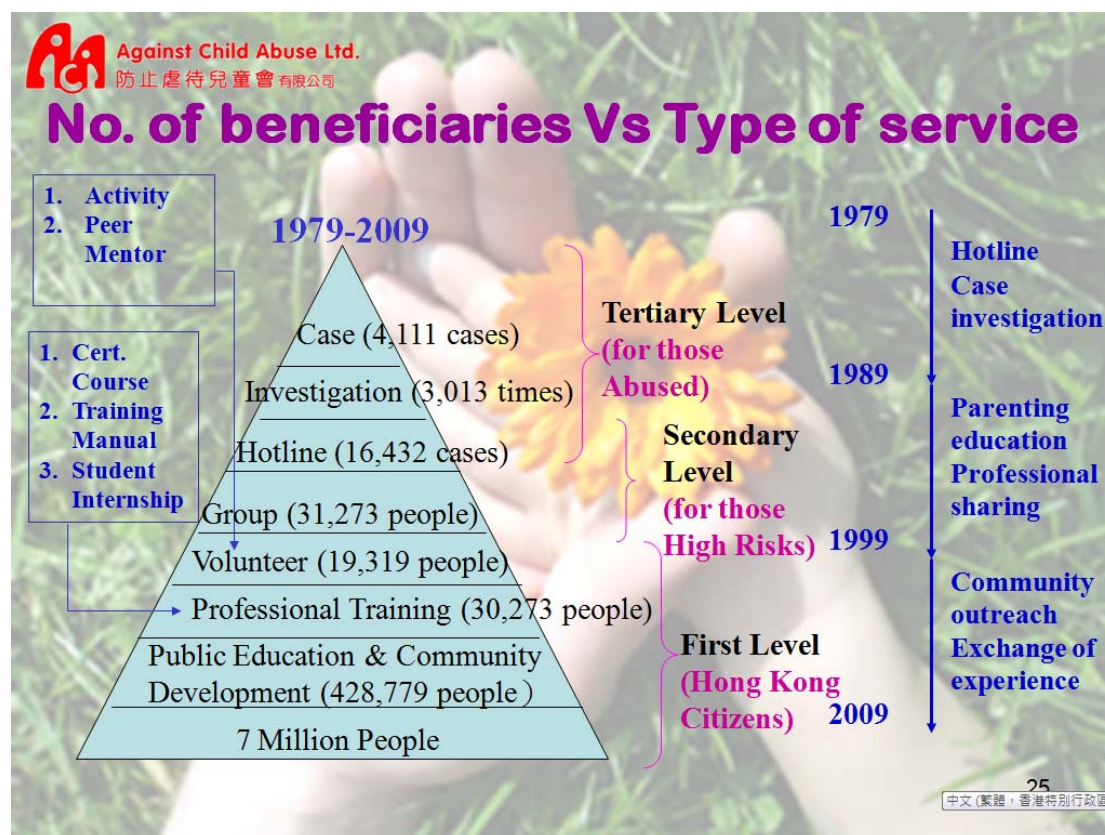


9. 10 Recommendations

- a) **An Independent Platform for Children**
- b) **A Child Rights Implementation Agenda**
- c) **A list of indicators for the Implementation Plan**
- d) **To improve the existing child protection system**
 - **coordinator in child care centres, schools and organization**
 - **multidisciplinary collaboration and work with each other**
 - **with genuine child and family participation through the way**
 - **with staff commitment, training and supervision**
- e) **To devote resources in head start home visitation & prevention**
- f) **To measure, collect, centralize, analyze and publicize data and information**
- g) **To review all child and family related law and legislation**
- h) **To ban corporal punishment**
- i) **To build up a Culture Respecting Children's Rights & their Views**
- j) **To ensure opportunities for child participation and their views to be respected**

Reference:

Graph 1: No. of beneficiaries Vs Type of service of Against Child Abuse Ltd



Graph 2: Support on the Life Live

Over 18 yrs	<ul style="list-style-type: none"> ➤ Prevention of Child Sexual Abuse ➤ Life Education ➤ Therapeutic Groups for Child Physical Abuse Batterers ➤ Sunshine Therapeutic Group ➤ Good Mother Networking Project ➤ Beyond the Rod ➤ Information Technology for Parents
12-17 yrs	<ul style="list-style-type: none"> ➤ Joyful Kids Group ➤ Children's Council
6-11 yrs	<ul style="list-style-type: none"> ➤ Remedial Group for Child ➤ Internet Safety for Child ➤ ACA Safe & Child Friendly Community Project in Wong Tai Sin ➤ Joy At Home ➤ Seed of Love Scheme
0-5 yrs	<ul style="list-style-type: none"> ➤ Good Parenting Project - Home Visiting Programme ➤ Healthy Start Home Visiting Programme

Understanding Intimate Partner Violence

Ms. Agnes Ng Kwok Tung
Christian Family Service Centre

Outline:

1. Definition of Intimate Partner Violence
2. Types of Intimate Partner Violence
3. Intimate Partner Violence as a Social Problem
4. Preventive and Supportive Service Available for the Batterers and Victims

Workshop Notes

1. Definition of Intimate Partner Violence

[Intimate Partner Violence](#) (IPV) is the most common violence in Family Violence. It happens in both male-female and same-sex relationships. Most intimate partner assault offenders are current or former partners, current boyfriend or ex-boyfriend. Both men and women can be victims of intimate partner violence.

