

立法會
Legislative Council

LC Paper No. CB(2)2417/08-09
(These minutes have been
seen by the Administration)

Ref : CB2/BC/6/08

Bills Committee on Domestic Violence (Amendment) Bill 2009

**Minutes of the second meeting
held on Thursday, 30 July 2009, at 9:00 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon LEE Cheuk-yan (Chairman)
Hon James TO Kun-sun
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Starry LEE Wai-king
Dr Hon Priscilla LEUNG Mei-fun
Hon CHEUNG Kwok-che
Hon Paul TSE Wai-chun
- Members absent** : Dr Hon Margaret NG
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon Paul CHAN Mo-po, MH, JP
Hon WONG Sing-chi
- Public Officers attending** : Miss Eliza LEE
Deputy Secretary for Labour and Welfare (Welfare)1
- Mrs Alison LAU
Principal Assistant Secretary for Labour and Welfare
(Welfare)2

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

Mr WONG Shun
Assistant Director for Social Welfare
(Family and Child Welfare) (Ag)

**Deputations
by invitation** : Session 1

Women Coalition of HKSAR

Ms CHAN Man-wai
Chairperson

The Against Elderly Abuse of Hong Kong

Mr FOO Wai-lok
Principal Consultant (Elderly Services)

Civic Party

Mr Thomas YU
Exco Member

The Conference of Mennonite Churches in Hong Kong

Mr CHOI Wing-kau
Pastor

Rainbow Action

Mr SHAM Tsz-kit
Member

Hong Kong Christian Institute

Ms WONG Mei-fung
Project Secretary

Unitarian Universalists Hong Kong

Ms Medeleine MOK
Vice President

Amnesty International

Ms Clara LAW
Campaign Manager

Democratic Party's Women Committee

Ms LEUNG Suk-ching
Chairperson

Hong Kong Association for the Survivors of Women
Abuse (Kwan Fook)

Ms LIU Ngan-fung
Chairperson

阿花
Member

反對居所暴力大聯盟

Mr CHOW Wang-ngai

Midnight Blue

Mr Noel CHEN
Officer

Hong Kong Lesbian and Gay Social Worker Network

Ms TSANG Lok-yan
Representative

Comrade Zone

Mr Ray LAM
Officer

Hong Kong Professional and Senior Executives
Association

Mr Samuel YUNG Wing-ki
Founding President

The Church of Living Stones (Kowloon)

Mr YEUNG Chung-mau
Pastor

Association Concerning Sexual Violence Against Women

Ms Linda WONG
Executive Director

Hong Kong Human Rights Monitor

Miss TSUI Ka-wing
Project and Education Officer

Professional Resources Centre

Mr Daniel OR
Chairman

Youth Professional Forum

Mr LAU Chi-hung
Chairman

Hong Kong Sex Culture Society

Mr Matthew MAK
Project Director

自由論壇

Mr CHIN Wai-lok

Session 2

Association for Concern for Legal Rights of Victims of
Domestic Violence

Ms LIU Ngan-fung

Youth/Children Development Concern Group

Miss LAU Wai-man

The Hong Kong Council of Social Service

Ms Agnes NG
Convenor, Working Group on Domestic & Sexual Violence

Federation of Parent-Teacher Associations of Yau, Tsim
& Mongkok Districts Ltd.

Mr Raymond POON
Committee Executive

Diocesan Pastoral Commission for Marriage and the
Family

Mr TSE Yau-hung
Family Pastoral Officer

For My Colors

Ms YEO Wai-wai
Member

Civil Human Rights Front

Ms WEI Siu-lik
Convener

The Association for the Advancement of Feminism

Ms Mabel AU Mei-po
Organizer

關注孩子同盟

Mrs Miranda TIN

Education Convergence

Mr WONG Chung-man
Administrative Assistant

The Society for Truth and Light

Mr CHOI Chi-sum
General Secretary

Hong Kong Society for Politics and Policy

Mr LEE Yiu-keung
Chairman

Catholic Diocese of Hong Kong

Rev. Lawrence LEE
Chancellor

Tongzhi Community Joint Meeting (TCJM)

Mr Michael Vidler
Representative

Christian Fellowship of Alice Ho Miu Ling Nethersole
Hospital

Mr MA Kwok-fai
Doctor

Thinking Academy

Mr Howard LAI
Spokesman

Parents for the Family Association

Miss Stella HUI
Secretary

Hong Kong Federation of Women's Centres

Ms NGAN Ching-ching
Centre-in-charge

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Miss Florence WONG
Senior Council Secretary (2)5

Miss Maggie CHIU
Legislative Assistant (2)4

Action

I. Confirmation of minutes

[LC Paper No. CB(2)2296/08-09]

The minutes of the meeting held on 29 June 2009 were confirmed.

II. Meeting with deputations and the Administration

[LC Paper Nos. CB(2)2270/08-09(01) to (08), CB(2)2293/08-09(01) to (06), CB(2)2310/08-09(01) to (02), CB(2)2322/08-09(01) to (06) and CB(2)2336/08-09(01) to (04)]

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

3. The Bills Committee received oral representations from 40 deputations and five written submissions on the Domestic Violence (Amendment) Bill 2009 (the Bill). A summary of views is at **Annex II**.

