

WOMEN'S COMMISSION
Notes of the 75th Meeting held on 4 April 2014

<u>Present:</u>	Mrs Stella LAU Miss Annie TAM	(Chairperson) Permanent Secretary for Labour and Welfare (Vice-chairperson)
	Ms AU YEUNG Po-chun Ms Aruna GURUNG Professor Shirley HUNG Dr Maggie KOONG Ms Angelina KWAN Ms Leona LAM Ms Ada LAM Dr Trisha LEAHY Mrs Miranda LEUNG Ms Juan LEUNG Dr Lawrence TANG Ms Sandy WONG Ms Catherine WONG Ms WONG Shu-ming Mr Robert WONG Miss Rabi YIM Ms Constance YUE Ms Cecilia LI	
	Mr D C CHEUNG	Assistant Director for Social Welfare (Elderly) Principal Assistant Secretary for Constitutional and Mainland Affairs (5)
<u>Absent with Apologies:</u>	Ms Teresa AU Professor LAM Ching-man Mr Philip TSAI	
<u>In attendance:</u>	Ms Doris CHEUNG Miss Fiona LI Mr Louis LO Mr Ricky CHENG Miss Noel NG Ms Cheryl TSANG	Deputy Secretary (Welfare) 1 PAS (Welfare)2 AS (Welfare)2A (Secretary) AS (Welfare)2B AS (Welfare)2C SEO (Welfare)2

For Agenda Item 1	Mr Arthur NG	Deputy Judiciary Administrator
	Ms Wendy CHEUNG	Assistant Judiciary Administrator
	Ms Mary HO	Assistant Law Officer of Department of Justice
	Ms Sherman CHEUNG	Assistant Director of the Legal Aid Department

Opening Remarks by the Chairperson

1.1 The Chairperson welcomed new members Professor Shirley HUNG, Ms Angelina KWAN and Dr Lawrence TANG.

Item 1: Review of Family Procedure Rules (WoC 01/14)

2.1 The Chairperson welcomed Mr Arthur NG, Ms Wendy CHEUNG, Ms Mary HO and Ms Sherman CHEUNG who attended the meeting and briefed members on the Interim Report and Consultative Paper on the Review of Family Procedure Rules (the Consultative Paper) published by the Chief Justice Working Party on Family Procedure Rules (the Working Party).

2.2 The Judiciary and the Working Party made a powerpoint

presentation on the Consultative Paper which set out proposals to improve the court procedures for Hong Kong's family justice system, making way for a shift in litigation culture towards a more conciliatory approach and the promotion of a more efficient and accessible family justice system. They stressed that the proposals did not cover changes to the substantive law on family and matrimonial matters which would be separately considered by the Administration.

2.3 A Member suggested that the Judiciary should set aside a dedicated budget for enforcing judgments in relation to family and matrimonial matters, e.g. collection of maintenance payments. The Judiciary responded that the court could assist in the collection of maintenance payments by issuing orders. However, improving the system of collection of maintenance payments and the enforcement of maintenance orders would involve changing the substantive law and were not covered by the current review.

2.4 A Member said that there was case jam in the court system in Hong Kong and the waiting time of a case to be heard at the High Court could span for 1 to 2 years. The Judiciary

was urged to consider promoting the use of arbitration and mediation so that the public could resolve family and matrimonial disputes more quickly.

2.5 The Judiciary explained that in view of the rising number of matrimonial cases, they had already increased the number of judges in the family court from 8 to 9 in 2012. The Judiciary was also promoting the use of mediation as an alternative to court proceedings, including setting up a dedicated office at court to introduce mediation to relevant parties, with a view to reducing the waiting time of the trials. The Administration had also helped promote mediation. For example, the Social Welfare Department (SWD) had been introducing mediation to their service users where appropriate.

