

# COOPERATION WITH OTHER AUTHORITIES: ORGANIZATIONS AND EXPERTS TO PROTECT AND SUPPORT VICTIMS OF CRIME IN HONG KONG

*Betty PANG Mo-yin\**



## I. INTRODUCTION TO HONG KONG

### A. Geographical Location

Hong Kong is located in Eastern Asia, the southeast coast of the People's Republic of China, facing the South China Sea. Geographically, it consists of three main territories namely, Hong Kong Island, Kowloon and the New Territories.

### B. Size and Population

The area of Hong Kong is 1,104 sq km. The population at the end of 2012 was 7,173,000.

### C. The Hong Kong Special Administrative Region

The Chief Executive (CE) is the head of the Hong Kong Special Administrative Region (HKSAR). The main administrative and executive functions of the Hong Kong Government are carried out by three secretary departments, 12 policy bureaux (consisting of 61 departments and agencies) and other services.

#### (a) Secretaries of Departments

- Chief Secretary for Administration
- Financial Secretary
- Secretary for Justice

#### (b) Directors of Bureaux

- Secretary for Transport and Housing
- Secretary for Home Affairs
- Secretary for Labour and Welfare
- Secretary for Financial Services and Treasury
- Secretary for Commerce and Economic Development
- Secretary for Constitutional and Mainland Affairs
- Secretary for Security
- Secretary for Education
- Secretary for Civil Service
- Secretary for Food and Health
- Secretary for the Environment
- Secretary for Development

#### (c) Other Services

- Commissioner of Police
- Commissioner of Independent Commission Against Corruption
- Commissioner of Customs and Excise
- Director of Immigration
- Director of Audit

The civil service employed approximately 156,000 people, or about 4% of the Hong Kong workforce. Apart from administering public services, its main tasks are to assist the Chief Executive and princi-

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\*Senior Superintendent of Police, Hong Kong Police Force.

pals in formulating policies and carrying out decisions.

#### **D. Special Features**

Hong Kong's free economic system and low tax rate have created a favourable environment for the city's development in finance, banking, trade, industry and commerce, real estate, shipping and civil aviation.

Hong Kong is one of the most densely populated places in the world. The land population density in mid-2012 stood at 6,620 persons per sq km.

#### **E. Visitors**

In the year 2012, Hong Kong registered a record of 48.62 million visitor arrivals. Mainland visitors reached 34.91 million in 2012 and continued to be the largest source of visitors to Hong Kong.

#### **F. Crimes**

In 2012, a total of 75,930 crimes were reported. The overall crime rate was 1,064 per 100,000 persons.

## **II. HONG KONG POLICE FORCE**

#### **A. Command**

The Hong Kong Police Force (the Force) is headed by the Commissioner of Police who is responsible to the Chief Executive of the Hong Kong Special Administrative Region for the administration and operational efficiency of the Force. He is assisted by two Deputy Commissioners. The Deputy Commissioner of Police (Operations) is responsible for operations, crime and security; whereas the Deputy Commissioner of Police (Management) is responsible for personnel, training, management services, finance, administration and planning.

At the end of 2012, the Force had 28,400 regular police officers, 4,700 civilian staff, and 4,500 auxiliary police officers. The police-population ratio in 2012 was 394 regular officers for every 100,000 persons.

#### **B. Vision and Responsibilities**

The Force's vision is that 'Hong Kong remains one of the safest and most stable societies in the world'. The primary responsibilities of the Force are:

- (a) Maintenance of law and order in the community;
- (b) Prevention and detection of crime;
- (c) Road safety; and
- (d) Operations.

#### **C. Crime Rate and Detection Rate**

In 2012, 75,930 crimes were reported. 33,094 cases were detected; representing a detection rate of 43.6%, which was an increase of 1.1% when compared with 42.5% in 2011.

Maintaining a low crime rate and high detection rate can be regarded as one of the indicators of the Force's performance; but providing protection and support to victims of crime is equally important as it can affect members of the public's confidence in the Force.

## **III. COOPERATION WITH AUTHORITIES, ORGANIZATIONS AND EXPERTS IN THE PROTECTION AND SUPPORT OF VICTIMS OF CRIME**

Hong Kong accords high importance in providing protection and support to victims of crime with a view to achieving the dual purposes of preventing further crimes and prosecuting offenders. This support and protection comes in many ways including legislation, administrative measures, multi-

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agency approach, protection and support provided by the Force, other government departments and non-governmental organizations. This paper talks about cooperation with authorities, organizations and experts in the protection and support of victims of crime.