2. Types of Intimate Partner Violence

■ Physical Violence

It is intentional use of physical force such as shoving, choking, shaking, slapping, punching, burning, or use of a weapon, restraints, against another person with the potential for causing death, disability, injury, or physical harm.

■ Psychological/Emotional Violence

It traumatizes the victim by threats of acts, or coercive tactics such as humiliating the victim, controlling what the victim can and cannot do, withholding information, isolating the victim from friends and family, denying access to money or other basic resources.

■ Sexual Violence

It can be divided into three categories: (1) the use of physical force to compel a person to engage in a sexual act unwillingly, whether or not the act is completed; (2) an attempted or completed sexual act involving a person who, because of illness, disability, or the influence of alcohol or other drugs, or because of intimidation or pressure, is unable to understand the nature or condition of the act, decline participation, or communicate unwillingness to engage in the act; and (3) abusive sexual contact.

5. Intimate Partner Violence as a Social Problem

■ Violence against women in intimate relationships occurred more often, was more severe and was more likely to be repeated in economically disadvantaged neighborhoods.

■ More severe physical and psychological consequences of IPV may occur. For example, sexual violence by an intimate partner has also been associated with a number of adverse health problems like sexually transmitted diseases including HIV/AIDs, gynecological disorder problems which demand costly medical and social care.

■ Child Abused Problem

Children may become injured during IPV incidents between their parents. A large overlap exists between IPV and child maltreatment. Studies found that children of abused mothers were more likely to have been harmed or being abused because of IPV between their parents, compared with children of non-abused mothers.

■ IPV associated with negative health Behaviors

Studies show that the more severe the violence, the stronger its relationship to negative health behaviors by victims.

- Engaging in high-risk sexual behavior
 - Unprotected sex
 - Decreased condom use
 - Early sexual initiation
 - Choosing unhealthy sexual partners
 - Multiple sex partners
 - Trading sex for food, money, or other items
- Using harmful substances
 - Smoking cigarettes
 - Drinking alcohol
 - Drinking alcohol and driving
 - Illicit drug use
- Unhealthy diet-related behaviors
 - Fasting
 - Abusing diet pills
 - Overeating
- Overuse of health services
- Other problems or reform caused by IPV
- Number of “Intimate Partner Violence” cases continued increasing. Information released by the Social Welfare Department showed that 6,404 couple abused cases were recorded in 2007. Among these cases, 80.7% was female victims. It indicated that 17.5 new cases were recorded daily. It was estimated that, about 1/10 couples had experienced family violence amounting to 160,000 couples (Chan, 2005).
- Increased number of single-parent families
- Increased family tragedies
- Law reform
 - Replace injunction order with protection order and property order.
 - Simplify the application form for protection order and property order so that applicants can complete the forms by themselves and arrange for the police to deliver to the order to the perpetrator. Procedures to apply for emergency protection order should also be simplified so that the victims can file for application by themselves.
 - Suggestion of setting up a specialized domestic violence court in Hong Kong to handle civil or criminal cases related to domestic violence.
- Re-explore the Myths of IPV
 - Family Privacy and Human Protection

6. Preventive and Supportive Service Available for the Batterers and Victims

6.1 IPV Prevention

6.1.1 Pre-marriage Psychological Counseling and education programs/activities

- ✓ Build-up adequate marriage concept; and do not marry because of the following reasons:
 - Want to leave one's own family
 - Against parents
 - Because of pre-marital sex
 - Because reached the marriage age
 - Because he/she treats me well
- ✓ Develop the following psychological readiness before marry
 - understand your future partner thoroughly
 - Build up positive relationships with partner's family members
- ✓ Have psychological preparation before giving birth to a new baby
 - Be aware of new challenges encountered after having a new born baby such as changes in living pattern
 - Learn about financial implication

4.1.2 Marriage life adjustment

- ✓ Build up mutually support relationship:
 - Mutual respect
 - Enhance psychological intimate relationship
 - Satisfied Sexual life
- ✓ **Develop family financial management method through negotiations**
- ✓ **Share Household-chores**

4.1.3 Promote preventive education programs

Course Content can include:

- Reality of Marriage
- Money Management
- Effective Couple Communication
- Anger Management
- Conflict Management
- Family Roles and Responsibilities

4.1.4 Media Works

Covered Messages:

- Equipped couples with stress management knowledge and skills
- Available social resources in helping families to solve problems and work procedures
- Knowledge and skills in child rearing
- Knowledge about children and adolescent development

4.2 Supportive service available for the batterers and victims

4.2.1 Family and Child Protective Services Units

[The Family and Child Protective Services Units](#) (FCPSUs) of SWD are specialized units manned by experienced social workers. They provide a co-ordinated package of one-stop services including outreaching, social investigation, crisis intervention, statutory protection, intensive individual and group treatment to victims of child abuse and spouse battering, batterers and their family members. Referrals for various services e.g. legal aid, school placement, residential placement etc. will also be made whenever necessary. Direct application or referral by any organization to FCPSUs for services relating to child abuse and spouse battering cases is accepted.

