

**Legislative Council Bills Committee on
Domestic Violence (Amendment) Bill 2009**

The Administration's Proposed Committee Stage Amendments

During discussions in the past meetings of the Legislative Council Bills Committee on Domestic Violence (Amendment) Bill 2009 (the Bill), the Administration has undertaken to propose suitable amendments to the Bill in response to Members' requests/comments. In this regard, please find set out at Annex the Administration's proposed committee stage amendments (CSAs) to the Bill, with the underlying rationale elaborated below –

<u>Clause</u>	<u>Purpose of the proposed amendments</u>
3	To amend the Chinese text of the long title to the Domestic Violence Ordinance (DVO) to tally with the English text, so that the Chinese term "關係" appears only once in the Chinese text as the equivalent of the English term "relationships" (which also appears only once in the English text).
5(2)	(a) To put beyond doubt that the proposed definition of "cohabitation relationship" is applicable to 2 persons whether of the same sex or of the opposite sex. The amendments also tally with the long title of the Bill. (b) To introduce a new definition of "applicant".
New	Because of the new definition of "applicant" proposed in Clause 5(2)(b) above, there is a need to remove the bracketed reference of "(the applicant)" in section 3A(1) of the DVO.

Also, "該申請人" in section 3A(1) of the DVO should be replaced by "申請人". Accordingly, "該" after "信納" in the Chinese text in that provision is deleted.

Clause Purpose of the proposed amendments

- 7 (a) Because of the new definition of “applicant” proposed in Clause 5(2)(b) above, there is a need to remove the bracketed reference of “(“the applicant”)” in section 3B(1) of the DVO.
- (b) To amend section 3B(2)(f) to clarify that the court shall have regard to whether the parties share the care and support of a specified minor when considering whether the parties are in a cohabitation relationship under the amended DVO.
- (c) To amend section 3B(2)(g) to clarify that the court shall have regard to the parties’ reasons for living together, and the degree of mutual commitment to a shared life when considering whether the parties are in a cohabitation relationship under the amended DVO.
- (d) To amend section 3B(2)(h) to clarify that the court shall have regard to whether the parties conduct themselves as parties to a cohabitation relationship, and whether they are treated as such by their friends and relatives etc. when considering whether the parties are in a cohabitation relationship under the amended DVO.

2. Members are invited to consider the draft CSAs proposed by the Administration.

Labour and Welfare Bureau
November 2009

DOMESTIC VIOLENCE (AMENDMENT) BILL 2009

COMMITTEE STAGE

Amendments to be moved by the Secretary for Labour and Welfare

<u>Clause</u>	<u>Amendment Proposed</u>
3	In the Chinese text, by deleting "家庭關係" and substituting "家庭".
5(2)	(a) In the proposed definition of "cohabitation relationship", in paragraph (a), by adding "(whether of the same sex or of the opposite sex)" after "2 persons". (b) By adding – "applicant" (申請人) means a person who applies for an injunction to be granted under section 3, 3A or 3B;"
New	By adding – "6A. Power of District Court to grant injunction: other relatives (1) Section 3A(1) is amended by repealing "("the applicant)". (2) Section 3A(1) is amended in the Chinese text, by repealing"該申請人"and substituting"申請人".

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- (a) In the proposed section 3B(1), by deleting "(the applicant)".
 - (b) By deleting the proposed section 3B(2)(f) and substituting –
"(f) whether the parties share the care and support of a specified minor;"
 - (c) By deleting the proposed section 3B(2)(g) and substituting –
"(g) the parties' reasons for living together, and the degree of mutual commitment to a shared life;"
 - (d) By deleting the proposed section 3B(2)(h) and substituting –
"(h) whether the parties conduct themselves towards friends, relatives or other persons as parties to a cohabitation relationship, and whether the parties are so treated by their friends and relatives or other persons."