

政府總部
勞工及福利局

香港添馬添美道
政府總部



LABOUR AND WELFARE BUREAU
GOVERNMENT SECRETARIAT

Central Government Offices
Tim Mei Avenue
Tamar, Hong Kong

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電話號碼 Tel No.: 2810 3931

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傳真號碼 Fax No.: 2524 7635

20 May 2014

Ms Debbie Yau
Clerk to Panel on
Administration of Justice and Legal Services
Legislative Council
1 Legislative Council Road
Central, Hong Kong

Dear Ms Yau,

**Panel on Administration of Justice and Legal Services
Administration's response to the motion passed at the meeting
on 22 April 2014**

Thank you for your letter dated 23 April 2014 addressed to the Secretary for Justice which was referred to the Labour and Welfare Bureau for a response. I am authorised to reply to the letter.

In your letter you sought our response to the motion passed by the captioned Panel meeting which urged "the Administration to immediately follow up on the recommendations made by the Law Reform Commission in its 2005 Report on Custody and Access". Our response is set out in the ensuing paragraphs.

On 8 July 2013, LWB briefed the Panel on Welfare Services of the Legislative Council (LegCo) on the findings of the public consultation exercise on the LRC Report on Child Custody and Access (LRC Report) and our plan to prepare legislative proposals and implementation

arrangements with an aim to further engage stakeholders before embarking on legislation.

In conjunction with the Department of Justice (DoJ), we in the Labour and Welfare Bureau have commenced the initial stage of the follow-up work of the LRC Report. We have considered the latest developments in overseas jurisdictions. In this connection, we note that the LRC Report has made reference to the relevant laws in England and Wales, Scotland, Australia and New Zealand. We are following up on the latest laws in these jurisdictions, including the UK Children and Families Act 2014; Care of Children Act 2004 in New Zealand (relevant provisions last updated in 2014); the Family Law Act 1975 in Australia (relevant provisions last updated in 2011); and the Children (Scotland) Act 1995.

We have also started discussions with DoJ on the legislative proposals. In this process, we are conscious that Recommendation 71 in the LRC Report has recommended that, as far as possible, the provisions dealing with disputes relating to children, arrangements on divorce, guardianship, disputes with third parties, or disputes between parents without accompanying divorce proceedings should be consolidated into one existing Ordinance. We are now exploring the feasibility of consolidating relevant existing provisions including those in the Separation and Maintenance Orders Ordinance (Cap.16), the Matrimonial Causes Ordinance (Cap.179) and the Matrimonial Proceedings and Property Ordinance (Cap.192) and incorporating new provisions resulting from LRC's recommendations into one existing Ordinance which is the Guardianship of Minors Ordinance (Cap.13).

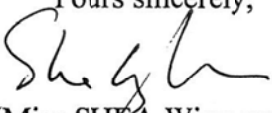
While working out the legislative proposals in conjunction with DoJ, we are also considering the implementation arrangements having regard to the experience of other jurisdictions as well as local circumstances. We are now liaising with the Judiciary and other relevant Bureaux / Departments to consider how to take forward some of the recommendations through administrative means, e.g. issue of guidelines and provision of training.

The LRC Report seeks to implement the concept of continuing

parental responsibility, and this would involve a change of mindset on the part of many parents. In our on-going effort to promote the concept, a poster entitled “Marriage may end but parenthood goes on” has been issued and put up at the public transportation network to promote the continuing responsibilities of both parents upon divorce towards their children; and an educational DVD and two sets of information sheets have been produced and distributed to frontline casework units and target users. These aim at educating couples who are considering divorce or have been separated/divorced about the impact of their separation/divorce on themselves and their children and facilitating them to cooperate with each other so as to promote the concept of continuing parental responsibilities for the best interest of their children. We will consider stepping up relevant publicity and public education efforts as appropriate.

We attach importance to the welfare of families and are committed to providing services to meet their needs through our extensive network of 65 Integrated Family Service Centres and two Integrated Service Centres throughout Hong Kong. At present, a spectrum of preventive, supportive and remedial welfare services are provided, including family life and parenting education, groups and programmes to strengthen the resilience of divorced individuals and families as well as counselling services and referral services to address the needs of divorced families. The Social Welfare Department is exploring possible ways to enhance the existing support services for divorced families, so as to meet the concerns raised by some of the respondents on the implementation of the parental responsibility model as enshrined in the LRC Report.

This is inevitably a massive exercise. Upon working out the detailed legislative and implementation proposal, we will further engage the stakeholders and interested parties before embarking on the legislation.

Yours sincerely,

(Miss SHEA Wing-man)
for Secretary for Labour and Welfare