**A. Working Groups and Committees**

Apart from prevention and detection of crime, the Force attaches great importance to the protection and support of victims of crime. The Force has been maintaining partnership with different authorities, organizations and experts to protect the best interest of victims. The following three working groups and committees are typical illustrations of such multi-agency and cross-sectoral cooperation.

1. Committee on Child Abuse (CCA)

The Director of Social Welfare is the Chairperson of the Committee on Child Abuse (CCA). The CCA comprises 13 representatives from different government departments and non-governmental organizations including staff/professionals from the Labour and Welfare Bureau, Department of Health, Home Affairs Department, Hong Kong Police Force, Hospital Authority, Information Services Department, Social Welfare Department, Against Child Abuse, End Child Sexual Abuse Foundation, Hong Kong Council of Social Service, Hong Kong Family Welfare Society and Hong Kong Psychological Society.

The CCA is responsible for monitoring the overall situation of child abuse in Hong Kong. Its terms of reference are:

- (a) To examine the child abuse problem in Hong Kong in view of current social circumstances;
- (b) To map out strategies to address the problem of child abuse including prevention, public education and community participation;
- (c) To examine ways to facilitate multi-disciplinary collaboration;
- (d) To formulate new approaches for the handling of child abuse cases;
- (e) To facilitate and coordinate research studies on child abuse and related subjects; and
- (f) To monitor the implementation of recommendations.

2. Working Group on Combating Violence (WGCV)

The Director of Social Welfare is the Chairperson of Working Group on Combating Violence (WGCV). The WGCV comprises 20 representatives from different government departments and non-government organizations including staff/professionals from the Labour and Welfare Bureau, Security Bureau, Department of Justice, Legal Aid Department, Department of Health, Hospital Authority, Education Bureau, Home Affairs Department, Hong Kong Police Force, Housing Department, Information Services Department, Social Welfare Department, Association Concerning Sexual Violence Against Women, Caritas — Hong Kong, Christian Family Service Centre, Harmony House, Po Leung Kuk, Tung Wah Group of Hospitals, Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) and Hong Kong Council of Social Service.

The WGCV is responsible for monitoring the overall situation of spouse battering and sexual violence in Hong Kong. Its terms of reference are:

- (a) To examine the problem of violence in Hong Kong, with main focus on spouse battering and sexual violence;
- (b) To map out strategies and approaches in handling the problem, including prevention, public education, publicity and provision of services;
- (c) To examine the existing procedures and guidelines on handling the problem and recommend improvement measures;

- (d) To strengthen coordination and cooperation among governmental departments, non-governmental organizations and professionals in handling and combating the problem;
- (e) To coordinate statistics and facilitate research studies; and
- (f) To form task groups or sub-groups to examine specific issues where necessary.

### 3. Working Group on Elder Abuse (WGEA)

The Assistant Director of Social Welfare (Family and Child Welfare) is the Chairperson of the Working Group on Elder Abuse (WGEA). The WGEA comprises 9 representatives from different governmental departments and non-governmental organizations including staff/professionals from the Elderly Commission, Labour and Welfare Bureau, Hong Kong Police Force, Department of Health, Social Welfare Department, Hospital Authority, The Hong Kong Council of Social Service, Tertiary Institute and social service sector.

The WGEA is responsible for examining elder abuse issues and proposing strategies to address the problem identified. Its terms of reference are:

- (a) To examine the issue of elder abuse in Hong Kong;
- (b) To propose strategies, practical measures and an action plan to combat the problem of elder abuse; and
- (c) To draw up a framework to implement the action plan.

### **B. Procedural Guidelines**

Working groups and committees provide a common platform for relevant stakeholders to deliberate and formulate appropriate strategies/measures on victim protection and support. Procedural guidelines are then derived to guide relevant stakeholders in the implementation in order to maximize the effectiveness of cooperation amongst them. The following are some examples:

- (a) Procedural Guide for Handling Child Abuse
- (b) Guide for Handling Intimate Partner Violence Cases
- (c) Procedural Guidelines for Handling Elder Abuse Case
- (d) Procedural Guidelines for Handling Adult Sexual Violence Cases

### **C. Central Information Systems**

In order that working groups and committees can map out the profile and characteristics of, and provide statistical data for reference to professionals providing services on the prevention and handling of child abuse, elder abuse, domestic violence and sexual violence, three sets of central information systems were jointly developed by different authorities and organizations, for instance the Social Welfare Department, Hong Kong Police Force, Hospital Authority, Department of Health, and other non-governmental organizations. These central information systems are jointly maintained by relevant authorities and organizations. They contain comprehensive information on specific offences and have been very useful in assisting the work of different working groups and committees.