4. In the light of the views and concerns made by the deputations, the Administration was requested to consider the following –

Definition of "cohabitation relationship"

- (a) while some deputations welcomed the proposed definition of "cohabitation relationship", some other deputations had made the following comments -
 - (i) the proposed definition of "cohabitation relationship" would reduce the flexibility of the court in determining cohabitation relationships. The Administration was requested to review the need for retaining the word "2" in the proposed definition of "cohabitation relationship"; and
 - (ii) the expression "as a couple" in the proposed definition of "cohabitation relationship" was redundant

New section 3B(2)

- (b) given that the circumstances of the cases on which the court would take into account in determining whether persons of opposite sexes were in a cohabitation relationship were not specified under the existing Ordinance, some deputations questioned the need for spelling out expressly the factors in the new section 3B(2) for the court to take into account in determining whether a relationship in question amounted to a cohabitation relationship;

Action

- (c) some deputations questioned the need to include the expression "with normal perceptions" in the new section 3B(2)(h), as it might be overlapping with the concept of "a reasonable person" and thus redundant;

Scope of the Bill

- (d) a few deputations remained of the view that the Government should consider extending the scope of DVO to persons living together under one roof, in particular the elderly;
- (e) some deputations urged the Government to replace the award of an injunction order by a protection order, and/or a property order.

Other complementary measures

- (f) some deputations requested the Administration to put in place the following complementary measures –
 - (i) setting up a specialized domestic violence court, and requiring the abusers to receive compulsory counseling services;
 - (ii) providing assistance and practical support to victims of domestic violence to institute court proceedings against the abusers;
 - (iii) stepping up publicity and public education on the civil remedies available to victims of domestic violence under the amended Ordinance; and
 - (iv) strengthening training to frontline social workers, the Police and judicial personnel in handling cases of domestic violence, in particular victims of domestic violence who were same-sex cohabitants, and providing more resources for support services for them, such as temporary hostel places and service hotlines.

Admin

5. The Administration was requested to provide written responses to the views expressed by the deputations. The Administration was also requested to advise whether the amended Ordinance would be applicable to a cohabitation relationship involving more than two persons.

Action

III. Date of next meeting

6. Members agreed to hold the next meeting on 10 September 2009.
7. There being no other business, the meeting ended at 12:05 pm.

Council Business Division 2
Legislative Council Secretariat
31 August 2009

**Proceedings of the second meeting of the
Bills Committee on Domestic Violence (Amendment) Bill 2009
on Thursday, 30 July 2009, at 9:00 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Confirmation of minutes</i>			
000000 - 000323	Chairman	Confirmation of minutes	
<i>Agenda item II – Meeting with deputations and the Administration</i>			
000324 - 000748	Chairman Ms Emily LAU	Opening remarks	
000749 - 000851	The Against Elderly Abuse of Hong Kong	Presentation of views [LC Paper No. CB(2)2293/08-09(01)]	
000852 - 001141	Civic Party	Presentation of views	
001142 - 001244	The Conference of Mennonite Churches in Hong Kong	Presentation of views	
001245 - 001602	Hong Kong Christian Institute	Presentation of views [LC Paper No. CB(2)2322/08-09(01)]	
001603 - 001915	Unitarian Universalists Hong Kong	Presentation of views [LC Paper No. CB(2)2293/08-09(02)]	
001916 - 002232	Amnesty International	Presentation of views	
002233 - 002503	Democratic Party's Women Committee	Presentation of views [LC Paper No. CB(2)2293/08-09(03)]	
002504 - 002830	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook)	Presentation of views [LC Paper No. CB(2)2322/08-09(02)]	
002831 - 003145	反對居所暴力大聯盟	Presentation of views [LC Paper No. CB(2)2270/08-09(02)]	
003146 - 003444	Midnight Blue	Presentation of views	
003445 - 003744	Hong Kong Lesbian and Gay Social Worker Network	Presentation of views [LC Paper No. CB(2)2322/08-09(03)]	
003745 - 004031	Comrade Zone	Presentation of views	
004032 – 004144	Hong Kong Professional and Senior Executives Association	Presentation of views	
004145 - 004349	The Church of Living Stones (Kowloon)	Presentation of views	

Time marker	Speaker(s)	Subject(s)	Action required
004350 - 004631	Association Concerning Sexual Violence Against Women	Presentation of views [LC Paper No. CB(2)2322/08-09(04)]	
004632 - 004956	Hong Kong Human Rights Monitor	Presentation of views [LC Paper No. CB(2)2322/08-09(05)]	
004957 - 005314	Professional Resources Centre	Presentation of views	
005315 - 005624	Youth Professional Forum	Presentation of views	
005625 - 005848	Hong Kong Sex Culture Society	Presentation of views [LC Paper No. CB(2)2336/08-09(01)]	
005849 - 010410	自由論壇 Chairman Dr Priscilla LEUNG Mr Albert CHAN	Presentation of views [LC Paper No. CB(2)2270/08-09(03)]	
010411 - 010731	Women Coalition of HKSAR	Presentation of views [LC Paper No. CB(2)2270/08-09(01)]	
010732 - 011044	Rainbow Action	Presentation of views	
011045 - 011617	Chairman Dr Priscilla LEUNG Amnesty International	Views of Dr Priscilla LEUNG that – (a) issues relating to the recognition of same-sex relationships should be followed up at other forums, if necessary; (b) she did not oppose to including persons living together under the protection of the Domestic Violence Ordinance (DVO); and (c) the Administration should study the reasons for the high prevalence of domestic violence among same-sex cohabitants	
011618 - 012024	Ms Emily LAU Midnight Blue Hong Kong Human Rights Monitor	Deputations' further views on the need to – (a) specify in the Bill civil partnership as one of factors in determining whether a relationship in question amounted to a cohabitation relationship; and (b) delete the word "2" from the proposed definition of "cohabitation relationship"	
012025 - 012435	Mr LEUNG Kwok-hung 自由論壇	Views of Mr LEUNG Kwok-hung that the proposed amendments to DVO should not give rise to discrimination against the minority groups and that more resources should be allocated to provide support services for victims of domestic violence who were same-sex cohabitants	
012436 - 012720	Mr James TO	Meaning of the proposed definition of "cohabitation relationship"	

