

THE

LAW SOCIETY
OF HONG KONG
香港律師會

Practitioners Affairs

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Your Ref :
Direct Line :

FL/14/1759640

30 April 2014

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The Chairman

Panel on Welfare Services
Legislative Council Secretariat,
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong.

BY E-MAIL ONLY

(panel_ws@legco.gov.hk)

Dear *Hon Chan Yuen-han,*

Law Reform Commission Report on Child Custody and Access

The Family Law Committee of the Law Society ('the Committee') has been following the progress of the Administration in implementing Law Reform Commission's recommendations on Child Custody and Access set out in their report in 2005. The Committee has recently written a letter to the Secretary for Labour and Welfare in this regard.

The Panel on Administration of Justice and Legal Services has at their meeting on 22 April 2014 passed a motion to urge the Administration to immediately follow up on the recommendations made by the Law Reform Commission in its 2005 Report on Custody and Access.

I take the pleasure to enclose the following for your kind attention:

1. Letter to LWB dated 14 April 2014
2. Holding reply to LWB dated 16 April 2014
3. Motion passed at the AJLS Panel Meeting on 22 April 2014

Yours sincerely,

Kenneth Fok
Director of Practitioners Affairs
The Law Society of Hong Kong



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14 April 2014

Mr. Cheung Kin Chung Matthew, GBS, JP
Labour and Welfare Bureau
10/F, West Wing,
Central Government Offices,
2 Tim Mei Avenue,
Tamar, Hong Kong

BY POST

Dear

Mr. Cheung,

Re: LRC Report on Child Custody and Access

1. Draft Bill on Child Custody and Access

I refer to the Law Society's Family Law Committee's (FLC) correspondence since 2005 on the captioned report. In particular I am following up on the meeting with representatives from the Labour and Welfare Bureau (LWB) which took place on 5 July 2013.

The FLC notes at the joint meeting, Ms. Annie Tam, Permanent Secretary of your Bureau, stated the LWB accepts most of the LRC's recommendations and would be consulting with the Judiciary and the Department of Justice to produce a draft bill within the year.

The FLC wishes to have an immediate update on the progress, if any, on the draft bill given the Bureau's confirmation to the Panel on Welfare Services on 8 July 2013 that a bill would be introduced within the current Legco term (see minute 42 of the Panel minutes).

The FLC also notes the Bureau's representation to the Panel that it would consult with the Law Society on the support services for 'needy families' - see minute 49 of the Panel minutes. Regrettably, there has been no communication with the Law Society on this important aspect of the intended reforms.

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2. Guardianship of Minors Ordinance - Recommendation 28

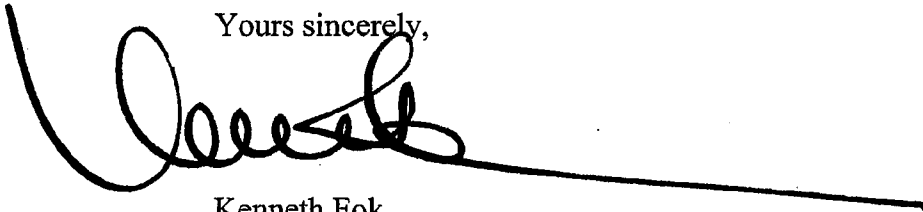
At the meeting on 5 July 2013, the Bureau agreed to review whether it would be possible to adopt the proposals as they were not controversial. The FLC has not received any follow up on this issue.

As you are personally aware and as acknowledged by the Bureau, the Law Society has long advocated the need for reform of our outdated legislation and yet there has been no communication whatsoever with the Law Society since 5 July 2013.

Given this unsatisfactory state of affairs, the FLC would like to receive a progress report on the draft bill by return. If Ms. Tam would like the FLC's input on proposals to assist "needy families" then members would be more than willing to arrange an early meeting in order to ensure the speedy adoption of the new legislation.

I look forward to receiving an update on the progress of the draft bill and can liaise with the Bureau on a mutually convenient meeting date to discuss any outstanding issues of concern.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Fok', with a long horizontal line extending to the right.

Kenneth Fok
Director of Practitioners Affairs
The Law Society of Hong Kong

c.c.
HHJ Bruno Chan
The Hon. Mr. Dennis Kwok
Panel on Welfare Services
The Hong Kong Bar Association
HKFLA

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
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本函檔號 Our Ref.: LWB CR 1/4841/05(13) Pt. 16

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16 April 2014 PA 26

HKLS 22APR14 11:24

Mr Kenneth Fok
Director of Practitioners Affairs
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road
Central
Hong Kong

Dear Mr Fok,

Law Reform Commission Report on Child Custody and Access

Thank you for your letter dated 14 April 2014 to the Secretary for Labour and Welfare. We will reply to you as soon as practicable.

If you have any questions, please feel free to contact the undersigned at 2810 3931 or Miss Veronica Tse at 2810 3932.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Shea Wing-man'.

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

Panel on Administration of Justice and Legal Services
Motion to be moved at the meeting on 22 April 2014

That this Panel urges the Administration to immediately follow up on the recommendations made by the Law Reform Commission in its 2005 Report on Custody and Access

Moved by: Hon Dennis KWOK
Seconded by: Hon Albert HO