



Zonta International

Advancing the Status of Women Worldwide

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Dr. Hon Fernando Cheung
Chairman of Bills Committee
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Dear Sirs,

Domestic Violence (Amendment) Bill 2007

- 1. We are a group of women in business and professions representing six Zonta Clubs in Hong Kong belonging to District 17, Area 2, part of the global organization of Zonta International which seeks to advance the status of women worldwide through service and advocacy.**
- 2. The upsurge of family tragedies associated with domestic violence in Hong Kong in the past few years has been a great concern to us. We welcome the Government's effort in introducing the Domestic Violence (Amendment) Bill 2007 (DVAB) for rendering better protection to victims of domestic violence. We note from the DVAB that the scope of "protected persons" has been much widened. The power of the Court has also been expanded to vary any existing custody/access order, attach a power of arrest to an injunction order if there is likelihood that bodily harm will be caused to the applicant and extend the duration of the injunction order and the power of arrest for up to 24 months. The DVAB has also allowed the Court to require persons against whom injunction are granted to participate in programmes approved by the Director**

of Social Welfare. All these proposed amendments are necessary and practicable for enhancing protection for victims of domestic violence.

3. Whilst the DVAB has made many welcomed and commendable improvements, however, it is submitted that there are areas which could be further reviewed and considered, both within the current framework proposed under the DVAB as well as those which are not covered by the said framework. We would like to submit some suggestions in these areas for your kind consideration.

They relate to:

- a. **categories of protected persons:**
 - ✧ definition of “specified minors”
 - ✧ definition of “relatives”
 - ✧ the UK concept of “associated persons”
 - ✧ the wider New Zealand concept of “domestic relationship” in defining the category of protected persons for domestic violence;

- b. **extension of the scope of non-molestation orders against the respondent:**
 - ✧ extending the restraint to prohibit the respondent to engage others to molest
 - ✧ extending protection to property in the protection order
 - ✧ drawing reference to the New Zealand domestic violence legislation in relation to the aforesaid extensions;

- c. **additional types of remedial orders:**
 - ✧ to include rehabilitation programmes for the respondent for alcohol and/or drug abuse
 - ✧ to order the respondent to undergo assessment and counselling programmes in connection with the aforesaid programmes;

- d. **clarification of the mental requirement, if any, of “molestation”:**
 - ✧ to clarify whether “molestation” has to be intentional, e.g. whether
 - acts performed whilst mentally incapacitated whilst under the influence of alcohol, drugs and/or other mental illnesses would or would not satisfy the requirement of “molestation” for invoking the statutory protection

- ◇ considerations for “anticipatory molestation” protection as against “reactive molestation” protection;
- e. factors to be considered in relation to applications for protection orders:
 - ◇ recommendations in the “Report on Child Custody and Access, March 2005” of the Hong Kong Law Reform Committee could be considered in this regard;
- f. specialised domestic violence courts
 - ◇ considering the viability of specialised courts
 - ◇ drawing references from approaches from other jurisdictions in this regard;
- g. establishment of judicial guidelines in handling domestic violence cases; and,
- h. establishment of non-judicial government support agencies and/or framework to combat the domestic violence and its prevention prior to its occurrence.

More detailed submissions on these items are set out in the annexure attached

hereto for your ease of reference and consideration. Items 1 to 4 (inclusive) are considerations for revision provisions to the DVAB whilst items 5 to 8 (inclusive) are matters which could be considered either within or outside the legislative framework of the DVAB and/or otherwise for considerations for future legislations.

We hope that our submissions are of assistance to you in your consideration of the DVAB. If we could be of further assistance, please do not hesitate to let us know.

4. Outside the legislative framework, we feel that to provide better protection to the victims of domestic violence, the Government should review existing policies on provision of housing for the abused so that the abused need not continue living with the abuser under the same roof. Temporary shelters now

provided by welfare agencies are insufficient and the period normally up to 3 months far too short.

We also think that more efforts and resources should be put onto prevention of domestic violence. We urge the Government to consider setting up a Domestic Violence Prevention Fund to allow non-government service agencies funding to conduct effective education programmes to help prevent domestic violence.

5. In summary, we think the current amendments in the DVAB represent a big improvement to our current legislation. We hope those amendments can be adopted as soon as possible. Work however should continue in this area of law and outside the legislative framework to further enhance the protection of domestic violence victims.