2.6 In response to a Member's enquiry on whether the single unified procedure code proposed by the Working Party would cover procedure rules in relation to the Domestic and Cohabitation Relationships Violence Ordinance (DCRVO), the Judiciary clarified that proposal number 80 of the Consultative Paper suggested that the procedure rules which apply to DCRVO should be included in a separate part of the proposed

unified procedure code.

2.7 A Member opined that parties involved in family and matrimonial disputes could be very emotional and stressful with some suffering suicidal risk and the reform would be conducive to relieving the pressure of the parties involved. In addition, the Administration could consider providing sensitivity training to relevant officials, e.g. police officers and social workers, so that they could provide emotional support to relevant parties where appropriate.

2.8 The Judiciary said that they understood the pressure the court proceedings might bring to relevant parties. The adoption of mediation to resolve family and matrimonial disputes was voluntary. In addition to its efforts in promoting mediation, the Judiciary had appealed to non-governmental organisations (NGOs) as well as government bureaux and departments for their assistance in disseminating relevant messages to the public.

2.9 In response to a Member's concern about the proposal to abandon the practice of "affidavit of means" (i.e. proposal

number 61) which might affect the collection of maintenance payments, the Working Party clarified that the Financial Dispute Resolution (FDR) which was first introduced in 2003 had worked successfully in procuring settlements in many financial relief claims brought to the Family Court and had essentially replaced and superseded the practice of “affidavit of means”. Since some procedure rules still provided for filing and serving of “affidavit of means”, proposal number 61 was put forward to clarify the abandonment of the practice of “affidavit of means” and incorporate the FDR procedures into the proposed unified procedure code.

Item 2: Pilot Scheme on the Provision of Living Allowance to Carers of the Elderly from Low Income Families (WoC 02/14)

3.1 The Permanent Secretary for Labour and Welfare (PSLW) introduced paper WoC 02/14.

3.2 Some Members said that in Hong Kong the responsibility of taking care of elderly persons was usually borne by the

daughters or daughters-in-law, resulting in their leaving the workforce which created economic pressure for their families. Members welcomed the Pilot Scheme which would be effective in helping carers from low-income families. Some Members sought clarification on the setting of the minimum number of hours of care-giving at 80 hours for taking care of one elderly person and 120 hours for two elderly persons or more.

3.3 PSLW explained that many carers devoted a lot of time to caring the elderly members in their families. The Administration did not wish to set the minimum hours of care-giving at a high level for the purpose of the present Pilot Scheme and carers would be free to provide hours of care above the minimum. The Government hoped to roll out the Pilot Scheme early on a trial basis. The Pilot Scheme would be evaluated during the two-year pilot period to assess its implications and effectiveness. The parameters of the Pilot Scheme would be reviewed in the context of the evaluation.

3.4 Members noted that only those carers taking care of elderly persons who were assessed by the Standardised Care Needs Assessment Mechanism for Elderly Services (SCNAMES)

to have impairment at moderate level or above, and were not using any residential care service while waiting for subsidised long-term care services on the Central Waiting List maintained by SWD would be eligible for applying for the allowance. A Member was concerned that those carers from low-income families who were taking care of the elderly persons not on the Central Waiting List would be excluded from the Scheme.

3.5 PSLW said that for practical reasons, a carer covered by the Pilot Scheme was the person taking care of an elderly person having assessed by SCNAMES of the Social Welfare Department (SWD) to have impairment at moderate level or above and was waiting for subsidised long term care services on the Central Waiting List. The Pilot Scheme would provide 2,000 eligible carers with the carer allowance. This eligibility criterion, among other parameters of the Pilot Scheme, would be reviewed in the context of the above-mentioned evaluation.

3.6 A Member noted that carers would be required to complete a form recording the length of care-giving and this might deter carers from applying for the allowance. PSLW said that the recording requirement was necessary to prevent

abuse and the form would be kept as simple as possible. In some other places, similar schemes required a carer to provide minimum hours of care-giving. Our proposed arrangements for the present Pilot Scheme only required a carer to keep a brief record of his/her care services and hours in a form to be prescribed by SWD. Such a written record should be certified correct by the carer. SWD would only seek clarifications from the elderly person under his/her care if SWD wished to verify the corrections of such a written record.

