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8 September 2010

Miss Clara Tam
Assistant Legal Adviser
Legislative Council
Legislative Council Building
8 Jackson Road Central
Hong Kong

Dear Miss Tam,

Matrimonial Proceedings and Property (Amendment) Bill 2010

Thank you for your letter of 2 September 2010. We are grateful for your comments on various provisions of the Bill. With regard to the matters raised in the said letter, the Administration has the following response –

Section 29AB

We note your observation that a similar provision has already been provided in section 2(2) of the Matrimonial Proceedings and Property Ordinance (Cap. 192) and agree that the new section 29AB(3) is not necessary.

With regard to the new section 29AB(2), we submit that the Chinese text follows the syntax of the Chinese language and properly reflects the meaning of the English text. The Administration considers that no revision is required.

Section 29AG

The new section 29AG(2) is similar to section 17(2) of the English Matrimonial and Family Proceedings Act 1984. The English Law Commission did not seem to have provided any policy reason behind that section 17(2). The Administration will further review the new section 29AG(2) and where necessary, propose amendments as may be required.

Section 29AJ

We agree that the Chinese rendition may be revised to better reflect the meaning of the English text. It is proposed that section 29AJ(5) be revised to read :

"第(3)及(4)款分別適用於由婚姻的另一方作出(不論是在有關申請開始之前或之後作出)的財產處置,但在以下情況下除外:財產處置是為有值代價(不包括婚姻)向某人作出,而在作出時,該人真誠就財產處置行事,且不知道該另一方意圖打擊申請人要求經濟濟助的申索。"

Section 29AK

Having considered your comments on the Chinese text of the new section 29AK(1), we submit that the text follows the syntax of the Chinese language and properly reflects the meaning of the English text. We consider that no revision is required.

In view of your queries, the Administration proposes that the following officer will also attend the coming meeting of the Bills Committee scheduled for 10 September 2010 –

Mr Alan Chong
Senior Government Counsel

莊家寧先生
高級政府律師

Thank you for your attention.

Yours sincerely,



(Miss Michelle Tsang)
Senior Assistant Solicitor General

c.c.

Clerk to Bills Committee (Attn : Ms Flora Tai) Fax : 2509 9055