

立法會
Legislative Council

LC Paper No. CB(2)1115/13-14
(These minutes have been seen
by the Administration)

Ref : CB2/BC/5/12

**Bills Committee on
Child Abduction Legislation (Miscellaneous Amendments) Bill 2013**

**Minutes of meeting
held on Tuesday, 11 February 2014, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Dennis KWOK (Chairman)
Hon TAM Yiu-chung, GBS, JP
Hon Cyd HO Sau-lan
Hon Paul TSE Wai-chun, JP
Dr Hon Fernando CHEUNG Chiu-hung

Members absent : Hon Albert HO Chun-yan
Hon Ronny TONG Ka-wah, SC
Hon WONG Yuk-man

Public Officers attending : Item I

Miss SHEA Wing-man
Principal Assistant Secretary for
Labour and Welfare (Welfare) 1

Miss Veronica TSE
Assistant Secretary for Labour and Welfare
(Welfare) 1A

Ms Mary HO
Assistant Law Officer (Advisory)
Department of Justice

Ms Susana SIT
Deputy Principal Government Counsel
(Mutual Legal Assistance) 2
Department of Justice

Mr Allen LAI
Senior Government Counsel
Department of Justice

Ms Cathy SZETO Ying-lok
Government Counsel
Department of Justice

Mr FUNG Man-chung
Assistant Director of Social Welfare
(Family & Child Welfare)

Ms Annisa MA
Chief Social Work Officer (Domestic Violence)
Social Welfare Department

Mr Matthew Philip James Hemmings
Chief Superintendent (Crime Support Group)
(Crime Wing)
Hong Kong Police Force

Mr Gareth Williams
Superintendent (Crime Support Group) &
(Child Protection Policy Unit) (Crime Wing)
Hong Kong Police Force

Miss CHOI Yee-fong
Assistant Principal Immigration Officer (Control)
Immigration Department

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Mr Raymond LAM
Senior Council Secretary (2) 7

Miss Lulu YEUNG
Clerical Assistant (2) 1

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to -
 - (a) in relation to the proposed rules 12 and 13 of Order 121 of the Rules of the High Court, convey to the Judiciary the need for staff of the Registry being alert to any careless disclosure of the court documents filed in confidence; and
 - (b) consider improving the drafting in relation to "The publication on an anonymous basis" in the proposed section 5(1A) of the Judicial Proceedings (Regulation of Reports) Ordinance (Cap. 287) in clause 18.

II. Any other business

3. The Chairman said that the next meeting would be scheduled pending the Administration's response to the issues raised by members at this meeting and the last meeting.
4. There being no other business, the meeting ended at 11:19 am.

**Proceedings of meeting of the Bills Committee on
Child Abduction Legislation (Miscellaneous Amendments) Bill 2013
held on Tuesday, 11 February 2014, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 001207	Chairman	Opening remarks	
001208 - 001329	Chairman Admin ALA8	ALA8's advice that the proposed section 19(3), (5) and (7) in clause 9 was based on the premise that the Court of First Instance was empowered to vary, suspend or discharge orders made under the proposed sections 15 to 18 of the Child Abduction and Custody Ordinance (Cap. 512) ("CACO"). The Administration's response that it was consulting the Judiciary on the suggestion of including such an empowering provision in CACO.	
001330 - 001354	Chairman Admin	The Administration's confirmation in reply to the Chairman that it would provide the Bills Committee with the main features of its administrative guidelines for implementation of the provisions in the Bill and other relevant arrangements.	
001355 - 002011	Chairman Admin Mr TAM Yiu-chung ALA8	Examination of the proposed section 20 in clause 9. Mr TAM Yiu-chung's question regarding whether an unsuccessful application for an order under CACO could be submitted again, thus preventing the removal of a child out of Hong Kong for unduly long time. The Chairman's view and the Administration's response that a fresh application would be considered by the court only if there were material changes in circumstances.	
002012 - 002108	Chairman Admin ALA8	Examination of the proposed section 21 in clause 9.	

Time marker	Speaker(s)	Subject(s)	Action Required
002109 - 002341	Chairman Admin ALA8	ALA8's view and the Administration's response regarding whether the proposed section 20(2) in clause 9 would have the effect of preventing a specified person, to whom a child was returned or delivered under a recovery order, from bringing the child out of Hong Kong.	
002342 - 002422	Chairman Admin	Examination of clause 10.	
002423 - 002717	Admin Chairman	Examination of clauses 11 and 12. The Chairman's request for the Administration to convey to the Judiciary the need for staff of the Registry being alert to any careless disclosure of the court documents filed in confidence.	Admin
002718 - 002849	Admin Chairman	Examination of clauses 13 to 16.	
002850 - 003319	Admin Chairman Mr Paul TSE ALA8	Examination of clauses 17 and 18. Concerns of the Chairman and Mr Paul TSE regarding the meaning of "The publication on an anonymous basis" in clause 18 and the Administration's response that it referred to the excise of personal information of the child concerned in the court judgment. The Administration was requested to consider improving the drafting in relation to "The publication on an anonymous basis" in the proposed section 5(1A) of the Judicial Proceedings (Regulation of Reports) Ordinance (Cap. 287) in clause 18.	Admin
003320 - 003449	Chairman Admin	Provision of the Administration's response to issues raised at this meeting and the last meeting. Date of next meeting.	