Time marker	Speaker(s)	Subject(s)	Action required
012721 - 012753	The Conference of Mennonite Churches in Hong Kong	View that the present form of the Bill was drafted in the light of the consensus reached	
012754 - 012914	Rainbow Action Dr Priscilla LEUNG	View of Rainbow Action that the proposed definition of "cohabitation relationship" should not be confined to a relationship between 2 persons as this would prevent those victims of domestic violence in a relationship involving more than 2 persons from seeking remedies under DVO	
012915 - 013847	Chairman	The meeting was suspended for a 5-minute break	
<i>Session 2</i>			
013848 - 013949	Chairman	Welcoming remarks	
013950 - 014305	Association for Concern for Legal Rights of Victims of Domestic Violence	Presentation of views	
014306 - 014416	Youth/Children Development Concern Group	Presentation of views [LC Paper No. CB(2)2270/08-09(04)]	
014417 - 014733	The Hong Kong Council of Social Service	Presentation of views	
014734 - 014916	Federation of Parent-Teacher Associations of Yau, Tsim & Mongkok Districts Ltd.	Presentation of views	
014917 - 015115	Diocesan Pastoral Commission for Marriage and the Family	Presentation of views	
015116 - 015424	For My Colors	Presentation of views [LC Paper No. CB(2)2336/08-09(02)]	
015425 - 015721	Civil Human Rights Front	Presentation of views [LC Paper No. CB(2)2336/08-09(03)]	
015722 - 020045	The Association for the Advancement of Feminism	Presentation of views	
020046 - 020354	關注孩子同盟	Presentation of views	
020355 - 020533	Education Convergence	Presentation of views [LC Paper No. CB(2)2310/08-09(01)]	
020534 - 020844	The Society for Truth and Light	Presentation of views [LC Paper No. CB(2)2310/08-09(02)]	
020845 - 021042	Hong Kong Society for Politics and Policy	Presentation of views	

Time marker	Speaker(s)	Subject(s)	Action required
021043 - 021231	Catholic Diocese of Hong Kong	Presentation of views	
021232 - 021458	Tongzhi Community Joint Meeting (TCJM)	Presentation of views	
021459 - 021734	Christian Fellowship of Alice Ho Miu Ling Nethersole Hospital	Presentation of views	
021735 - 022048	Thinking Academy	Presentation of views [LC Paper No. CB(2)2322/08-09(06)]	
022049 - 022229	Parents for the Family Association	Presentation of views [LC Paper No. CB(2)2336/08-09(04)]	
022230 - 022438	Hong Kong Federation of Women's Centres	Presentation of views	
022439 - 023049	Chairman Dr Priscilla LEUNG The Association for the Advancement of Feminism Chairman	Views of Dr Priscilla LEUNG that – (a) it was important to uphold family core values; and (b) there was a need to define the cohabitation relationship expressly as a relationship between two persons	
023050 - 023731	Ms Emily LAU Association for Concern for Legal Rights of Victims of Domestic Violence Tongzhi Community Joint Meeting (TCJM)	The Administration was requested to provide written responses to the views expressed by the deputations Need to set up a domestic violence court	Admin
023732 - 024313	Mr Alan LEONG Tongzhi Community Joint Meeting (TCJM) Thinking Academy	Whether there was a need to retain the following expressions in the Bill – (a) "as a couple" in the proposed definition of "cohabitation relationship"; and (b) "with normal perceptions" in the new section 3B(2)(h)	
024314 - 025318	Chairman Administration	The Administration's explanation of the rationale for proposing a definition of "cohabitation relationship" and the new section 3B(2) that – (a) when DVO was first introduced in 1986, it sought to provide additional civil remedies to persons in marital relationship and spousal relationship, including the cohabitation of a man and a woman as it applied to marriage. Cohabitation relationship was not defined in the existing Ordinance as the concept had been widely applied in the common law and the factors taken into account by the court in determining whether the persons were in a cohabitation relationship were found in court rulings	

Time marker	Speaker(s)	Subject(s)	Action required
		<p>(b) to remove the doubts that extending the scope of DVO to same-sex cohabitants would pave the way for recognising same-sex relationship as a matter of legal status, a definition of "cohabitation relationship", which sought to cover all persons living together in intimate relationships irrespective of their sexual orientation and gender, was proposed to be included to the Ordinance; and</p> <p>(c) the factors listed in the new section 3B(2) were drawn up with close reference to the rulings made by the court regarding the factors taken into account by the court in determining the existence of a cohabitation relationship, viz. the relationship of a man and a women (not married to each other) living together as husband and wife. They provided clear guidance to the court that the same eligibility threshold would continue to apply notwithstanding the expansion in scope of the DVO to cohabitants irrespective of genders.</p>	
025319 - 030221	<p>Dr Priscilla LEUNG Chairman Administration Mr Paul TSE Mr James TO</p>	<p>Whether victims of domestic violence could apply for injunction orders if a cohabitation relationship involved more than two persons</p> <p>The Administration's response that in considering an application for an injunction order under DVO by a party to a cohabitation relationship, the court would need to consider whether such a relationship existed between the victim and the abuser, having regard to all the circumstances of the relationship. The Administration was requested to provide further information on whether the amended Ordinance would be applicable to a cohabitation relationship involving more than two persons</p> <p>Rationale for including the expression "with normal perceptions" in the new section 3B(2)(h). The Administration's response that the expression was found in court rulings regarding the factors taken into account by the court in determining the existence of a cohabitation relationship.</p>	Admin
<i>Agenda item III – Date of next meeting</i>			
030222 - 030416	<p>Chairman Ms Emily LAU</p>	Date of next meeting	