Yours truly,

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Annexure

Re: Domestic Violence Amendment Bill

1. Categories of Protected Persons

- a. DVO currently protects spouse, cohabitants (heterosexual couples) and children living with the applicant¹.
- b. DVAB proposes to extend categories of protected persons. The categories would be:
 - (a) in relation to the “*immediate family*” relationship, the current and former spouse, current and former cohabitants (heterosexual couples), specified minors² of the applicant or the respondent; and,
 - (b) in relation to the “*extended family*” relationship, “relatives”³. This provides a list of certain specified relatives of the same generation, older generations and younger generations.

c. Suggestions on DVAB provisions in relation to Protected Persons

(i). Definition of “Specified Minors”: (S.3(3) DVAB)

Currently in the DVO, all children living with the applicant are protected. Under the DVAB, only “specified minors” are protected. A “specified minor” is defined to be a child (natural, adoptive or step) of the applicant or the respondent.

From the definition of “specified minor”, it appears that the proposed category of minors being covered in the DVAB in the proposed S.3(1) is narrower than in the current S.3(1) of the DVO. By way of illustration, a child who is a distant relative or a child under the care of the applicant or the respondent with no familial relationship with either the applicant or the respondent but who is living with the applicant would be protected under the current S.3(1) but would not be protected under the revised S.3(1) of the DVAB, since the child would not be a “specified minor” in relation to either the applicant nor the respondent. The child would also *not* be covered by the “relative” category under the proposed new

¹ S.3(1) DVO

² S.3(1) and S.3(3) DVAB

³ S3(A) DVAB

S.3A of the DVAB either since the child would not be a “relative” as defined.

A situation involving a “non-familial” child (by reference to the immediate or extended family concepts under the DVAB) who is otherwise related to and/or connected with the applicant and/or the respondent, whether under the guardianship of an applicant and/or respondent or not, whether living in the same household or not, does not appear to be uncommon in Hong Kong, in particular without limitation in respect of mainland immigrants to Hong Kong. An example would be a child of distant relatives and/or of close village and/or other traditional/established cultural relationships staying or living with the applicant and/or the respondent in Hong Kong. These types of cases would appear to be omitted from the protection under the DVAB when they would appear to be appropriate cases for domestic violence protection for all intent and purposes in the practical sense.

Accordingly, the definition of “specified minor” should be considered to be widened. In this regard, reference to the definition of “relevant child” as set out in S.62 of the UK Family Law Act 1996 (“UK 1996 Act”) could be made.

S.62 provides that “relevant child” for the purposes of non-molestation and occupation orders mean:

- (a) any child who is living with or might reasonably be expected to live with either party to the proceedings;
- (b) any child in relation to whom an order under the Adoption Act 1976 or the Children Act 1989 is in question in the proceedings; and
- (c) any other child whose interests the court considers relevant.

It is to be noted that item (c) above is a wide and “catch-all” category which allows the court flexibility in each individual case where children are involved and such children are not the children of either the applicant or the respondent under S.3(1) and S3(3) of the DVAB or a “relative” of the respondent under S.3A of the DVAB.

Amendments to the DVAB could be as follows:

1. substitute “specified minor’ in S.3(1) in the DVAB and replace it with “relevant child”; and

2. replace the definition in S.3.(3) in the DVAB with the definition of “relevant child” as set out in the aforesaid S.62 of the UK 1996 Act subject to suitable revisions in respect of the two quoted Acts in such definition with appropriate Hong Kong references (as applicable).

(ii). **Definition of “Relatives”: (S.3A DVAB)**

The category of “relatives” under S.3A of the DVAB is orientated towards the concept of a family (both immediate and extended family by reference to same, older and younger generations). However, the concept of “domestic” in relation to domestic violence could be both by reference to (a) the physical environment (e.g. same household) and (b) to relationships (including but not exclusively to those anticipated in the DVAB).

The definition of “relative” is exhaustively set out in S.3A(2) of the DVAB. The disadvantage of having an exhaustive list of domestic violence victims is that it does not provide the court with any flexibility in extending protection to victims who do not fall strictly within the listed category of protected persons but yet for all intent and purposes should be protected from violence in a domestic setting.

(a) **Relatives of Relatives – not covered**

For example, the relatives (as defined in S.3A of the DVAB) of a relative (so defined) would not be covered. These excluded persons would include, without limitation, persons who are one or a few steps of relationship removed from the statutorily listed relationships of “relatives” but yet sufficiently “close” for violence to occur by reason of living in the same household or by reason of having common “relatives”, e.g.:

1. the applicant’s father’s cohabitant’s children (not being the step-siblings of the applicant); and,
2. the applicant’s father’s cohabitant’s parents (not being the step grandparents of the applicant).

