

立法會
Legislative Council

LC Paper No. CB(3) 294/11-12

Ref : CB(3)/B/LW/1 (10-11)

Tel : 3919 3307

Date : 4 January 2011

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 January 2012

Guardianship of Minors (Amendment) Bill 2011

Committee stage amendments

The Second Reading debate on the above Bill will be resumed at the Council meeting of 11 January 2012. Subject to the Bill receiving a Second Reading, the President has given permission for the Secretary for Labour and Welfare to move amendments to the Bill at its Committee stage.

2. As directed by the President, the amendments are attached for Members' consideration.

(Ms Jessica CHAN)
for Clerk to the Legislative Council

Encl.

Guardianship of Minors (Amendment) Bill 2011

Committee Stage

Amendments to be moved by the Secretary for Labour and Welfare

<u>Clause</u>	<u>Amendment Proposed</u>
New	<p>By adding—</p> <p>“3A. Section 3 amended (General principles)</p> <p>(1) Section 3(1)(a)(i) —</p> <p>Repeal</p> <p>“welfare”</p> <p>Substitute</p> <p>“best interests”.</p> <p>(2) Section 3(1)(a)(i)(A), English text—</p> <p>Repeal</p> <p>“wishes”</p> <p>Substitute</p> <p>“views”.”.</p>
4	<p>In the proposed section 5, by deleting “On” and substituting “Subject to section 19(4) of the Matrimonial Proceedings and Property Ordinance (Cap. 192) and any court order to the contrary, on”.</p>
4	<p>In the English text, in the proposed section 6(5), by deleting “must” and substituting “is required to”.</p>
4	<p>In the proposed section 6, by adding—</p> <p>“(8) The validity of an appointment of a guardian is not</p>

affected by a failure to comply with subsection (5).”.

4 In the proposed section 7(a), by adding “irrespective of whether
anyone else has a custody order over the minor at that time” after
“dies”.

4 In the proposed section 8B, by adding—

“(4A) The revocation referred to in subsection (4) has no
effect unless paragraph (b) of that subsection is
complied with.”.

4 By deleting the proposed section 8C(1) and substituting—

“(1) A guardian who wishes to disclaim the appointment is
required to disclaim the appointment by notifying the
appointing parent or appointing guardian of the
disclaimer.

(1A) If the appointing parent or appointing guardian has
died, an appointed guardian who has not assumed
guardianship under section 8 and wishes to disclaim
the appointment is required to disclaim the
appointment by a written, dated and signed
document.”.

4 In the proposed section 8C(2), by deleting “The guardian must notify
the following persons before the disclaimer is to take effect—” and
substituting “A disclaimer referred to in subsection (1A) does not
take effect until the guardian has notified the following persons of
it—”.

4 In the Chinese text, in the proposed section 8D(2)(a), by deleting “擁有” and substituting “持有”.

4 In the proposed section 8E, by deleting “for the welfare” and substituting “in the best interests”.

4 In the proposed section 8G, in the heading, by adding “**and authority**” after “**rights**”.

4 In the proposed section 8G, by adding “and authority” after “rights”.

4 In the proposed section 8H, by deleting everything after “it thinks fit if” and substituting “the guardian is not a parent of the minor.”.

5 In the proposed section 9A(5), by deleting “duties” and substituting “authority”.

New By adding—

“5A. Section 10 amended (Orders for custody and maintenance on application of either parent)

Section 10(1)—

Repeal

“welfare”

Substitute

“best interests”.”.

6 By adding—

“(3) Section 11(1)(a)—

Repeal

“welfare”

Substitute

“best interests”.”.

7

By adding—

“(3) Section 12(a)—

Repeal

“welfare”

Substitute

“best interests”.”.