Bills Committee on Domestic Violence (Amendment) Bill 2009

Meeting on Thursday, 30 July 2009

Summary of views of deputations

No.	Name of deputation	Major views and concerns
Session one		
1.	The Against Elderly Abuse of Hong Kong [LC Paper No. CB(2)2293/08-09(01)]	<ul style="list-style-type: none"> ● in the light of the violence acts among elders, the Administration should consider refining the proposed definition of cohabitation relationship to extend the scope of the Domestic Violence Ordinance (DVO) to cover non-familial relationship, such as elders living together
2.	Civic Party	<ul style="list-style-type: none"> ● welcomed the proposal to amend the short title of DVO to "Domestic and Cohabitation Relationships Violence Ordinance" ● considered the expression "as a couple" in the proposed definition of "cohabitation relationship" redundant and should be deleted so as to avoid confusion ● requested the Administration to spell out the need to use the expression "with normal perceptions" in addition to "in the opinion of a reasonable person" in the new section 3B(2)(h)
3.	The Conference of Mennonite Churches in Hong Kong	<ul style="list-style-type: none"> ● welcomed the proposed amendments in the Domestic Violence (Amendment) Bill 2009 (the Bill) as they had addressed the concerns expressed by different quarters of the community
4.	Hong Kong Christian Institute [LC Paper No. CB(2)2322/08-09(01)]	<ul style="list-style-type: none"> ● welcomed the proposed amendments to DVO which clearly delineated different categories of persons to be protected under the legislation, and the new section 3B to deal with victims of domestic violence who were cohabitants in intimate relationships, irrespective of their sexual orientation ● urged that the Bill should be enacted expeditiously

No.	Name of deputation	Major views and concerns
		<ul style="list-style-type: none"> • urged the Government to – <ul style="list-style-type: none"> (a) replace an injunction order with a protection order and property order; and (b) set up a specialized domestic violence court to deal with domestic violence cases, strengthen training to frontline social workers, the Police and judiciary personnel in handling domestic violence cases and enhance public education on anti-violence
5.	Unitarian Universalists Hong Kong [LC Paper No. CB(2)2293/08-09(02)]	<ul style="list-style-type: none"> • welcomed the inclusion of same-sex cohabitants in DVO and urged that the Bill should come into force as soon as possible • expressed concern that the proposed definition of "cohabitation relationship" would limit the application of DVO to circumstances of the relationship as specified under the new section 3B(2). Consideration could be given to making reference to the Domestic Violence, Crime and Victims Act 2004 in the United Kingdom under which no definition of cohabitation relationship was provided • urged the Administration to provide directives to health care professionals, social workers and the Police in dealing with same-sex cohabitants who were victims of domestic violence, and provide additional resources to strengthen support service for the victims, e.g. providing temporary refugee shelters
6.	Amnesty International	<ul style="list-style-type: none"> • supported the proposed extension of the scope of DVO to same-sex cohabitants and urged that the Bill could be enacted expeditiously • in the light of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, the Amnesty International urged the Administration to – <ul style="list-style-type: none"> (a) streamline the application procedures for an injunction order to enable victims of domestic violence to obtain quick and temporary relief from molestation;

No.	Name of deputation	Major views and concerns
		<p>(b) require the abusers to make damages to victims of domestic violence, e.g. medical fees; and</p> <p>(c) set up a domestic violence court expeditiously</p>
7.	Democratic Party's Women Committee [LC Paper No. CB(2)2293/08-09(03)]	<ul style="list-style-type: none"> ● welcomed the Administration's proposed amendments to extend the scope of DVO to same-sex cohabitants by amending the short title of DVO to "Domestic and Cohabitation Relationships Violence Ordinance", as this provided an additional civil remedy for victims of domestic violence ● urged that the Bill be come into force as soon as practicable
8.	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) [LC Paper No. CB(2)2322/08-09(02)]	<ul style="list-style-type: none"> ● supported the proposed amendments to extend the scope of DVO to same-sex cohabitants ● requested for more support services for victims of domestic violence to testify against their abusers at the court ● urged the Administration to set up a domestic violence court, replace the injunction order by a protection order and property order, require the abusers to receive compulsory counselling service and make domestic violence acts criminalized
9.	反對居所暴力大聯盟 [LC Paper No. CB(2)2270/08-09(02)]	<ul style="list-style-type: none"> ● appreciated that the Administration had adopted the mainstream views of the community, and amended the long title of the Ordinance and delineated different categories of protected persons such that the protection to same-sex cohabitants was extended without challenging the traditional concept of marriage ● supported to enact the Bill expeditiously ● in the light of the United Nations International Covenant on Civil and Political Rights, it considered that the scope of DVO should be further extended to cover all persons living together, given that the relationships in question might be closer than those of extended familial relationships and the fact that the coverage of specified minors indicated that the abusers and the victims did not necessary have a specific relationship