The list of permutations continues. Therefore, this illustrates the disadvantage of having an exhaustive list of “relatives”.

It may be argued that the concept of domestic may then be extended too far. However, this argument may have some strength only where they do not live in the same household, but this

argument does not appear to stand where they do live in the same household so that it would be a “domestic” situation in a wider sense although not within the statutorily list of familial relationships under the DVAB. However, even if the persons in question do not live together, yet by reason of having a common “relative” (e.g. the prospective applicant being the daughter of the respondent’s cohabitant or non-cohabitating partner), strained emotional relationships could cause domestic violence by reason of the “domestic” relationship.

(b). Cohabitants of certain relatives (e.g. applicant’s brother) not covered

S.3A of the DVAB includes in the definition of “relative”, the meaning of “spouse” of an applicant’s relative mentioned in paragraphs (i) to (n) (inclusive) of S.3A(2) of the DVAB, e.g. an applicant’s brother or sister, has been specifically provided in S.2(2) of the DVAB to exclude “cohabitant” in such context. Therefore, a cohabitant of the brother or sister would not be included. This may not be satisfactory where such cohabitant could be living with the applicant as well (e.g. where the applicant’s brother or sister is living with the applicant).

(c). Uncertainty of application of S.2(2) DVAB to the meaning of “relative”

S.2(2) of the DVO provides that the domestic violence protection is afforded to married couples as well as to cohabitating couples of a man and a woman.

It is uncertain whether the cohabitation reference also applies to cohabitants of other relatives other than those referred to in the preceding sub-paragraph in relation to the said paragraphs (i) to (n) of S.3A(2) of the DVAB. For example, there is uncertainty as to whether the applicant’s father’s cohabitant (whether living with the applicant or not) would be a “relative” of the applicant under the DVAB.

The uncertainty raised above as to the application of S.2(2) in relation to S.3A of the DVAB should be clarified.

(d). Other excluded categories of persons

There are other categories of persons who could be but are not afforded protected for domestic violence under the DVAB. These would include (a) couples (heterosexual) who are not married and

have not cohabitated, (b) couples who have or have had (but no longer have) marriage engagements and (c) same sex couples (whether living together or not).

Further, culturally established relationships (not otherwise recognised in law) are also excluded from domestic violence legislation protection. In this regard, please refer to further discussions below in relation to the New Zealand domestic violence legislation.

(iii). **Considerations of the concept of “associated” persons in UK domestic violence legislation**

In this regard, reference could be made to the categories of persons protected in relation to domestic violence as set out in the UK 1996 Act.

- (a) S.62(3) of the UK 1996 Act refers to “associated” persons which include persons who:
 - 1. live or have lived in the same household, otherwise than merely by reason of one of them being the other’s employee, tenant, lodger or boarder (S.62(3)(c)); and
 - 2. have agreed to marry one another (whether or not that agreement has been terminated)(S.62(3)(e)) provided that any termination of marriage agreement has not exceeded 3 years as at the date of the application (S.42(4));
- (b) S.62(5) of the UK 1996 Act further includes within the category of protected persons by reference to relationships with an adopted child, e.g. the natural and the adoptive parents (S. 62(5)); and,
- (c) S. 63(3)(f) and S.63(4) of the UK 1996 Act provide for another category of association entitling protection under the domestic violence legislation by reference to certain relationship to a child e.g. both persons being the parent of the child and the person having parental responsibility of a child (S. 63(3)(f) and S.63(4)).

Consideration could be given to ascertain whether these additional categories would equally be justified and/or otherwise necessary to be included in the Hong Kong context.

(iv). **Consideration of reference provisions in the New Zealand domestic violence legislation**

The domestic violence legislation of New Zealand provides a useful reference for considering the categories of persons who are to be given protection under domestic violence legislation. It adopts a working formula by reference to the concept of “domestic relationship”.

New Zealand -Domestic Violence Act 1995 (“NZ Act”)

The NZ Act provides that “any person who has been in *domestic relationship* with another person may apply to the Court for a protection order in respect of that other person” (S.7) (emphasis added).

i. Domestic Relationship

The NZ ACT provides that a person is in a “domestic relationship” with another person if he/she:

- a. is a spouse or partner of the other person;
- b. a *family member* of the other person;
- c. *ordinarily shares a household* with the other person;
- or,
- d. has a *close personal relationship* with the other person⁴.