3.7 The Meeting noted that the carers might attend training programmes provided by the service delivery agents as deemed appropriate. A Member asked whether carers enrolled in courses provided by the Employees Retraining Board (ERB) would receive both course fee subsidies from ERB and allowance from the Pilot Scheme at the same time.

3.8 PSLW said that carers would be required to attend the training courses as considered appropriate by the service delivery agents. The training hours attended by the carers could be counted towards his/her hours of care-giving. If the carers were required to pay for the training courses as advised

by the service delivery agents, the fees could be reimbursed by SWD upon satisfactory completion of the courses. SWD would deliberate on the implementation details of the Pilot Scheme including its interface with other schemes or programmes. A guiding principle was that the existing arrangements of other schemes or programmes should not be unduly affected.

3.9 A Member enquired about the proportion of low-income families on the Central Waiting List. Some Members were concerned that, similar to other poverty alleviation measures, most of the resources were allocated to the most disadvantaged group and those who were slightly above the line would not benefit from the Pilot Scheme. They added that carers from the middle class were also in need of support services.

3.10 PSLW said that many senior citizens in our community were being taken care of their family members. The Government had been providing a number of support services to empower the carers and help relieve their stress. Such services included the provision of information, training, counselling services, assistance in forming carers' mutual-support groups, establishment of resource centres, and

demonstration and loan of rehabilitation equipment etc. Respite residential and day care services for the elderly persons were also available which would enable carers to take a short break when needed. On top of these, the present Pilot Scheme was intended to provide an allowance to carers coming from low income families who would need some financial assistance to help supplement their living expenses.

3.11 Members generally welcomed the Pilot Scheme.

Item 3: WoC Progress Report 2013-14 and Work Plan 2014-15 (WoC 03/14 and WoC 04/14)

4.1 Representatives of the Working Groups and the Steering Committee on the Capacity Building Mileage Programme introduced the progress reports and the work plans of their respective working groups/ steering committees.

4.2 In response to a Member's question, the Deputy Secretary for Welfare (1) (DS(W)1) said that HKSAR's third report under the United Nations (UN) Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW) was submitted to UN in 2012 and the Administration would keep in view the shadow reports prepared by NGOs. The Administration was also preparing a response to a list of issues raised by the UN CEDAW Committee on HKSAR's third report.

Item 4: Report of the 58th Session of the United Nations Commission on the Status of Women (WoC 05/14)

5.1 The Assistant Secretary for Welfare (2C) introduced the paper WoC 05/14.

5.2 In relation to the statement delivered by the DS(W)1 at the subject meeting, a Member opined that female offenders were reported to have a higher prevalence of psychopathology because the diagnosis criteria and the medical practitioners were gender-biased, and the fact that society tended to portray female offenders as psycho and male offenders as villains. The Member said that male offenders' needs for psychological therapy were usually under-diagnosed and hence adequate psychological treatment was not provided. She added that

gender mainstreaming should be applied to the interpretation of psychological data with a view to reaching a fair conclusion about the prevalence of psychopathology in male and female offenders.

5.3 The Chairperson thanked the Member's sharing and suggested that the comment be incorporated into relevant speeches in future as appropriate.

Item 5: Confirmation of Minutes of the 74th Meeting (WoC 06/14)

6.1 The minutes of the 74th meeting were confirmed with minor textual amendments to paragraph 2.3.

Item 6: Secretary's Report (WoC 07/14)

7.1 The Meeting noted the Secretary's Report.

Item 7: Any Other Business

8.1 There being no other business, the meeting was adjourned at 12:45 p.m.

**Women's Commission Secretariat
April 2014**