No.	Name of deputation	Major views and concerns
10.	Midnight Blue	<ul style="list-style-type: none"> ● supported the gender-neutral approach in drafting the Bill, but was concerned that same-sex cohabitants would be excluded from the future application of DVO as persons in same-sex relationships were not expressly spelt out in the proposed definition of "cohabitation relationship" ● the new section 3B(2) would give rise to discrimination against same-sex cohabitants as the court was not provided with factors to be taken into account in determining whether the persons were in a heterosexual cohabitation relationship when the existing DVO was enacted in 1986 ● suggested deleting "2" from the proposed definition of "cohabitation relationship" as it would limit the application of DVO ● supported the suggestions made by the Women Coalition of HKSAR that the Administration should set up a domestic violence court expeditiously, and provide more resources and training to frontline social workers in handling domestic violence cases involving same-sex relationships
11.	Hong Kong Lesbian and Gay Social Worker Network [LC Paper No. CB(2)2322/08-09(03)]	<ul style="list-style-type: none"> ● urged that the Bill should be enacted in the 2009-2010 session ● according to the findings of its study entitled "Same-sex Intimate Partner Violence in the Pan-Asian Region" conducted jointly by the Chinese University of Hong Kong (CUHK) and the Women Coalition of HKSAR, 49.9% of the respondents had experienced physical assaults, body injuries, and/or sexual coercion by their same-sex partners but only 1.6% of the victims had sought help from social welfare groups ● urged the Administration to put in place complementary measures, such as providing refugees and hotlines for victims of domestic violence who were same-sex cohabitants, strengthening training to frontline social workers and the Police to enhance their sensitivity in dealing with cases of the domestic violence involving same-sex relationship

No.	Name of deputation	Major views and concerns
12.	Comrade Zone	<ul style="list-style-type: none"> ● supported the recommendations made by the Women Coalition of HKSAR, including – <ul style="list-style-type: none"> (a) establishing a domestic violence court and requiring the abusers to receive compulsory counselling services; (b) providing training to frontline social workers, the Police and counsellors in handling domestic violence cases involving same-sex cohabitants; and (c) providing more resources to welfare groups to enhance support services specifically for domestic violence cases involving same-sex cohabitants
13.	Hong Kong Professional and Senior Executives Association	<ul style="list-style-type: none"> ● welcomed and supported the legislative proposals, in particular the proposal to amend the short title of the Ordinance to "Domestic and Cohabitation Relationships Violence Ordinance" ● considered that the proposed amendments would extend the scope of coverage under the Ordinance to same-sex cohabitants and at the same time uphold the traditional marriage concept ● hoped that the Bill could be enacted expeditiously
14.	The Church of Living Stones (Kowloon)	<ul style="list-style-type: none"> ● supported in principle the proposed amendments ● expressed appreciation for the efforts made by the Administration in drafting the Bill which had addressed the concerns of different quarters of the community while upholding its policy stance of not recognising same-sex marriage as a matter of legal status ● hoped that the Bill could be enacted expeditiously and urged the Administration to allocate more resources for support services to victims of domestic violence and strengthening public education with a view to promoting a harmonious society

No.	Name of deputation	Major views and concerns
15.	Association Concerning Sexual Violence Against Women [LC Paper No. CB(2)2322/08-09(04)]	<ul style="list-style-type: none"> ● supported the proposed amendments to extend the coverage of protection under DVO to same-sex cohabitants ● suggested that the Administration should – <ul style="list-style-type: none"> (a) allocate resources for providing one-stop crisis management and multi-professional support services to victims of domestic violence; (b) set up a domestic violence court and provide support for victims attending court proceedings; (c) replace an injunction order by a protection order; and (d) require the abusers to receive compulsory counselling services
16.	Hong Kong Human Rights Monitor [LC Paper No. CB(2)2322/08-09(05)]	<ul style="list-style-type: none"> ● welcomed the Bill as it proposed a gender-neutral definition of a cohabitation relationship and offered equal protection to both homosexual and heterosexual cohabitants ● opined that it was unnecessary to amend the long title and short title of the Ordinance as the inclusion of heterosexual cohabitation relationships under the existing DVO was not recognized or taken as to vary or replace the definition of "marriage" under the Marriage Ordinance, while it accepted the replacement of the words "家庭暴力" with "家居暴力" in the Chinese short title ● considered it unnecessary to introduce the proposed definition of "cohabitation relationship" as it would reduce the flexibility of the court to determine cohabitation relationships. The Monitor suggested deleting the proposed definition, or at the very least the words "2" and "as a couple" from it ● suggested to delete the new section 3B(2) as it would tighten the scope of protection for cohabitants particularly those who happened to fail to fall within the factors listed therein

No.	Name of deputation	Major views and concerns
		<ul style="list-style-type: none"> • urged the Administration to allocate adequate resources for setting up shelters and counselling services for homosexual cohabitants who were victims of domestic violence, enhance public education regarding prevention of domestic violence and provide training to frontline social workers, the Police and medical professionals to enhance their sensitivity and understanding on domestic violence occurring in same-sex relationship
17.	Professional Resources Centre	<ul style="list-style-type: none"> • welcomed the proposed amendments • opposed to the suggestion of including civil partnership registered overseas as one of factors for the court to determine whether a relationship in question amounted to a cohabitation relationship as this would indirectly pave the way to recognise same-sex relationship. This would also set a higher threshold for applying for an injunction order under DVO
18.	Youth Professional Forum	<ul style="list-style-type: none"> • accepted the legislative proposals which addressed the concerns raised by different sectors in the community • considered that the suggestion of including civil partnership in the Bill would give rise to contention and delay unnecessarily the legislative process • urged the Administration to - <ul style="list-style-type: none"> (a) set up a domestic violence court; (b) provide support to victims of domestic violence to undergo legal proceedings; (c) replace the injunction order by a protection order and property order; and (d) extend the scope of coverage under DVO to elders who lived together in future