### **D. Multi-disciplinary Case Conference (MDCC)**

Multi-disciplinary Case Conference (MDCC) is an effective multi-disciplinary cooperation model for child abuse, domestic violence and elder abuse cases. MDCC is most commonly used for child abuse cases. It is a forum by which professionals having a major role in handling and investigation of the case, for instance social welfare officers, the police, parents, guardians, carers, clinical psychologist, and representatives from Education Department/schools, can share their professional knowledge, information and concern on the victim's health, development, functioning, and his/her parents/guardians/carers' ability to ensure safety of the victim.

Case officers may make reference to the following issues when considering the need for an MDCC:

- (a) The case involves at least three service units;
- (b) There are different views between service units and the victim regarding welfare plan; and
- (c) The case is complicated in nature, e.g. risk of homicide, propensity to violence, etc.

The focus of the MDCC is on protection and welfare of the victim rather than prosecution of the abuser. The MDCC analyzes risks and recommends actions to be taken in relation to the welfare planning of the victim and his/her family, respecting the statutory obligations of individual members of the case. In child abuse cases, family perspective is adopted in reviewing safety of all the children and other members in the household even if concerns are only being expressed about one child.

#### **E. Child Protection Special Investigation Team (CPSIT)**

The Child Protection Special Investigation Team (CPSIT) is formed by specially trained police officers and social workers to conduct joint investigation into cases of suspected child abuse. The advantage of having a CPSIT is to combine specialist and complementary investigation skills of the Police and Social Welfare Department in the collection of evidence, which will be admissible in criminal proceedings, prevent further trauma to the child by having to repeat details of the allegation to different persons, and provide maximum protection and support to children who have been abused or are at risk.

#### **F. Guardianship Order**

The Mental Health Ordinance, Cap. 136 Laws of Hong Kong empowers an independent Guardianship Board (the Board) to conduct hearings in order to make guardianship orders. Social workers, medical officers and police officers will help persons in need of Guardianship Order if they meet the following criteria.

- (a) Adults 18 years old or over; and
- (b) Mentally incapable of making decisions about their personal affairs, financial matters, medical or dental treatment.

When the victims meet the above criteria, the police shall refer them to the Social Welfare Department (SWD) for application of the Order. The Order specifies the appointment of a guardian, either private (a family member or friend) or public (Director of Social Welfare), and the powers conferred to the guardian. In a normal situation, application for guardianship will be proceed only where effective informal arrangements cannot be made.

Upon the receipt of an application, the Guardianship Board will arrange a date for hearing in which Board members will examine all the information and evidence collected, interview the subject and relevant witnesses to reach a decision. The following services may be provided:

- (a) Support, protect and advocate the best interest of mentally incapacitated adults;
- (b) Employ guardian to facilitate the management of their finances;
- (c) Ensure that their needs for service and medical treatment are met;
- (d) Protect them against abuse, exploitation and neglect;
- (e) Enhance the quality of care; and
- (f) Facilitate the resolution for disputes with relatives and services provider.

### **G. Multi-agency Referral Mechanisms**

In addition to performing the core duties of case investigation and prosecution, the Force also provides protection and support to victims by utilizing its own resources and/or through close collaboration with other governmental departments and non-governmental organizations (NGOs). Timely referral mechanisms have been established between the Force and relevant stakeholders.

The officers-in-charge of the case shall carefully examine each case and make timely referrals. The Social Welfare Department is one of the Force's partners providing support services to victims. A cooperation protocol has been established to maximize effectiveness of the collaboration including acknowledgement of receipt of the referral within seven working days and informing the Police within one month whether the subject has accepted the service or not.

Specifically for victims of domestic violence, appropriate referrals to the Social Welfare Department and non-governmental organizations will be made to provide victims with family support services. The Social Welfare Department has set up a 24-hour Police Designated Hotline to facilitate police referrals and arranging emergency services. Victims of domestic violence will also be referred to non-government organizations (NGOs) for temporary accommodation services and emotional support services.