4.2.2 Integrated Family Service Centres/Integrated Services Centres

While social workers of FCPSUs will take up child abuse and spouse battering cases known to SWD, Integrated Family Service Centres (IFSC)/Integrated Services Centres (ISC) run by NGOs also provide counselling and tangible assistance to help victims of child abuse, spouse battering and their family members.

For victims of sexual violence, social workers of IFSCs/ISCs from both SWD and NGOs provide counselling services, crisis intervention, therapeutic and supportive groups, escort for report to the Police, if needed, and arrange referrals for other services including clinical psychological service, [financial assistance](#), legal service, schooling arrangement, job placement, [housing assistance](#) (e.g. compassionate rehousing, conditional tenancy) and [other community resources](#). Direct application or referral by any organization to IFSCs/ISCs is accepted.

4.2.4 Medical Social Services

Child abuse, spouse battering and sexual violence cases may come to the notice of the medical social workers in public hospitals and specialist out-patient clinics through hospital personnel, police or other organizations, and through direct approach by patients or their families. The medical social workers also provide counselling, tangible services and arrange referrals for rehabilitation, community services and so forth to help the victims of child abuse, spouse battering and sexual violence cases and their family members.

4.2.5 Clinical Psychological Service

The clinical psychologists of the five Clinical Psychology Units of SWD provide assessment and treatment services to abusers and victims of domestic and other sexual violence if they present symptoms of psychopathology. In addition, the clinical psychologists also provide consultation on the management of victims and abusers to social workers of SWD. Persons in need of clinical psychological service should approach other SWD service units for referral.

Assistance from clinical psychologists in the management of domestic and sexual violence cases is also available from some Integrated Family Services Centres and Integrated Services Centres of NGOs and major

general hospitals of the Hospital Authority. The former mainly accept referrals from Integrated Family Services Centres and Integrated Services Centres, or in some instances other service units, of designated NGOs. For the latter, referrals are normally accepted from doctors or psychiatrists only. Unless they are known cases to the psychiatric services of the Hospital Authority, cases are usually followed up when they are receiving in-patient treatment only.

4.2.6 Witness Support Programme

In strengthening support to the abused children serving as witnesses in criminal proceedings, support persons would be arranged through the Witness Support Programme, set up jointly by SWD and the Police, to accompany the abused children who have to testify in the court proceedings through a live television link system. The Witness Support Programme is also available to the mentally incapacitated persons. Requests for arrangement of support persons under the Witness Support Programme are made to SWD by the Police.

4.2.7 Refuge Centres for Women

Five refuge centers (addresses to be kept confidential) provide temporary accommodation and supportive services to women and their children who are facing domestic violence or family crisis. They are Wai On Home for Women, Harmony House, Serene Court, Sunrise Court and Dawn Court. Refuge centres accept admission on a 24-hour basis. Direct application or referral by any organization to refuge centres is accepted.

Wai On Home for Women **Hotline :** 2793 0223

Website: <http://www.poleungkuk.org.hk>

Harmony House Hotline **Hotline:** 2522 0434

Website: <http://www.harmonyhousehk.org>

Serene Court Hotline **Hotline:** 2787 6865

Website: <http://www.cfsc.org.hk>

Sunrise Court **Hotline:** 2890 8330

Website: <http://www.poleungkuk.org.hk>

Dawn Court Hotline **Hotline:** 2243 3210

Website: <http://www.poleungkuk.org.hk>

4.2.9 Multi-purpose Crisis Intervention and Support Centre (CEASE Crisis Centre)

The CEASE Crisis Centre, operated by the Tung Wah Group of Hospitals, provides comprehensive support to victims of sexual violence and individuals / families facing domestic violence or in crisis. Services include 24-hour hotline, immediate outreaching and short-term accommodation service. Direct application or referral by any organisation to CEASE Crisis Centre is accepted (CEASE Crisis Centre 24-hour Hotline : 18281 Website : <http://ceasecrisis.tungwahcsd.org>)

4.2.10 Family Crisis Support Centre

The Family Crisis Support Centre (FCSC) operated by the Caritas-Hong Kong provides time-out facility and an integrated package of services in helping people under extreme stress or facing crisis to manage their emotions and seek positive solution to family problems, including domestic violence. Direct application or referral by any organization to FCSC is accepted (Family Crisis Support Centre 24-hour Hotline 18288 Website: <http://fcsc.caritas.org.hk>).

4.2.11 Pilot Projects of Batterer Intervention Programme

The Social Welfare Department (SWD) launched a pilot project of BIP (Pilot Project) from January 2006 to March 2008. The Pilot Project consisted of two parts : Part I was conducted by a non-governmental organisation, the Hong Kong Family Welfare Society (HKFWS) and Part II by the SWD. The HKFWS programme was completed and the report has been finalized. For the SWD programme, an interim report has been prepared. SWD will continue to collect follow-up data after 12 months of completion of the project and the final report will be issued when the final evaluation results are available.