The relationships of landlord-tenant and employer-employee are excluded.

ii. Family Members

The category of persons under items b. and d. above in the preceding sub-paragraph is wider than the definition of “relative” in the DVAB.

- “*Family members*” under the NZ Act is defined to mean:
1. any other person who is *or* has been related to the person by blood or by or through marriage, a civil union, or a de facto relationship or by adoption (so this would cover both current and former spouses,

⁴ NZ Act, S.4(1)

- cohabitants and other familial members);
and,
2. any other person who is a member of the person's *whanau* or other culturally recognised family group⁵.

➤ *Child*

The NZ Act further extends the categories of persons being protected through the definition of “protected persons”⁶ to include not just the applicant but to “any child of [the applicant’s] family”⁷. The wide definition of “family members” would appear to provide protection to children other than the natural, adopted or step children of the applicant.

➤ *Cultural Family or Cultural close relations categories*

The NZ Act caters for the cultural relationship of the local Maori population by recognising *whanau* which means extended family in the context of the Mari tradition. The NZ legislation also goes further to recognise other culturally recognised family groups as well.

In the Chinese cultural tradition prevalent in Hong Kong and perhaps, more so in mainland China, the latter being of importance in the context of mainland immigrants to Hong Kong, there are culturally recognised (though not legally recognised) family groups or persons who live together who would also be vulnerable to domestic violence. As mentioned above, examples of these culturally recognised family groups would include the cultural concepts of an extended village family and godparents in the Chinese traditions.

ii. *Ordinarily shares a household*

This category acknowledges the concept of “domestic” by reference to the physical proximity of persons by reference to sharing a household. This would include, amongst other persons, (a) cohabitants of brothers of an applicant and (b) a child not being a specified minor of either an applicant or a respondent, who would not be covered under the current

⁵ NZ Act, S.2

⁶ NZ Act, S.2

⁷ *ibid.* S.2 and S.16

provisions of the DVAB (as discussed above). Further, this would appear to extend to flatmates as well although this may or may not be of any significant concern in the Hong Kong context.

iii. **Close Relationships**

“Close relationships” under the NZ Act is to be determined by the courts who may amongst other factors take into account (a) the nature and intensity of the relationship (e.g. the amount of time the persons spend together) without the need for the existence of a sexual relationship and (b) the duration of the relationship. This category would include protection coverage to non-cohabitating couples engaged to be married as well as courting couples, subject to the criterion of such relationship being a close relationship as determined by the court. Further and more importantly, this “close relationship” category would provide much flexibility to the courts to adapt to the needs of individual cases arising from time to time as social relationships evolve in modern society.

iv. **DVAB and “Domestic Relationship”**

The adoption of the concept of “domestic relationship” for the purposes of identifying the categories of protected persons could also be considered in the review of the DVAB.

In the event that the DVAB were to keep the definition of “relative”, one possible approach that could be considered is to widen the current definition of “*relative*” to a definition which would include (a) culturally though not legally recognised extended familial relationships; the definition of “family member” under the NZ Act would provide a precedent in this regard; and (b) persons in “close relationships” sufficiently to be treated as being in a “domestic” relationship as provided for by the NZ Act.

2. **Protection Order: Extension of Scope of Non-molestation Orders**

a. **Restrained Acts of the Respondent**

In the DVAB, the non-molestation provisions restrain the respondent from molesting the applicant in relation to the “spouse-cohabitant and specified minors” category under S.3(1)(a) and the “relative” category under S.3A(4)(a).

This would restrain the respondent himself, however, it does not explicitly nor arguably implicitly prohibit the respondent from engaging nor encouraging *another person* to “molest” the protected persons.

Accordingly, consideration could be given in amending S.3(1) and S.3A(4)(a) of the DVAB as follows:

“a provision restraining the respondent from *(a)* molesting the applicant* *and (b)* engaging or otherwise encouraging any other person to molest the applicant*.”

[Note : *the applicable protected persons, as appropriate]

b. Protection of Property to be included in the Protection order

The DVAB attends to the non-molestation of protected persons by the respondent. The protection order does not extend to the property of the protected persons. It may be argued that damage or threat to damage property of protected persons may amount to molestation of the protected persons. However, for the avoidance of doubt and for the sake of clarity, the DVAB could include within the scope of a protection order, a provision restraining the respondent, either himself or otherwise engaging or encouraging any other person to do so, from damaging or otherwise threatening to damage the property of the protected persons.

