

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

**Bills Committee on
Domestic Violence (Amendment) Bill 2007**

**Minutes of the first meeting
held on Friday, 20 July 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Margaret NG
Hon James TO Kun-sun
Hon CHAN Yuen-han, SBS, JP
Hon Bernard CHAN, GBS, JP
Dr Hon YEUNG Sum, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon TAM Yiu-chung, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LEUNG Kwok-hung
Hon KWONG Chi-kin

Members absent : Hon Miriam LAU Kin-ye, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Ronny TONG Ka-wah, SC
Hon TAM Heung-man

Public Officers attending : **Item II**

Mr Matthew CHEUNG, GBS, JP
Secretary for Labour and Welfare

Miss Eliza LEE
Deputy Secretary for Labour and Welfare (Welfare) 1

Miss Hinny LAM
Principal Assistant Secretary for Labour and Welfare (Welfare) 2

Ms Winnie LEUNG
Assistant Secretary for Labour and Welfare (Welfare) 2A

Mr FUNG Pak-yan
Deputy Director of Social Welfare (Services)
Social Welfare Department

Mrs Anna MAK
Assistant Director of Social Welfare (Family and Child Welfare)
Social Welfare Department

Mr Gilbert MO
Deputy Law Draftsman (Bilingual Drafting & Administration)
Department of Justice

Miss Angie LI
Government Counsel
Department of Justice

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Ms Maisie LAM
Council Secretary (2) 2

Ms Sandy HAU
Legislative Assistant (2) 5

Action

I. Election of Chairman

Dr Fernando CHEUNG was elected Chairman of the Bills Committee.

Action

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. The Administration was requested to provide response in writing to the following issues raised by members at the meeting -
 - (a) comparison of the major provisions of the Domestic Violence Ordinance (Cap. 189) and the Bill with anti-domestic violence legislation in overseas places;
 - (b) reason(s) why same sex relationship was not covered by the Bill;
 - (c) whether the court might, in its criminal jurisdiction, require an abuser to attend an anti-violence programme approved by the Director of Social Welfare aimed at changing the attitude and behaviour of the abuser;
 - (d) content of the anti-violence programme referred to in new section 3(1A) of Cap. 189, including its duration, what would constitute non-participation, and the penalty for non-participation, if any; and
 - (e) court cases to demonstrate that the term "molest" in Cap.189 already applied to psychological abuse, and whether acts such as harassing a pet or a child of the applicant and bombarding the applicant with telephone calls and email to request reconciliation could be regarded as psychological abuse.
4. At the request of Mr Albert HO, the Administration agreed to convey to the Judiciary that the same judge for making a custody or access order in respect of a child should best be arranged to make an exclusion order under the DVO, if the Bill was enacted.

III. Date of next meeting

5. Members agreed to meet deputations in late September 2007 to listen to their views on the Bill.
6. There being no other business, the meeting ended at 6:30 pm.

**Proceedings of the meeting of
Bills Committee on Domestic Violence (Amendment) Bill 2007
on Friday, 20 July 2007, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000353	Hon Albert HO Hon LEE Cheuk-yan	Election of Chairman	
000354 - 002734	Admin	Briefing on the Bill	
002735 - 002834	Chairman	Introduction	
002835 - 003714	Hon LEE Cheuk-yan Admin	The Administration was requested to - (a) provide comparison of the major provisions of the Domestic Violence Ordinance (Cap. 189) and the Bill with anti-domestic violence legislation in overseas places; and (b) give reason(s) why same sex relationship was not covered by the Bill	✓ (Admin to provide written responses)
003715 - 004125	Dr Hon YEUNG Sum Admin	Penalty for failure to participate in the anti-violence programme approved by the Director of Social Welfare Setting up a specialised domestic violence court	
004126 - 004151	Chairman	Research on domestic violence being conducted by the Research and Library Services Division of the Legislative Council Secretariat at the request of the Subcommittee on Strategy and Measures to Tackle Family Violence established under the Panel on Welfare Services	
004152 - 004804	Hon CHOY So-yuk Admin Chairman	Requiring all abusers to attend anti-violence programme	
004805 - 005626	Hon Albert HO Admin Chairman	Effectiveness of the injunction order made under Cap. 189 in protecting victims of domestic violence	
005627 - 010317	Hon WONG Kwok-hing Admin Chairman	Criminalising domestic stalking Timing for the Judiciary to come to a view on whether or not to establish a specialised domestic violence court Setting up a family relations division to promote harmonious family relations	
010318 - 010627	Hon TAM Yiu-chung Admin	Definition of "next friend"	
010628 - 011500	Hon Emily LAU Admin Chairman	Review of existing criminal legislative framework to identify room for improvement, if any, to better protect victims of domestic	

Time marker	Speaker	Subject	Action required
		violence Expressed concern about low prosecution rate of abusers	
011501 - 012515	Hon CHAN Yuen-han Admin Chairman	Criminalising domestic stalking Requiring all abusers to attend anti-violence programme Setting up a specialised domestic violence court	
012516 - 013530	Hon James TO Admin	Whether the court might, in its criminal jurisdiction, require an abuser to attend an anti-violence programme approved by the Director of Social Welfare aimed at changing the attitude and behaviour of the abuser	✓ (Admin to provide a written response)
013531 - 014554	Hon Albert HO Admin Chairman	The Administration agreed to convey to the Judiciary that the same judge for making a custody or access order in respect of a child should best be arranged to make an exclusion order under the DVO, if the Bill was enacted	✓ (Admin to convey to the Judiciary)
014555 - 014939	Hon James TO Admin	The Administration was requested to provide - (a) content of the anti-violence programme referred to in new section 3(1A) of Cap. 189, including its duration, what would constitute non-participation, and the penalty for non-participation, if any; and (b) court cases to demonstrate that the term "molest" in Cap.189 already applied to psychological abuse, and whether acts such as harassing a pet or a child of the applicant and bombarding the applicant with telephone calls and email to request reconciliation could be regarded as psychological abuse	✓ (Admin to provide written responses)
014940 - 015025	Hon CHAN Yuen-han	Inviting deputations to give views on the Bill	
015026 - 015317	Chairman Hon Emily LAU Dr Hon YEUNG Sum	Date of next meeting	