4.2.13 Hotline Service

Hotline service is available to provide information on social welfare services and immediate support to victims of domestic and sexual violence (including child abuse). The hotlines which are operated by social workers or volunteers, or through the interactive voice processing system (IVPS) include: **SWD Hotline : 2343 2255** (Information on welfare services in the form of recorded voice message or facsimile transmission can be obtained on a 24-hour basis. SWD further enhanced the hotline service on 31.10.2008, to have social workers providing counseling, support and enquiry service on a 24-hour basis. During specific period i.e. 9:00 a.m. - 5:00 p.m. from Monday to Friday; 9:00 a.m. - 12:00 noon on Saturday (excluding public holidays), SWD social workers are available to answer enquiries and handle emergency cases. Outside the operating hours of SWD social workers, callers can make use of the in-built call transfer system (Press "0") to transfer their calls directly to the Hotline and Outreaching Service Team operated by Tung Wah Group of Hospitals or either leave message on the recording machine for social workers to call back.)

Domestic Violence:

Caritas Hotline : 18288, <http://fcsc.caritas.org.hk>

CEASE Crisis Centre Hotline : 18281, <http://ceasecrisis.tungwahcsd.org>

HKCSS Mutual Aid Hotline : 1878668, www.hkcss.org.hk

Kwan Fook Hotline : 3145 0600, <http://hkaid.med.cuhk.edu.hk/sjhiv/wcomp8/c4.htm>

Rainlily HOTline : 2375 5322, <http://rainlily.rapecrisiscentre.org.hk/>

Child Abuse:

Against Child Abuse : 2755 1122, <http://www.aca.org.hk>

End Child Sexual Abuse Foundation : 2889 9933, <http://www.ecsaf.org>

Suicide Prevention:

The Samaritan Befrienders Hong Kong Hotline : 2389 2222,

<http://www.sbhk.org.hk>

Suicide Prevention Services Hotline : 2382 0000, <http://www.sps.org.hk>

Samaritan Hotline : 2896 0000, <http://www.samaritans.org.hk/>

4.2.14 危機處理服務

Harmony House renders Crisis Intervention Service in the A&E Department in 4 hospitals to provide immediate crisis support to family with domestic violence incidence.

Service Contents :

Crisis risk assessment and intervention, supportive counseling, safety planning, referral to community resources, and short term follow up service

Service delivery boundary:

Tuen Mun Hospital (Tuen Mun, Tin Shui Wahi)

Pok Oi Hospital (Yuen Long)

Tseung Kwan O Hospital (Tseung Kwan O, Sai Kung)

United Christian Hospital (Kwun Tong, Lam Tin)

Enquires:

Tuen Mun Hospital: 2959 3657

Pok Oi Hospital: 2959 3657 (start from 2/1/2008)

Tseung Kwan O Hospital: 2310 0126

United Christian Hospital: 23100126

Service Hour: 7:00pm - 12:00am, Tue to Sat(including public holidays)

E-mail: hhcit@harmonyhousehk.org

Website:

http://www.harmonyhousehk.org/chi/serviceimage/service4_chi.htm

4.2.15 Criminal and Law Enforcement Injuries Compensation Scheme

The scheme aims to provide financial awards to persons who are injured as a result of a crime of violence (or to their dependants in cases of death), or by a law enforcement officer using a weapon in the execution of his duty. It is non-contributory and non-means-tested. Where the victim and the offender were living together as members of the same family at the time of the incident, assistance will only be payable under special circumstances (tel. no.: 2892 5220).

Website:

http://www.swd.gov.hk/en/index/site_pubsvc/page_socsecu/sub_criminalan/

Chapter 4: Child, Law & Domestic Violence

Chong Yiu Kwong,
HKIEd Teaching Fellow

Outline:

1. Concluding Observation of Reports Submitted by States Parties under Paragraph 47 AND 48 OF The CONVENTION
2. Concluding Observation of Reports Submitted by States Parties under Paragraph 55,56, 58 AND 59 OF The CONVENTION
3. Issues on banning parents corporal punishment
4. HK Laws permits parents corporal punishment
5. Ban any corporal punishment in approved institution
6. Ban corporal punishment in child care centre
7. Ban school corporal punishment lacks deterrent effect
8. Official guardianship not include corporal punishment
9. Application and Definition of “Domestic and Cohabitation Relationships Violence Ordinance”
10. Type of Injunction of “Domestic and Cohabitation Relationships Violence Ordinance”

What is health?

World Health Organization

“a complete state of physical, mental and social well-being without merely the absence of disease or infirmity” (WHO 2001,p.1)

Section 1: Concluding Observations of the Committee on the Rights of the Child on the HKSAR's Report under the Convention on the Rights of the Child

1. Concluding Observation of Reports Submitted by States Parties under Paragraph 47 AND 48 OF The CONVENTION

1.1 Committee's Concerns:

The Committee is concerned that corporal punishment within the family is not prohibited by law and continues to be practiced in the home in Hong Kong SAR. (Paragraph 47)

1.2 Concluding observations:

The Committee urges the State party, in all areas under its jurisdiction, to:

- explicitly prohibit by law corporal punishment in the family, schools, institutions and all other settings, including penal institutions; and, (Paragraph 48)
- expand public education and awareness-raising campaigns with the involvement of children on alternative non-violent forms of discipline in order to change public attitudes about corporal punishment. (Paragraph 48)

1.3 Response by HKSAR Govt(3/2006):

Legislation is in place to protect children from abuse and penalize abusers whose acts of child abuse involve assault or other criminal offences. And we have ongoing public education programmes to educate parents to avoid crossing the line from discipline to abuse. This requires a gradual and progressive change in mindset. The programmes target children, parents, and the public and are of high priority. In the course of their delivery, we –

- alert children to the nature and danger of abuse, and how to protect themselves against it;
- educate parents on child development and foster positive parent-child relationships that help to prevent child abuse. We put emphasis on the preventive element, including services such as parent education; and
- educate the public to combat the problem, and encourage them to seek

professional help as early as possible.