NZ Act

In this context, it is useful to note that the NZ Act makes it mandatory that in every protection order, in addition to non-molestation provisions, the respondent is also ordered not to:

- a. damage, or threaten to damage, property of the protected persons (S.19(1)(c));
and
- b. encourage any person to engage in behaviour against a protected person, where the behaviour, if engaged in by the respondent, would be prohibited by the order (S.19(1) (e)).

3 **Additional types of Remedial Orders**

The DVAB empowers the court in granting an injunction (e.g. non-molestation order and/or an occupation order) to make provision for the respondent to participate in “any programme, approved by the Director of Social Welfare, that is aimed at changing the attitude and behaviour that led to the granting of such injunction(s)” (S.3A(5)), DVAB).

The violent behaviour of a respondent may in certain cases be directly or indirectly related to and/or caused by (a) alcohol and/or drug abuse and/or influence and (b) mental and/or emotional states of the respondent. It is, therefore, suggested that the DVAB considers including other orders against the respondent,

such as, rehabilitation programmes for alcohol and/or drug abuse as well as undergoing assessment and counselling programmes to identify and resolve the root of the problems which led to the domestic violence in question (e.g. unemployment etc.).

In addition to programme orders against the respondent, consideration could also be given to provide the court with a discretion in appropriate cases to make ancillary orders for mediation/or and counselling programmes to be attended by the respondent and the applicant to resolve any issues which may have led to the domestic violence, whether under supervision or otherwise.

4 **Cause of Action - Molestation**

i. Meaning of Molestation

Under the DVAB and the DVO as it currently stands, the triggering point for statutory domestic violence protection is *molestation* by a respondent to the applicant or a specified minor. As such, domestic violence is not defined nor is it necessary to be defined in the current structure of DVAB and the DVO. The legal focus is on the term “molestation”. This term is not defined in the DVAB or in the DVO. The UK 1996 Act similarly adopts this term without any statutory definition attached to it either. In 2004, the UK 1996 Act was revised by the Domestic Violence Crime and Victims Act 2004 and no statutory definition to this term was added.

It is noted that in the Legco Paper dated 11th July 2007 (Ref: LC Paper No. CB(2)2546/06-07(03)), it is stated that the Administration did not see the need to define domestic violence by reference to “molest” since there are judicial precedents where the Hong Kong courts have granted injunction on grounds of physical, psychological and sexual abuse as within the meaning of the statutory provision of “molest”.

In the context of non-molestation injunctions under s.1(1)(a) of the UK Domestic Violence and Matrimonial Proceedings 1976 (“UK 1976 Act”), it was stated that “molesting does not imply necessarily either violence or threats of violence and that it applies to any conduct which can properly be regarded as such a degree of harassment as to call for the intervention of the court⁸”. Hence, the absence of a statutory definition to the term of “molest” provides flexibility to the courts to decide on individual cases whether “molestation” has occurred so as to call for judicial intervention. Therefore, the lack of a statutory definition has its advantage, in particular, over a restrictive and/or exhaustive definition which provides little room for judicial interpretation in situation where the legislative process may not have foreseen by reason of changes to societal circumstances or otherwise.

⁸ Per Ormrod LJ in *Horner v Horner* [1982] 2 All ER 495 at 497

ii. Mental Element of Molestation

It appears that a main focus in the ascertainment of molestation is the actual act of molestation by the respondent.

Without prejudice to the preceding sub-paragraph above, it has been stated that the term “molesting”, whether or not used in the context of the UK 1976 Act, applies in its ordinary connotation to any conduct which *intentionally* causes such a degree of harassment as calls for the intervention of the court⁹. It has also been observed by the Law Reform Commission that a non-molestation order may only be made on the basis that the harassment has carried with it *an element of intent to cause harm or distress*¹⁰.

If the act of molestation has to be *intentionally* committed, then an abusive act of violence by a respondent (a) whilst mentally incapacitated due to mental illness or otherwise (e.g. under the influence of alcohol and/or drug to the extent that he/she is mentally incapacitated) and (b) acting out of affection¹¹, would not be within the provisions of the DVAB and DVO for the purposes of granting the protection orders (e.g. non-molestation and occupation orders).