For sexual violence cases, investigation officers would introduce the Social Welfare Department's One-stop Service Model, and the CEASE Crisis Centre (CCC) of the Tung Wah Group of Hospitals (a NGO) to victims. If victims select to take up the services, the investigation officers would personally call the 24-hour Police Designated Hotline to arrange designated social workers to provide immediate assistance and crisis intervention for victims. Victims can also be referred to services provided by other non-governmental organizations (NGOs), for instance, the 'Family Planning Association of Hong Kong' and 'Rainlily' through established referral mechanisms for appropriate protection and support services.

### **H. One-stop Service Model**

In pursuit of multi-agency and cross-sectoral approach, the Force commits to handle all sexual abuse cases by providing victims with immediate support services through close collaboration with other departments and non-governmental organizations (NGOs). The One-stop Service Model for sexual abuse cases is adopted under the following principles:

- (a) Professional service should be made available and easily accessible to victims on a 24-hour basis; and
- (b) The need for victims to undergo different procedures and to repeat incidents should be kept at minimum.

When the One-stop Service Model is introduced to sexual violence victims, police officers will immediately contact the Social Welfare Department (SWD) or non-governmental organizations (NGOs) for referral. SWD or NGOs provide the following 24-hour outreach services:

- (a) Arrangement of suitable venue, e.g. hospital for taking statements and conducting forensic examination;
- (b) Aftercare medical services at family/gynaecology clinic, e.g. prevention of pregnancy or transmission of disease;
- (c) Emotional support or counselling service, psychological treatment and temporary accommodation; and
- (d) Victim will be accompanied throughout the process of investigation and court proceedings.

### **I. Refuge Centre**

When victims or their family members are considered at risk of serious or repeated violence, the

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Police will advise victims on the availability of refuge centre. The Police will take the following actions if victims wish to accept the service:

- (a) Liaise with the refuge centres for the victims;
- (b) Provide transport to victims;
- (c) Keep the location of the refuge centre confidential.

**J. Outreach Services**

If a victim wishes to be accompanied by a support person whilst giving a statement to the Police, relatives or friends are allowed as long as no hindrance to investigation is caused. If necessary, the Police will contact non-governmental organizations (NGOs) for outreach services where social workers will be arranged to accompany the victims or provide them with counselling service.

**K. Overseas Special Assistance**

If Hong Kong citizens become victims of crime overseas, particularly in major incidents with a significant number of victims involved, a cross-departmental rescue team comprising staff of governmental departments and other organizations including members of the Force may be mobilized to attend to victims and their family members. Apart from victim identifications and immigration matters, psychosocial support service from the Social Welfare Department will be provided to victims and their family members. These services include:

- (a) Consultation on psychological support and critical incident stress management services;
- (b) Crisis intervention;
- (c) Financial assistance;
- (d) Operate hotline to assist victim's family members; and
- (e) Accompany family members to hold funerals for the deceased.

**L. Art Therapy**

Counselling services run by religious groups, non-governmental organizations (NGOs) and schools are provided to children who witnessed domestic violence in their family. During the treatment, the children are invited to take part in painting classes. Professionals will assess the children's condition through evaluation of their paintings. Advice will be given to parents or social workers so that a desirable counselling and support plan can be worked out.

**M. Batterer Intervention Scheme**

Special counselling service will be given to batterers through which the potential of repeated violence against their intimate partners may be reduced. The Batterer Intervention Scheme helps the batterers control their use of physical violence and enhance batterers' emotional control, non-violent conflict resolution and marital relationship.

One of the programmes under the Batterer Intervention Scheme is a psycho-education programme known as the Anti-violence Programme (AVP) provided by non-governmental organizations (NGOs) in conjunction with the Social Welfare Department. The District Court may order the batterer to participate in an AVP with a view to seeking a change of his/her attitude. Special counselling and support services will be given to batterers with follow-up services to help them re-integrate into their families and community.

**IV. CONCLUSION**

Hong Kong is a caring society. It has long been recognized, both internationally and in Hong Kong, that close collaboration amongst stakeholders involved in handling victims, particularly those who

suffered from abusive offences, will maximize the effectiveness in the protection and support of victims of crime, gain trust and cooperation from victims so that the investigation and prosecution could be conducted more effectively and efficiently.

As a result of longstanding multi-agency and cross-sectoral cooperation amongst different organizations and authorities in providing protection and support to victims of crime, different mechanisms/measures have been in place to safeguard the interests of victims of crime. These mechanisms/measures have been working smoothly and are subjected to regular reviews.

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