2. Concluding Observation of Reports Submitted by States Parties under Paragraph 55,56, 58 AND 59 OF The CONVENTION

2.1 Committee's Concerns:

While noting efforts made to increase the number of social workers in Hong Kong SAR, the Committee is concerned that policies and programmes to assist child victims of violence are not fully effective. (Paragraph 55)

Concluding observations:

In all parts of the State party, the Committee recommends that efforts to combat abuse, neglect, violence and maltreatment be strengthened, including through mandatory reporting requirements for staff working with children, such as doctors, teachers and social workers, and the establishment of specific helplines accessible and available to children.(Paragraph 56)

With respect to Hong Kong SAR, the Committee recommends that the State party: (Paragraph 57)

- Define in a more explicit manner the forms of sexual abuse and increase education and training for professionals working with and for children on the identification, handling and prevention of all forms of abuse;
- strengthen coordination and follow-up of individual cases of abuse, neglect and maltreatment and ensure that all victims of any form of abuse, and their families, have access to social services and assistance, and;
- ensure handling investigations without any discrimination as to whether the alleged perpetrators are from within or outside the family.

The Committee acknowledges with appreciation ... the participation of representatives from mainland China and Hong Kong SAR in the Regional Consultation for East Asia and the Pacific held in Thailand from 14 to 16 June 2005. It further appreciates the organization of national level consultations in Beijing from 16 to 17 May 2005. The Committee recommends that the State party use the outcome of this regional consultation as a tool to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical, sexual or mental violence, and to gain momentum for concrete and, where appropriate, time bound actions to prevent and respond to such violence and abuse. (Paragraph 59)

Response by HKSAR Govt(3/2006)

The Social Welfare Department's "Procedures for Handling Child Abuse Cases" (Procedures) provides guidance for professionals working with children on how to identify child abuse cases and to refer cases to child protection workers and police for investigation and follow-up after identification. We believe that, through improved training and co-ordination, frontline professionals will be better prepared to deal with suspected child abuse cases encountered in their daily work.

The Department's hotline service facilitates immediate counselling and referral services to victims of child abuse and families with child discipline problems.

We have strengthened services and training relating to the identification, handling and prevention of child abuse and family violence. And the Department is developing a three-level training package on the core subjects of family violence. The first level comprises training on basic awareness of family violence for related professionals (social workers, police officers, medical practitioners, teachers, and so forth) and district personnel, such as District Council Members. The second and third levels focus respectively on –

- risk assessment and intervention skills for social workers and other frontline practitioners; and
- advanced skills and refresher training on specialized issues in the area of family violence.

The Department operates six specialized Family and Child Protective Services Units that provide integrated services to victims of child abuse and their family members, no matter whether the alleged perpetrators are from within or outside the family. Services provided including outreaching, crisis intervention, casework and group work treatment, and the statutory protection of children. They address the needs of abused children and their families in a holistic manner and work closely with other professionals concerned in the investigation and intervention process.

Section 2: The law and discussion on Corporal Punishment in HK

3. Issues on banning parents corporal punishment

- LegCo Question by Fernando Cheung CH (18/10/2006)

It was reported that a mother was arrested for suspected child abuse after hitting her 7-year-old son's hand, causing him to run away from home. According to a study conducted by the University of Hong Kong on child abuse in 2005, about 44% of the parent respondents admitted having ever administered corporal punishment to and use physical violence on their children. In this connection, will the Government inform this Council whether parents' administering corporal punishment to their children contravenes any laws of Hong Kong; if so, of the legislation contravened? (Question No.8)

- Answer by Dr York Chow, Secretary for Food and Health

There is no prescribed provision under the existing law that prohibits corporal punishment inflicted by parents on their children. However, it does not mean that parents can use violence against their children. Pursuant to section 27(1) of the Offences Against the Persons Ordinance (the Ordinance) (Cap. 212), it is unlawful for a person aged over 16, including a parent, who has the custody, charge or care of a child or young person under the age of 16, to wilfully assault or ill-treat the child or young person, or causes such child or young person to be assaulted, ill-treated in a manner likely to cause such child or young person unnecessary suffering or injury to his health. If convicted, the person shall be liable to a maximum penalty of ten years' imprisonment. The person may also be convicted of assault occasioning actual bodily harm or common assault respectively under sections 39 and 40 of the Ordinance, and subject as such to a maximum penalty of one to three years' imprisonment. (18/10/2006)

4. HK Laws permits parents corporal punishment

Offences Against The Person Ordinance (Chapter 212)

Section 26: Exposing child whereby life is endangered

Any person who unlawfully **abandons** or **exposes** any child, being under the age of 2 years, **whereby the life of such child is endangered**, or the health of such child is or **is likely to be permanently injured**, shall be guilty of an offence and shall be liable-

- (a) on conviction on indictment to imprisonment for 10 years; or
- (b) on summary conviction to imprisonment for 3 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4; 68 of 1995 s. 50)

[cf. 1861 c.100 s.27 U.K.]

