



THE
LAW SOCIETY
OF HONG KONG
香港律師會

Practitioners Affairs

3/F WING ON HOUSE · 71 DES VOEUX ROAD
CENTRAL · HONG KONG DX-009100 Central 1
香港中環德輔道中71號
永安集團大廈3字樓
Family Law/16/2707073

TELEPHONE (電話) : (852) 2846 0500
FACSIMILE (傳真) : (852) 2845 0387
E-MAIL (電子郵件) : sg@hklawsoc.org.hk
WEBSITE (網頁) : www.hklawsoc.org.hk

Our Ref :
Your Ref :
Direct Line :

19 February 2016

President
會長

Stephen W.S. Hung
熊運信

Vice-Presidents
副會長

Thomas S.T. So
蘇紹聰
Melissa K. Pang
彭韻僊

Council Members
理事

Junius K.Y. Ho
何君堯
Huen Wong
王桂壠
Peter C.L. Lo
羅志力
Michael J. Lintern-Smith
史密夫
Billy W.Y. Ma
馬華潤
Sylvia W.Y. Siu
蕭詠儀
Cecilia K.W. Wong
黃吳潔華
Kenneth S.Y. Ng
伍成業
Joseph C.W. Li
李超華
Amirali B. Nasir
黎雅明
Brian W. Gilchrist
喬柏仁
Gavin P. Nesbitt
倪廣恒
Denis Brock
白樂德
Nick Chan
陳曉峰
Bonita B.Y. Chan
陳寶儀
Mark Daly
帝理邁
C. M. Chan
陳澤銘

Secretary General
秘書長

Heidi K.P. Chu
朱潔冰

Deputy Secretary General
副秘書長

Christine W.S. Chu
朱穎雪



Avowed by The Hong Kong Council of Social Service
香港社會服務發展局

Hon CHEUNG Kwok-che
Chairman
Panel of Welfare Services
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road,
Central, Hong Kong

**BY EMAIL (mchiu@legco.gov.hk)
& BY POST**

Dear Mr. Cheung,

**Re: Panel on Welfare Services - Special meeting on 22 February 2016
The Proposed Legislation to Implement the Recommendations of
the Law Reform Commission Report on Child Custody and Access**

The Law Society notes that the main thrust of the Law Reform Commission Report on Child Custody and Access is to introduce a "parental responsibility model" ("PR Model") into Hong Kong family law. The Law Society is in support of the implementation of PR Model by legislative means.

The Family Law Committee of the Law Society is reviewing the *Consultation Paper on the Proposed Legislation to Implement the Recommendations of the Law Reform Commission Report on Child Custody and Access* ("the Consultation Paper") and would like to point out our preliminary observations as follows.

While the reform of the law is for the better protection of children, it is important that the Administration provides for appropriate support services to assist children, as well as separating and divorcing parents in handling child care matters arising from the breakdown of the family. The Administration has in the Consultation Paper suggested that contact centre will be set up to assist separated parents in meeting with children not living with them. It is submitted that the intended pilot scheme for contact centre should be more



The Law Society of Hong Kong

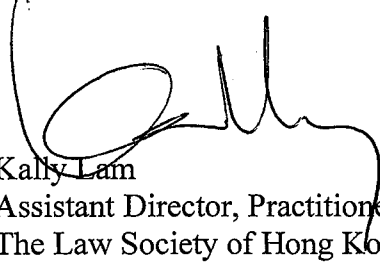
than one. In the past few years there is an average of about 20,000 divorce cases each year. If 2% of these cases require such service, we are talking about approximately 400 cases and if it is 1%, we still have approximately 200 cases. Hence, one contact centre, no matter whether it is located in Kowloon or on the Hong Kong Island, would not be realistically sufficient to meet the needs.

The contact centre should also be a child focused centre rather than just a place for supervised access. A child focused centre is a place where any child in need may seek support and assistance from social workers, counsellors and clinical psychologists.

In order to address the problems faced by separating and divorcing parents in handling children matters, it is time for the Administration to formulate useful complementary policies, such as a mandatory parenting course prior to the filing of an application or petition for separation or divorce, parenting co-ordination for high conflict cases, meaningful methods of enforcement of maintenance and enforcement of access orders.

The Law Society will provide a detailed written submission to the Administration soon, by way of our response to the Consultation Paper.

Yours sincerely,



Kally Lam
Assistant Director, Practitioners Affairs
The Law Society of Hong Kong