The legal position on the mental element of the respondent in relation to the act of molestation should therefore be clarified in the DVAB.

iii. Anticipatory Molestation – Preventive Measures

The DVO currently adopts a *reactive* approach in respect of protection rather than a *preventive or anticipatory protection* approach. This approach continues in the DVAB.

Sections 3(1) and 3A(1) of the DVAB (as currently provided in the DVO) provide that the right of application for non-molestation orders and/or occupation orders only arises if the court is satisfied that the protected persons *have been molested*. Such wordings is to be contrasted with:

1. the NZ Act which provides that in respect of a protection order “[a] person who is or has been in a domestic relationship with another person may apply to the Court for a protection order in respect of that other person” (S.7) and in respect of an occupation order

⁹ *Johnson v. Walton [1990] 1 F.L.R. 350*. Stroud’s Judicial Dictionary of Words and Phrases, 7th Edn, 2006

¹⁰ The Law Reform Commission of Hong Kong (“HKLRC”), Report on Child Custody and Access, March 2005 (“HKLRC 2005 Report”) at para.11.45 citing HKLRC, Report on Stalking, October 2000 at para 4.35

¹¹ *ibid.*

“[a]ny person [aged 16 years or over] who is or has been in a domestic relationship with another person may apply for an order granting the applicant the right to live in a dwellinghouse which, at the time the order is made, either party to the proceedings owns or in which either has a legal interest (including, but not limited to, a tenancy)” (S.52); and,

2. the UK 1996 Act which, in relation to non-molestation orders, provide that “[t]he court may make a non-molestation order if an application for the order has been made...by a person who is associated with the respondent” (S.42(2)) and in respect of occupation orders, these are subject to other legislative considerations such as those in relation to statutory matrimonial home rights.

It is suggested that considerations should be made to allow preventive and/or anticipatory application based on sufficient evidence of a real risk or likelihood that domestic violence may occur by reference to past records and/or past or current tendencies of the respondent or other relevant evidence, subject to due considerations of human rights and privacy safeguards in respect of the respondent in this context.

References to the current judicial positions in respect of the NZ Act and the UK 1996 Act as referred to above may also be useful in this regard. It is also to be noted that the HKLRC in the HKLRC 2005 Report made a recommendation (“HKLRC Recommendation”) that consideration should be given to allowing the courts hearing contact applications to have access to the criminal records of parents insofar as they may be relevant to issues of domestic violence, and to be kept informed of concurrent proceedings against perpetrators of domestic violence¹². A similar approach could also be considered to be adopted in respect of initiating an application under the DVO (to be amended).

5. **Factors to be considered by the courts in relation in applications for protection orders**

In respect of factors to be considered by the court in applications for non-molestation and occupation orders, the HKLRC Recommendation mentioned in the preceding sub-paragraph above may also be considered.

6. **Specialised Domestic Violence Courts**

No specific provisions have been made to establish a specialised domestic violence court under the DVAB. In this regard, reference may be made to the UK where there have been specific judicial practices which have been adopted by

¹² HKLRC 2005 Report, *ibid.* para 11.65, Recommendation 37

magistrate courts in respect of domestic violence cases and these are (a) clustering of domestic violence cases into one court sessions and (b) fast-tracking of cases¹³. In considering the DVAB, consideration may be made to the need for establishment of and the function(s) of any specialised courts in this regard. References could be made to the current experiences in other comparable jurisdictions such as UK, Australia and New Zealand.

7. **Judicial Guidelines**

The HKLRC Report has recommended that practical guidelines for the judiciary at all levels be established and adopted in respect of cases where domestic violence is put forward as a reason for denying or limiting parental contact to children¹⁴. Consideration could be given to the establishment of similar judicial guidelines for courts handling domestic violence cases under the DVO.

8. **Other Matters**

The DVAB (or the DVO as it currently stands) seeks to provide civil remedy to cases of molestation. In other words, it provides a judicial process in this context. There are other non-judicial aspects which are of equal importance, e.g. prevention and support, in relation to domestic violence. These are not specifically addressed in the DVAB. Whilst these aspects are important, it may be that specific statutory provisions within the DVAB may not be absolutely necessary. Programmes in these respects could be carried out in a non-statutory framework. Further research (e.g. enquiries with social service agencies and other relevant government agencies) and information would appear to be required for more informed discussions to be made in respect of the necessary initiatives by the Government in this regard.

¹³ UK Report on “Domestic Violence - A National Report”, March 2005, Home Office, at p.16 para.5.1

¹⁴ *ibid.*, para 11.63, Recommendation 36