Section 27(1) : Ill-treatment or neglect by those in charge of child or young

person of the Offences Against The Person Ordinance

(1) If any person over the age of 16 years who has the custody, charge or care of any child or young person under that age wilfully assaults, ill-treats, neglects, abandons or exposes such child or young person or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, or any mental derangement) such person shall be guilty of an offence and shall be liable- (Amended 50 of 1991 s. 4)

(a) on conviction on indictment to imprisonment for 10 years; or (Amended 22 of 1950 Schedule; 68 of 1995 s. 51)

(b) on summary conviction to imprisonment for 3 years (Amended 68 of 1995 s. 51) and for the purposes of this section a parent or other person over the age of 16 having the custody, charge or care of a child or young person under that age shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing or lodging for the child or young person, or if, being unable otherwise to provide such food, clothing or lodging, he knowingly and wilfully fails to take steps to procure the same to be provided by some authority, society or institution which undertakes to make such provision for necessitous children or young persons.

(2) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding that actual suffering or injury to health or the likelihood of such suffering or injury to health was obviated by the action of another person.

(3) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding the death of the child or young person in respect of whom the offence is committed.

Sections 39: Offence of ill-treatment and neglect of child

Assault occasioning actual bodily harm: Any person who is convicted of an **assault** occasioning **actual bodily harm** shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years. Replaced 24 of 1950 Schedule. Amended 50 of 1991 s. 4)

[cf. 1861 c.100 s.4 U.K.]

Sections 40: Common assault

Any person who is convicted of a **common assault** shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 1 year. (Replaced 24 of 1950 Schedule. Amended 22 of 1950 s. 3; 50 of 1991 s. 4)

[cf. 1861 c.100 s.47 U.K.]

Common Assault including:

Assault : Willfully or recklessly to threaten immediate use of unlawful force

Battery : Willfully or recklessly use of unlawful force

Assault and battery is known as Common assault

Defence to common assault

I. Consent

II. Ordinary daily contact

III. Reasonable action to prevent other's injury

IV. Self defence

V. Reasonable force to prevent crime and assist arrest

VI. Control students to protect property and maintain good order and discipline of school

VII. Parents moderate and reasonable corporal punishment

UK Cases

Hit three times on the buttocks, through his shorts) with a rubber-soled gym shoe not violate the European Convention on Human Rights *Costello-Roberts v UK* [1994]1 FCR 65

A parent beat the child by caning and there were several physical scars left by the canings, which took place over a period of years. It was still regarded by the court as reasonable chastisement. *A v UK* (1998) *The Times*, 1 Oct

5. Ban any corporal punishment in approved institution

Probation Of Offenders Ordinance, Chapter 298A

Section 37: Discipline

- (1) Discipline in an approved institution shall be maintained by the personal influence of the superintendent and staff thereof, and shall be promoted by a system of rewards and privileges, which shall be drawn up and operated by the superintendent subject to the approval of the Director. (L.N. 42 of 1973)

- (2) (a) No corporal punishment of any kind shall be inflicted on a probationer in an approved institution.
- (b) For the purpose of this rule the term "corporal punishment" (體罰) includes striking, cuffing or shaking or the intentional infliction of any form of physical pain as a means of punishment.
- (3) When punishment of a probationer is necessary for the maintenance of discipline in an approved institution, one of the following methods may be adopted-
 - (a) forfeiture of rewards or privileges or temporary loss of recreation;
 - (b) imposition of additional occupation.
- (4) No probationer in an approved institution shall be allowed to administer any form of punishment to any other probationer therein.
- (5) The superintendent shall keep and maintain a book (to be known as the Punishment Book) and shall record therein any punishment imposed under the provisions of this rule. Any such punishment shall also be recorded in the individual case record of the probationer punished.

6. Ban corporal punishment in child care centre

Child Care Services Ordinance, Chapter 243A

Regulation 15: "No person shall administer corporal punishment to a child in a centre."

Regulation 45R: "No person shall administer corporal punishment to a child in a mutual help child care centre."

7. Ban school corporal punishment lacks deterrent effect

Education Ordinance, Chapter 279A

Regulation 58 "No teacher shall administer corporal punishment to a pupil."

- 1991-2004: Minimus principle (Fine \$5000 and 1 year imprisonment)
- Since 2004: penalty was repealed (not define corporal punishment)
- Compare: Section 3 of the Prevention of Cruelty to Animals Ordinance, Chapter 169, Laws of Hong Kong, it is liable on summary conviction to a fine of \$200000 and to imprisonment for 3 years

8. Official guardianship not include corporal punishment

Protection of Children and Juveniles Ordinance, Chapter 213

Section 39 (2): "...**"control"** (控制) includes control by means of punishment **(other than corporal punishment)** restraint and correction, being punishment restraint and correction which a parent would be lawfully entitled to administer to his child."