No.	Name of deputation	Major views and concerns
19.	Hong Kong Sex Culture Society [LC Paper No. CB(2)2336/08-09(01)]	<ul style="list-style-type: none"> ● welcomed the proposed amendments which had balanced the views from different quarters of the community and supported the proposal to amend the title of DVO ● hoped that the Bill could be enacted expeditiously ● urged the Administration to consider extending the coverage of DVO to elders living together in future ● considered that the factors listed in the new section 3B(2) sufficient in determining whether the relationship were in a cohabitation relationship and opined that the suggestion of including civil partnership as one of the consideration factors would give rise to contention and unduly delay the legislative process
20.	自由論壇 [LC Paper No. CB(2)2270/08-09(03)]	<ul style="list-style-type: none"> ● expressed reservation about the proposed amendments to title of DVO and the proposed definition of "cohabitation relationship" as they were proposed merely to address the concerns and views of the conservative
21.	Women Coalition of HKSAR [LC Paper No. CB(2)2270/08-09(01)]	<ul style="list-style-type: none"> ● the Coalition had conducted a research entitled "Same-sex Intimate Partner Violence in the Pan-Asian Region" jointly with HKCU. According to the research findings, 49.9% of the respondents had experienced physical assaults, of which 12.7% had been exposed to "multi-forms of abuse" ● considered it unnecessary to add the new section 3B(2) given that the court was not provided with consideration factors to determine whether the abusers and the victims were in a heterosexual cohabitation relationship under the existing Ordinance ● while welcoming the Bill, the Coalition expressed concerns about the inadequate support services for domestic violence occurring in same-sex relationship. In this connection, the Coalition requested the Administration to - <ul style="list-style-type: none"> (a) allocate resources for the provision of shelters and hotlines specialized for victims of domestic violence who were same-sex cohabitants;

No.	Name of deputation	Major views and concerns
		<ul style="list-style-type: none"> (b) strengthen training to frontline social workers and the Police to facilitate their understanding on domestic violence occurring in same-sex relationships; (c) allocate more resources to non-profit groups for preventive work on domestic violence; and (d) set up a domestic violence court, enforce and execute the batterers intervention programme, replace the injunction order with a protection and property order and streamline the process for applying for an injunction order
22.	Rainbow Action	<ul style="list-style-type: none"> • considered that the new section 3B(2) was discriminatory against same-sex cohabitants given that the court was not required to take into account specific factors in determining whether a heterosexual relationship in question amounted to a cohabitation relationship when the Ordinance was enacted in 1986 • suggested deleting the word "2" from the proposed definition of "cohabitation relationship" as it would reduce the flexibility of the court to determine cohabitation relationships • urged the Administration to improve the scheme of requiring the abusers to receive counselling services
Session two		
23.	Association for Concern for Legal Rights of Victims of Domestic Violence	<ul style="list-style-type: none"> • welcomed the proposed amendments to extend the scope of coverage under DVO to same-sex cohabitants and hoped that the Bill could be enacted expeditiously • urged the Administration to – <ul style="list-style-type: none"> (a) enhance the publicity and public awareness of DVO; (b) set up a domestic violence court with cosy settings and provide more support to victims of domestic violence to testify against their abusers at court; and

No.	Name of deputation	Major views and concerns
		(d) replace the injunction order by a protection order which included both property order and furniture order
24.	Youth/Children Development Concern Group [LC Paper No. CB(2)2270/08-09(04)]	<ul style="list-style-type: none"> ● supported the proposed amendments in the Bill ● strongly objected to the suggestion of introducing the concept of civil union in the Bill as it would give rise to confusion on the concepts of marriage and family, and unduly delay the legislative process ● requested the Administration to set up a domestic violence court to handle domestic violence cases
25.	The Hong Kong Council of Social Service	<ul style="list-style-type: none"> ● the welfare sector welcomed the proposed amendments in the Bill which would extend the protection of coverage under DVO to the same-sex cohabitants ● urged the Administration to – <ul style="list-style-type: none"> (a) provide more support to victims of domestic violence to proceed with judicial proceedings, including streamlining the procedures for applying for injunction orders, in particular simplifying the application forms, and making available the forms at locations convenient to the victims, e.g. police stations, integrated family service centres and shelter hostels and strengthening the training to the Police and officials in the Legal Aid Department in handling domestic violence cases; (b) set up a domestic violence court and enhance the support services for victims undergoing court proceedings, e.g. providing a separate access for victims to enter the court and allowing victims to give evidence by use of CCTV; and (c) safeguard the safety of victims by ordering the abusers for bail and on probation during the investigation and court proceedings and require the abusers to receive compulsory counselling services

