

立法會
Legislative Council

LC Paper No. CB(2)1238/13-14
(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, 25 March 2014, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Dennis KWOK (Chairman)
Hon Albert HO Chun-yan
Hon TAM Yiu-chung, GBS, JP
Hon Cyd HO Sau-lan
Hon Paul TSE Wai-chun, JP

Members absent : Hon Ronny TONG Ka-wah, SC
Hon WONG Yuk-man
Dr Hon Fernando CHEUNG Chiu-hung

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
Acting Senior Assistant Law Draftsman
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

Ms Kiwi NG
Legislative 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) advise on the results of its consultation with the Judiciary on the suggestions of -
 - (i) empowering the Family Court to grant an order under the proposed section 15 of the Child Abduction and Custody Ordinance (Cap. 512);
 - (ii) imposing limitations or conditions on the use of information subject to legal professional privilege which would be provided under a location order; and
 - (b) provide its proposed Committee Stage amendments ("CSAs") to the Bill.
3. The Bills Committee agreed that the Clerk would write to seek the written views of relevant deputations on the issue of whether there was a need to criminalise the act of parental child abduction.

II. Any other business

4. The Chairman said that the next meeting would be scheduled pending the Administration's provision of the information requested by members and its proposed CSAs.

5. There being no other business, the meeting ended at 3:20 pm.

Council Business Division 2
Legislative Council Secretariat
3 April 2014

**Proceedings of meeting of the Bills Committee on
Child Abduction Legislation (Miscellaneous Amendments) Bill 2013
held on Tuesday, 25 March 2014, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000140	Chairman	Opening remarks	
000141 - 001456	Admin	Briefing on the Administration's response to issues raised at the meetings on 21 January and 11 February 2014 (LC Paper No. CB(2)1124/13-14(01)).	
001457 - 002858	Chairman Mr Albert HO Ms Cyd HO Clerk Admin ALA8	<p>Mr Albert HO's view that the criminalisation of parental child abduction would create a deterrent effect.</p> <p>Administration's response that -</p> <p>(a) there was existing legislation preventing the removal of a child from Hong Kong, including the Crimes Ordinance (Cap.200), Offence against the Person Ordinance (Cap.212) and the Protection of Children and Juveniles Ordinance (Cap.213);</p> <p>(b) a parent could be found guilty of kidnapping his own child and false imprisonment under common law; and</p> <p>(c) the Law Reform Commission ("LRC") took the view that parental child abduction should not be criminalised on the lines of the UK Child Abduction Act 1984 and the Administration agreed with LRC's view.</p> <p>Ms Cyd HO's suggestion of seeking the views of relevant deputations on the issue of whether there was a need to criminalise the act of parental child abduction.</p> <p>Members' agreement that the Clerk would write to relevant deputations to seek their views on the issue of whether there was a need to criminalise the act of parental child abduction.</p>	Clerk

Time marker	Speaker(s)	Subject(s)	Action Required
002859 - 003920	Chairman ALA8 Admin	<p>ALA8's question and the Administration's response that -</p> <p>(a) the court was empowered under the Rules of the High Court (Cap. 4 sub. leg. A) to set aside an order made <i>ex parte</i>; and</p> <p>(b) the Administration would propose Committee Stage amendments ("CSAs") to the effect that the relevant courts were empowered to vary, suspend or discharge a prohibition order and a mirror-order made under the proposed sections 15 and 18 of the Child Abduction and Custody Ordinance (Cap. 512) ("CACO") after an <i>inter partes</i> hearing.</p> <p>ALA8's question and the Administration's response regarding -</p> <p>(a) whether the court should be empowered to vary, suspend or discharge a recovery order made under the proposed section 17 of CACO when there was a change in circumstances after the <i>inter partes</i> hearing; and</p> <p>(b) whether consequential amendments to the proposed section 19(7)(a) and (b) about stop order might be needed.</p>	
003921 - 004724	Chairman Ms Cyd HO Admin	<p>Ms Cyd HO's view that publicity should be launched for social workers to facilitate their understanding of the process and procedures under the provisions in the Bill.</p> <p>Ms HO's concern regarding the arrangements for the handling of parental child abduction involving Hong Kong and Macao.</p> <p>Administration's response that mutual arrangements for the handling of parental child abduction involving the Hong Kong Special Administrative Region and the Macao Special Administrative Region would be discussed with Macao.</p>	

Time marker	Speaker(s)	Subject(s)	Action Required
004725 - 005017	Chairman Admin	Provision by the Administration of information requested by members and its proposed CSAs to the Bill. Date of next meeting.	Admin

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