Section 3: Domestic Violence and Law

9. Application and Definition of “Domestic and Cohabitation Relationships Violence Ordinance”, Chapter 189, Laws of Hong Kong

Section 2 : Interpretation and Application

- **“Minor” (未成年人)** means a person under the age of 18 years;
- **“Specified minor” (指明未成年人)** means a minor—
 - (a) who is a child (whether a natural child, adoptive child or step-child) of the applicant or respondent concerned; or
 - (b) who is living with the applicant concerned;
- **“Matrimonial home” (婚姻居所)** includes a home in which the parties to a marriage ordinarily reside together whether or not it is occupied at the same time by other person;
- **“Cohabitation relationship”**
 - (a) means a relationship between 2 persons (whether of the same sex or of the opposite sex) who live together as a couple in an intimate relationship; and
 - (b) includes such a relationship that has come to an end;
- **“Party to a cohabitation relationship”** does not include a person who is or was the spouse of the other party to that relationship;

Section 3 : Power of District Court to grant injunction: spouses and former spouses*

Section 3B: Power of District Court to grant injunction: cohabitants and former cohabitants

Section 3B (2): In determining whether 2 persons (“the parties”) are in a cohabitation relationship, the court shall have regard to all the circumstances of the relationship including but not limited to any of the following factors that may be relevant in the particular case—

- (a) whether the parties are living together in the same household;
- (b) whether the parties share the tasks and duties of their daily lives;
- (c) whether there is stability and permanence in the relationship;
- (d) the arrangement of sharing of expenses or financial support, and the degree of financial dependence or interdependence, between the parties;
- (e) whether there is a sexual relationship between the parties;

- (f) whether the parties share the care and support of a specified minor;
- (g) the parties' reasons for living together, and the degree of mutual commitment to a shared life;
- (h) whether the parties conduct themselves towards friends, relatives or other persons as parties to a cohabitation relationship, and whether the parties are so treated by their friends and relatives or other persons.

10. Type of Injunction of "Domestic and Cohabitation Relationships Violence Ordinance", Chapter 189, Laws of Hong Kong

- I. a non-molestation order
- II. 2. an exclusion order
- III. 3. an entry order
- IV. participation in programme order
- V. Variation/Suspension of Custody/Access order

Court may vary or suspend custody or access order.

Reference:

Children's Right:

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) : [http :
//www2.ohchr.org/english/law/index.htm](http://www2.ohchr.org/english/law/index.htm)
2. Bilingual Laws Information System : [http ://www.legislation.gov.hk/chi/index.htm](http://www.legislation.gov.hk/chi/index.htm)
3. Legislative Council : [http ://www.legco.gov.hk/chinese/index.htm](http://www.legco.gov.hk/chinese/index.htm)
4. Constitutional and Mainland Affairs Bureau : [http :
//www.cmab.gov.hk/tc/press/reports_human.htm](http://www.cmab.gov.hk/tc/press/reports_human.htm)
5. Children's Right Forum : [http ://www.cmab.gov.hk/tc/issues/child_forum.htm](http://www.cmab.gov.hk/tc/issues/child_forum.htm)
6. Human Rights Reports, Constitutional and Mainland Affairs Bureau : [http :
//www.cmab.gov.hk/en/press/reports_human.htm](http://www.cmab.gov.hk/en/press/reports_human.htm)
7. Hong Kong Legal Information Institute : [http ://www.hkliv.org/](http://www.hkliv.org/)
8. Judgments : [http ://legalref.judiciary.gov.hk/lrs/common/ju/judgment.jsp](http://legalref.judiciary.gov.hk/lrs/common/ju/judgment.jsp)
9. Judiciary : [http ://www.judiciary.gov.hk/](http://www.judiciary.gov.hk/)
10. Legislation Database : [http ://www.legislation.gov.hk/eng/home.htm](http://www.legislation.gov.hk/eng/home.htm)
11. Legislative Council : [http ://www.legco.gov.hk/english/index.htm](http://www.legco.gov.hk/english/index.htm)
12. United Nations High Commissioner for Human Rights : [http ://www.ohchr.org](http://www.ohchr.org)
13. United Nations Human Rights Fact Sheets : [http :
//www.ohchr.org/english/about/publications/sheets.htm](http://www.ohchr.org/english/about/publications/sheets.htm)
14. Community Legal Information Centre : [http ://www.hkcliv.org/](http://www.hkcliv.org/)
15. 趙文宗、洪雪蓮、莊耀洸編(2010)《社會福利與法律應用：溝通與充權》。香港：紅投資有限公司
16. 社會福利署（2007）《處理虐兒個案程序指引》
17. 趙文宗、林滿馨編（1999）《香港法律與社會工作》。香港：進一步多媒體。
18. 香港特別行政區根據《兒童權利公約》提交的首份報告：對聯合國兒童權利委員會所作之審議結論的回應，兒童權利論壇（文件第 CRF 1/2006 號）
19. 參考網址

Domestic Violence:

20. 莊耀洸「六。年。祭 回記天水圍滅門案死因研訊」 *明報* 2010.4.11 P08 版 (副刊世紀)
21. 莊耀洸「從國際人權標準看家庭觀念」 *信報* 2009.2.2 P29 版
22. 曹文傑(2009). <<家庭暴力條例>>修訂的謊言與真相.香港女同盟會、香港十分一會、午夜藍及還我本色
23. 燭光網絡(2009). 第 65 期. 香港家庭暴力@現在式---前線社工眼中的家暴
24. 立法會(2007). <<2007 年家庭暴力(修訂)條例草案>>委員會報告
25. 立法會(2007). <<2007 年家庭暴力(修訂)條例草案>>委員會二零零七年七月

二十日會議補充資料

26. HK Law Society(2005). 《Report on Domestic Violence Ordinance》
27. Office of United Nations High Commissioner for Human Rights (OHCHR), Centre for Human Rights, *Professional Training Series No. 5 : Human Rights and Law Enforcement—A Manual on Human Rights Training for the Police* (with Chinese and English versions), NY & Geneva : UN, 1999, Chapter XVII, pp124-128(i.e. Essential principles and paragraphs 676-726), pp131-132
28. OHCHR, *Professional Training Series No. 5/Add.3 : Human Rights Standards and Practice for the Police—Expanded Pocket Book on Human Rights for the Police* (with Chinese and English versions), NY & Geneva : UN, 2004, pp42-47 (The Human Rights of Women)
29. The above two UN OHCHR Training and education materials at [http : //www.ohchr.org/english/about/publications/training.htm](http://www.ohchr.org/english/about/publications/training.htm)
30. “Domestic Violence—Investigation/Arrest Form Book 124D”, London : Metropolitan Police Authority, 2004
31. Rider/recommendation by the jury on 5th September 2005 in the Coroner’s inquest on Tin Shui Wai domestic violence tragedy of 11 Apr 2004, CCDI 642-644, 705/2005
32. Working Group on Combating Violence, “Procedural Guidelines for Handling Sexual Violence Cases (July 2002)”, HKSAR SWD
33. *Domestic Violence Ordinance*, Cap 189, DVO
34. Working Group on Combating Violence, “Procedures for Handling Child Abuse Cases Revised 1998”, HKSAR SWD, 2001 edition
35. Working Group on Combating Violence, “Guide to Participants of the Multi-Disciplinary Case Conference on Child Abuse ”, HKSAR SWD
36. Working Group on Combating Violence, “Procedural Guidelines for Handling Battered Spouse Cases (2004)”, HKSAR SWD
37. Dennis Ho, “Reforming the Domestic Violence” in *Hong Kong Lawyer* (with Chinese and English versions), Jan 2006, pp32-53
38. The Law Society of Hong Kong, *Report on Domestic Violence Ordinance* (with Chinese and English versions), Dec 2005 (available at website : www.hklawsoc.org.hk)
39. *The Women’s Commission Report : Women’s Safety in Hong Kong : Eliminating Domestic Violence* (with Chinese and English versions), Jan 2006 (available at website : [http : //www.women.gov.hk](http://www.women.gov.hk))
40. United Nations CEDAW Committee, “General Recommendation No. 19 : Violence against Women”, (11th session, 1992), at the website of UN Division for the Advancement of Women : [http :](http://)

[//www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19](http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19)

41. *Declaration on the Elimination of Violence against Women* (United Nations General Assembly resolution 48/104 of 20 December 1993, UN Document No. A/RES/48/104 dated 23 February 1994, available at the website of Special Rapporteur on Violence against Women, its causes and consequences : [http :
//www.ohchr.org/english/issues/women/rapporteur/instruments.htm](http://www.ohchr.org/english/issues/women/rapporteur/instruments.htm)
42. *The Second Report of the HKSAR on the Implementation of the Beijing Platform for Action*, 2005, Chapter D : Violence against Women, pp44-54 (at [http :
//www.hwfb.gov.hk/en/press_and_publications/otherinfo/index.html](http://www.hwfb.gov.hk/en/press_and_publications/otherinfo/index.html))
43. Review Penal on Family Services on Tin Shui Wai, *Report of the Review Panel on Family Services in Tin Shui Wai*, Nov 2004, available at webpage of the LegCo Family Violence : [http :
//www.legco.gov.hk/english/index.htm](http://www.legco.gov.hk/english/index.htm)
44. Hong Kong Women's Coalition on Equal Opportunities, *Gender Perspective on anti-domestic Violence*, 2006
45. The Alliance for the Reform of Domestic Violence Ordinance, *For Justice, Equality and Harmony : Proposal on Reform of the Domestic Violence Ordinance*, 2007
46. Webpage of human rights education and training, the UN Office of High Commissioner for Human Rights : [http :
//www.ohchr.org/english/issues/education/training/](http://www.ohchr.org/english/issues/education/training/)
47. Various papers on domestic violence can be found at the webpage of LegCo Panel on Welfare Services, and its Subcommittee on Strategy and Measures to tackle family Violence (2004-08) and 2007 Family Violence (Amendment) Bill : [http :
//www.legco.gov.hk/english/index.htm](http://www.legco.gov.hk/english/index.htm)
48. Leung Lai Ching, *The Possibility of Mainstreaming Domestic*
49. *Violence Policy in Hong Kong*, Oct 2008