

立法會
Legislative Council

Ref : CB2/BC/11/06

LC Paper No. CB(2)1025/07-08
(These minutes have been seen by
the Administration)

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

**Minutes of the 7th meeting
held on Friday, 21 December 2007, at 8:30 am
in the Chamber of the Legislative Council Building**

- Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Dr Hon YEUNG Sum, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
Hon Ronny TONG Ka-wah, SC
Hon KWONG Chi-kin
Hon TAM Heung-man
Hon Mrs Anson CHAN, GBM, JP
- Members absent** : Hon LEE Cheuk-yan
Hon Margaret NG
Hon CHAN Yuen-han, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon LEUNG Kwok-hung

- Public Officers :** Miss Eliza LEE
attending 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
- Mrs Anna MAK
Assistant Director (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 :** Miss Mary SO
attendance Chief Council Secretary (2) 5
- Staff in :** Mr LEE Yu-sung
attendance Senior Assistant Legal Adviser 1
- Ms Maisie LAM
Council Secretary (2) 2
- Ms Sandy HAU
Legislative Assistant (2) 5

Action

- I. Meeting with the Administration**
[LC Paper Nos. CB(2)677/07-08(01), CB(3)709/06-07 and
CB(2)2456/06-07(02)]

The Bills Committee deliberated (index of proceedings at **Annex**).

Action

Clause-by-clause examination of the Bill

2. Members noted that the Administration would move Committee Stage amendments -

- (a) to amend the relevant clauses on exclusion order to the effect that the respondent would be restrained from entering and remaining in the specified area; and
- (b) to reinstate in the amended section 5(1) that the court could attach an authorisation of arrest to a non-molestation order or exclusion order granted under the inherent jurisdiction of the court upon application by a party to a marriage.

3. At the request of Mr Albert HO, the Administration agreed to revert in writing on the following -

- (a) to check with the Judiciary whether an injunction with power of arrest attached was issued in both English and Chinese languages; and
- (b) to provide information on the number of ex parte injunctions granted under the Domestic Violence Ordinance (Cap. 189) in the past two years, both with and without power of arrest attached.

II. Date of next meeting

4. Members agreed to hold the next meeting on Tuesday, 15 January 2008, at 4:30 pm to continue clause-by-clause examination of the Bill.

5. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
5 February 2008

**Proceedings of the seventh meeting of
Bills Committee on Domestic Violence (Amendment) Bill 2007
on Friday, 21 December 2007, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000648	Chairman	Opening remarks	
000649 - 000922	Admin	Briefing by the Administration on LC Paper No. CB(2)677/07-08(01) on who could be a "next friend "	
000923 - 001137	Ms Audrey EU Admin SALA1 Chairman	Director of Social Welfare would not be precluded from being a "next friend" of minor, who had no suitable family member to act as his/her "next friend"	
001138 - 001429	Admin	Briefing by the Administration on LC Paper No. CB(2)677/07-08(01) on the details of the proposed anti-violence programme (AVP)	
001430 - 001720	Dr YEUNG Sum Admin	Role of Social Welfare Department in the implementation of the proposed AVP	
001721 - 001759	Mrs Anson CHAN Admin Chairman	Adequacy of mental health professionals in delivering the proposed AVP	
001800 - 001836	Chairman	Care should be taken on not affecting the employability of abusers who were required to undergo the proposed AVP	
001837 - 003502	Chairman Admin Ms Audrey EU Ms LI Fung-ying Mr Ronny TONG	The Administration would move Committee Stage amendments (CSAs) to amend the relevant clauses on exclusion order to the effect that the respondent would be restrained from entering and remaining in the specified area	
003503 - 003512	Chairman	Clause-by-clause examination of the Bill	
003513 - 011433	Admin Chairman Mr Albert HO Ms Audrey EU Ms LI Fung-ying Mr Ronny TONG SALA1	<i>Clause 5 - Section added New section 3A - Power of District Court to grant injunction : other relatives</i>	
011434 - 012536	Admin	<i>Clause 6 - Court of First Instance may exercise powers of District Court in certain cases</i>	

Time marker	Speaker	Subject	Action required
011524 - 020201	Admin Mr Ronny TONG Dr YEUNG Sum Mr Albert HO	<i>Clause 7 - Arrest for breach of order</i> The Administration would move CSA to reinstate in the amended section 5(1) that the court could attach an authorisation of arrest to a non-molestation order or exclusion order granted under the inherent jurisdiction of the court upon application by a party to a marriage. The Administration was requested - (a) to check with the Judiciary whether an injunction with power of arrest attached was issued in both English and Chinese languages; and (b) to provide information on the number of ex parte injunctions granted under the Domestic Violence Ordinance (Cap. 189) in the past two years, both with and without power of arrest attached.	✓ (Admin to provide a written response)
020202 - 020244	Chairman	Date of next meeting	

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5 February 2008