

**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 7<sup>th</sup> 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

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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<br>Admin<br>SALA1<br>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<br>Admin  | Role of Social Welfare Department in the implementation of the proposed AVP  |                 |
| 001721 - 001759 | Mrs Anson CHAN<br>Admin<br>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<br>Admin<br>Ms Audrey EU<br>Ms LI Fung-ying<br>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<br>Chairman<br>Mr Albert HO<br>Ms Audrey EU<br>Ms LI Fung-ying<br>Mr Ronny TONG<br>SALA1 | <i>Clause 5 - Section added<br/>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>   |                 |

| <b>Time marker</b> | <b>Speaker</b>   | <b>Subject</b>   | <b>Action required</b>                     |
|--------------------|--|--|--|
| 011524 - 020201    | Admin<br>Mr Ronny TONG<br>Dr YEUNG Sum<br>Mr Albert HO | <i>Clause 7 - Arrest for breach of order</i><br><br>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.<br><br>The Administration was requested -<br><br>(a) to check with the Judiciary whether an injunction with power of arrest attached was issued in both English and Chinese languages; and<br><br>(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. | ✓<br>(Admin to provide a written response) |
| 020202 - 020244    | Chairman   | Date of next meeting   |  |

Council Business Division 2  
Legislative Council Secretariat  
5 February 2008