No.	Name of deputation	Major views and concerns
26.	Federation of Parent-Teacher Associations of Yau, Tsim & Mongkok Districts Ltd.	<ul style="list-style-type: none"> ● welcomed the legislative proposals. The proposed amendment to the title of the Ordinance and delineation of different categories of protected persons would extend the protection to same-sex cohabitants and at the same time avoid causing confusion on the family and marriage concepts ● the Administration would consider extending the coverage of DVO to all persons living together, including elders and acquaintances in future ● urged the Administration to set up a domestic violence court and formulate pro-family friendly policy
27.	Diocesan Pastoral Commission for Marriage and the Family	<ul style="list-style-type: none"> ● welcomed and supported the proposal to amend the title of DVO and other amendments proposed in the Bill ● appreciated the Government's effort in drafting the Bill which would uphold the traditional concept of marriage and reflect the Government's stance of not recognising same-sex marriage, same-sex relationship and civil partnership as a matter of legal status
28.	For My Colors LC Paper No. CB(2)2336/08-09(02)]	<ul style="list-style-type: none"> ● welcomed the proposed amendments to extend the protection under DVO to same-sex cohabitants and considered the proposed definition of "cohabitant relationship" acceptable ● queried about the need to spell out the factors in the new section 3B(2) in determining whether persons were in a cohabitation relationship given that there was no such provision in the existing DVO when a heterosexual cohabitation relationship was in question ● urged the Administration to – <ul style="list-style-type: none"> (a) expand the scope of an injunction order to protection order and property order; (b) set up a domestic violence court expeditiously and require the abusers to receive compulsory counselling service;

No.	Name of deputation	Major views and concerns
		(c) allocate more resources for supporting and assisting victims of domestic violence who were same-sex cohabitants
29.	Civil Human Rights Front [LC Paper No. CB(2)2336/08-09(03)]	<ul style="list-style-type: none"> ● welcomed the legislative proposals to extend the scope of DVO to same-sex cohabitants ● suggested to delete the factors listed in the new section 3B(2) in determining whether persons were in a cohabitation relationship. It was unfair to same-sex cohabitants as they had to disclose personal information for seeking reliefs under the Ordinance ● requested the Administration to allocate more resources to welfare organizations in supporting victims of domestic violence, strengthen training to the frontline workers and enhance public education on the application of DVO ● hoped that the Bill could be enacted expeditiously
30.	The Association for the Advancement of Feminism	<ul style="list-style-type: none"> ● welcomed the proposed amendments which sought to extend the scope of DVO to cover same-sex cohabitants ● hoped that the Bill could be enacted expeditiously ● urged the Administration to – <ul style="list-style-type: none"> (a) expand the scope of an injunction order to a protection order and property order; (b) set up a domestic violence court expeditiously; (c) provide assistance to victims of domestic violence to undergo court proceedings; and (d) strengthen training to frontline social workers and the Police in handling cases of domestic violence

No.	Name of deputation	Major views and concerns
31.	關注孩子同盟	<ul style="list-style-type: none"> ● fully agreed with the proposed amendments and hoped that the Bill could be enacted expeditiously ● urged the Administration to consider – <ul style="list-style-type: none"> (a) extending the scope of DVO to cover elders living together and expanding the scope of an injunction order to a protection order and property order; and (b) strengthening preventive and remedial measures such as education on family harmony and counselling services to the abusers and victims of domestic violence
32.	Education Convergence [LC Paper No. CB(2)2310/08-09(01)]	<ul style="list-style-type: none"> ● welcomed the three-pronged approach adopted in the Bill to differentiate persons being protected under the Bill, and the proposal to revise the title of the Ordinance such that the concept and values of family would not be confused and distorted whereas the same protection was extended to same-sex cohabitants ● hoped that the Bill could come into effect as soon as possible
33.	The Society for Truth and Light [LC Paper No. CB(2)2310/08-09(02)]	<ul style="list-style-type: none"> ● welcomed the proposed amendments which had addressed the concerns of different quarters of the community ● the Administration should consider extending the scope of the Ordinance to the elders living together in future ● concerned that further discussion on the proposed definition of "cohabitant relationship" and the consideration factors amounted to a cohabitation relationship would give rise to contention and delay the coming into effect of the Bill as well as violate the Government's position of not recognising same-sex marriage and civil partnership as a matter of legal status
34.	Hong Kong Society for Politics and Policy	<ul style="list-style-type: none"> ● supported the suggestion of setting up a domestic violence court in the light of zero tolerance against domestic violence

No.	Name of deputation	Major views and concerns
35.	Catholic Diocese of Hong Kong	<ul style="list-style-type: none"> • welcomed and supported the proposed amendments in the Bill, such as the proposal to amend the short title of DVO to "Domestic and Cohabitation Relationships Violence Ordinance" and the relevant amendments • appreciated the Administration's efforts in drafting the Bill after gauging and balancing the views of different quarters of the community and urged that the Bill should come into effect expeditiously • supported the suggestion of setting up a domestic violence court • objected to introducing the concept of civil partnership in DVO as it would violate the Government's policy stance of not recognising same-sex relationship and civil partnership as a matter of legal status
36.	Tongzhi Community Joint Meeting (TCJM)	<ul style="list-style-type: none"> • welcomed the proposed amendments which sought to extend the scope of DVO to same-sex cohabitants, and hoped that the Bill could come into operation expeditiously • the injunction orders should be replaced by protection orders • urged the Administration to set up a specialised domestic violence court and require the abusers to attend the batterers intervention programme • the expression "with normal perceptions" in the new section 3B(2) would give rise to the concern as to whether a homosexual relationship was normal
37.	Christian Fellowship of Alice Ho Miu Ling Nethersole Hospital	<ul style="list-style-type: none"> • supported the legislative proposals and expressed appreciation for the efforts made by the Administration in drafting the Bill • hoped that the Bill would come into effect expeditiously • domestic violence could not be tackled simply by enacting a piece of legislation, but rather the Administration should promote family values with a view to consolidating familial relationship

