

**立法會**  
**Legislative Council**

LC Paper No. LS4/11-12

**Paper for the House Committee Meeting  
on 11 November 2011**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 4 November 2011**

**Date of tabling in LegCo** : 9 November 2011

**Amendment to be made by** : 7 December 2011 (or 11 January 2012 if extended by resolution)

**Child Abduction and Custody Ordinance (Cap. 512)  
Child Abduction and Custody (Parties to Convention) (Amendment) Order  
2011 (L.N. 151)**

The Child Abduction and Custody (Parties to Convention) (Amendment) Order 2011 (the Amendment Order) is made by the Chief Executive under section 4 of the Child Abduction and Custody Ordinance (Cap. 512) after consultation with the Executive Council to amend the Schedule to the Child Abduction and Custody (Parties to Convention) Order (Cap. 512 sub. leg. A) (the Order) by adding Republic of Singapore (Singapore) to the list of Contracting States to the Convention on the Civil Aspects of International Child Abduction (the Convention).

2. The Convention, which was signed at the Hague in 1980 and is now in force in 86 States, provides a mechanism for the return of children wrongfully removed from their place of habitual residence to another Contracting State in violation of custodial rights. The Convention does not apply to the Mainland but an agreement was reached at the Sino-British Joint Liaison Group in September 1996 on the continued application of the Convention to Hong Kong after 30 June 1997 and that the declaration of acceptance of new accessions would be made by the Central People's Government (CPG) on behalf of Hong Kong.

3. According to Article 38 of the Convention, the Convention will enter into force between an acceding State and a Contracting State that has declared its acceptance of the accession on the first day of the third calendar

month after the deposit of the declaration of acceptance. CPG deposited, with the depository of the Convention (the Ministry of Foreign Affairs of the Kingdom of the Netherlands), the declaration of acceptance on behalf of the Hong Kong Special Administrative Region (HKSAR) of the accession of Singapore on 21 March 2011. The Convention has therefore entered into force between HKSAR and Singapore on 1 June 2011. Accordingly, the Amendment Order specifies 1 June 2011 as the date on which the Convention comes into force as between HKSAR and Singapore. Members may wish to note that although the Amendment Order has retrospective effect, no criminal liability is involved.

4. Members may refer to the LegCo Brief (File Ref.: LWB CR 1/3281/86) issued by the Labour and Welfare Bureau on 1 November 2011 for background and further information.

5. The Panel on Welfare Services has not been consulted on L.N. 151.

**Clubs (Safety of Premises) Ordinance (Cap. 376)**

**Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2011 (L.N. 152)**

6. The Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2011 (the Amendment Order) is made by the Secretary for Home Affairs under section 3 of the Clubs (Safety of Premises) Ordinance (Cap. 376) (the Ordinance). By this Order, item 5 of the Schedule to the Clubs (Safety of Premise) (Exclusion) Order (Cap. 376 sub. leg. C) (the Exclusion Order) is amended by amending the names of three clubs and the locations of five club-houses, deleting four club-houses, and adding one club-house.

7. The Ordinance provides for the regulation, control and safety of club-houses. The Schedule to the Exclusion Order sets out the clubs or club-houses which are excluded from the application of the Ordinance by order under section 3(1). The club-houses listed under item 5 of the Schedule are situated in Government premises.

8. Members may refer to the LegCo Brief (with no reference number) issued by the Home Affairs Department in November 2011 for background and further information.

9. The Panel on Home Affairs has not been consulted on L.N. 152.

10. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

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