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By Fax (2501 0478)

26 June 2009

Mrs. Alison LAU
PAS for Labour & Welfare (Welfare)2
Labour and Welfare Bureau
10/F, Citibank Tower
3 Garden Road
Central, Hong Kong

Dear Mrs. LAU,

Domestic Violence (Amendment) Bill 2009

We are scrutinizing the legal and drafting aspects of the captioned Bill. We would be most grateful for your clarification of the following matters:-

- (a) Regarding the definition of "specified minor" which is proposed to be added to section 2(1) of the Domestic Violence Ordinance (Cap. 189) (the Ordinance), we note that this definition refers to "applicant" twice. However, as "applicant" is not defined in section 2(1) of the Ordinance, it is not clear to whom "applicant" refers in the context of that section. To improve clarity, would it be desirable to further provide for a definition of "applicant" in section 2(1)?
- (b) We note that in section 3A(1) and the proposed section 3B(1), the reference to "applicant" is given in parentheses after "on an application made by a person" and "On an application by a party to a cohabitation relationship" respectively. To achieve consistency in drafting, would it be desirable to also include a similar parentheses after "On an application by a person" in section 3(1) of the Ordinance?
- (c) Please clarify whether applications for injunctions made by parties to a lawful union of concubinage will fall within section 3 or the new section 3B of the Ordinance. It is noted that in existing legislation, such as the

Prevention of Bribery Ordinance (Cap. 201), "spouse" is defined to include a concubine. If it is intended that applications by a concubine should be made under section 3 of the Ordinance, please consider whether it is necessary to provide for a similar definition in the Ordinance.

It is appreciated that your reply in both languages could reach us as soon as practicable, preferably by 7 July 2009.

Yours sincerely,

(YICK Wing-kin)
Assistant Legal Adviser

cc. LA
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