No.	Name of deputation	Major views and concerns
38.	Thinking Academy [LC Paper No. CB(2)2322/08-09(06)]	<ul style="list-style-type: none"> ● supported the Bill which sought to extend the scope of coverage under DVO to all cohabitants and at the same time uphold the policy stance of not recognising same-sex marriage ● the Administration should devise family friendly policies to promote family harmony and thereby preventing the occurrence of domestic violence
39.	Parents for the Family Association [LC Paper No. CB(2)2336/08-09(04)]	<ul style="list-style-type: none"> ● supported in principle the proposed amendments in the Bill which sought to extend the scope of the Ordinance to same-sex cohabitants and at the same time uphold the Government's policy stance of not recognising same-sex marriage as a matter of legal status ● the Administration should conduct wide public consultation before proposing any changes to the traditional values of family and marriage ● the Administration should devise family friendly policies to promote family harmony
40.	Hong Kong Federation of Women's Centres	<ul style="list-style-type: none"> ● welcomed the Bill and considered that the Bill should come into force as early as possible in the light of the undertaking made by the Government in the Third Legislative Council (LegCo) ● urged the Administration to - <ul style="list-style-type: none"> (a) set up a domestic violence court; (b) replace an injunction order by a protection order and property order; and (c) require the abusers to receive compulsory counselling services
41.	Postgraduate law students of the Chinese University of Hong Kong [LC Paper No. CB(2)2270/08-09(05)]	<ul style="list-style-type: none"> ● the findings of the research report entitled "Anti-violence protection: Should Domestic Violence Protection be extended to same-sex cohabiters" based on data available as of 25 June 2009 showed that both the public and the selected groups (the Lesbian, Gay, Bisexual and Transgender communities), recognized the

No.	Name of deputation	Major views and concerns
		<p>urgent need for protection under DVO, regardless of their sexual orientation or gender</p> <ul style="list-style-type: none"> ● the quantitative findings from 701 respondents indicated that there was a need to include same-sex cohabitating couples in the DVO's coverage ● the salient points of the qualitative findings based on observations and interviews were as below – <ul style="list-style-type: none"> (a) while the religious groups concerned leaned toward a more conservative approach in order to uphold traditional values of family and marriage, thus preventing same sex cohabitants from being recognized with the same status of married couples, members of some political parties and human rights organizations and some religious institutions believed that the concept of family was irrelevant with regards to DVO; (b) many members of parties and social groups found the present changes to the legislation acceptable as it was neutral about sexual orientations and it gave a clear definition on terms such as "cohabitation", "intimate relationship" and it distinguished three types of relationships that were protected under DVO. However, some members were very concerned about the clarity of the legislation, such as a clearer definition of cohabitation and intimate relationship, while some other members were of the view that the provisions within the Bill had not clearly stated that cohabitation included heterosexuals and homosexuals; (c) there were debates on scope of the legislation. While some argued that the legislation should be extended to all persons living together, such as roommates, landlords and tenants, and fragile members, some others were of the view that scope should be narrow to only encompass intimate relationships which involved the complexity and emotional intensity of the relationship;

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		<p>(d) many deputations presenting views at the LegCo meetings were worried that the inclusion of same-sex cohabitants might result in a demand for judicial review on the legalization of homosexuality while members of homosexual organizations stressed that these were two separate issues and they had no intention to legalize same-sex marriage, where their main concern was on protecting victims; and</p> <p>(e) some concerned groups requested for promoting educational programmes against domestic violence, advocated for a domestic violence court, provided compulsory counselling and rehabilitation programmes to abusers, training to the Police and social workers to increase their awareness in handling domestic violence cases, some suggested in particular among the homosexual community</p>
42.	Tai Wai Pastor Fellowship LC Paper No. CB(2)2270/08-09(06)	<ul style="list-style-type: none"> • supported the proposal to amend the short title of DVO to "Domestic and Cohabitation Relationships Violence Ordinance" which would delineate family relationship and cohabitation relationship and uphold the core family values and concepts • the proposed amendments in the Bill sought to provide same protection to persons of familial relationship and cohabitation relationship • appreciated the efforts made by Government officials and Members in the legislative process
43.	Parents' Concern Group of the Kowloon City LC Paper No. CB(2)2270/08-09(07)	<ul style="list-style-type: none"> • the Group was satisfied with the proposed amendments in the Bill which had addressed the concerns of the public about the concept of marriage • considered that revising the term "couple" would create new problem and hoped that the Bill could be enacted expeditiously
44.	Society for the Promotion of Family Ethics LC Paper No. CB(2)2270/08-09(08)	<ul style="list-style-type: none"> • agreed with the proposed amendments in the Bill and hoped that the Bill could be passed and came into effect expeditiously such that parties concerned would be granted with protection

No.	Name of deputation	Major views and concerns
45.	Carmen LC Paper No. CB(2)2293/08-09(04)	<ul style="list-style-type: none"> ● the scope of coverage under DVO should be extended to persons living together who did not have familial or intimate relationship, in particular persons with disabilities (PWDs) ● the prison terms for the abusers should be increased to 10 years ● the Housing Department should relax the application criteria for public housing units and compassionate rehousing by victims of domestic violence ● victims of domestic violence should be allowed to resort to mediation in respect of domestic violence cases

Council Business Division 2
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