

立法會
Legislative Council

LC Paper No. CB(2)2122/13-14
(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, 24 June 2014, at 8:30 am
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 Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan

Members absent : Hon Paul TSE Wai-chun, JP
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 Daphne SIU
Assistant Law Officer (Advisory) (Acting)
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) consider, in relation to the draft Committee Stage amendments provided by the Administration, amending "or suspended on appeal" in the proposed revised section 18(5)(b) of the Child Abduction and Custody Ordinance (Cap. 512) ("CACO") along the lines of "or suspended, pending or on appeal"; and
 - (b) explain how young children who were subject to a court order that prohibited such children being removed out of Hong Kong without consent of another party or the court was identified and stopped by the Immigration Department at immigration control points and provide information on the number of such kind of children being identified at immigration control points in the past three years.

II. Any other business

3. The Chairman concluded that, subject to the response and information to be provided by the Administration, the Bills Committee had completed scrutiny of the Child Abduction Legislation (Miscellaneous Amendments) Bill 2013 and would submit a report on its deliberations to the House Committee.

4. There being no other business, the meeting ended at 9:20 am.

**Proceedings of meeting of the Bills Committee on
Child Abduction Legislation (Miscellaneous Amendments) Bill 2013
held on Tuesday, 24 June 2014, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action Required
000000 - 000347	Chairman	Submissions received from the Hong Kong Committee on Children's Rights (LC Paper No. CB(2)1448/13-14(01)) and Against Child Abuse (LC Paper No. CB(2)1448/13-14(02)) on the issue of whether there was a need to criminalise the act of parental child abduction and the Administration's response (Annex C to LC Paper No. CB(2)1860/13-14(01)).	
000348 - 002044	Admin Chairman Ms Cyd HO	Administration's response to issues raised by members at the meetings on 21 January 2014, 11 February 2014 and 25 March 2014 (LC Paper No. CB(2)1860/13-14(01)).	
002045 - 002348	Chairman Admin	Examination of the draft Committee Stage amendments proposed by the Administration. Examination of the proposed revised clause 3 to clause 8A.	
002349 - 003407	Admin ALA8 Chairman	Examination of the proposed revised clause 9. Advice of ALA8 that the proposed revised section 15(2A) of the Child Abduction and Custody Ordinance (Cap. 512) ("CACO") as currently drafted would provide the court with the discretion of whether to impose limitations on use of information provided in compliance with the location order. Advice of ALA8 and the Administration's response regarding whether there was a need to add "or by the Court of First Instance" after "suspended on appeal" in the proposed revised section 18(5)(b) of CACO. The Administration was requested to consider amending "or suspended on appeal" in the proposed revised section 18(5)(b) of CACO along the lines of "or suspended, pending or on appeal".	Admin

Time marker	Speaker(s)	Subject(s)	Action Required
003408 - 004825	Admin Ms Cyd HO Mr Albert HO Chairman ALA8	<p>Examination of the proposed revised clause 9A to clause 18.</p> <p>Concerns of Ms Cyd HO and Mr Albert HO and the Administration's response regarding the practical implementation of a court order under CACO to prohibit the removal of a child out of Hong Kong without consent.</p> <p>The Administration was requested to explain how young children who were subject to a court order that prohibited such children being removed out of Hong Kong without consent of another party or the court was identified and stopped by the Immigration Department at immigration control points and provide information on the number of such kind of children being identified at immigration control points in the past three years.</p> <p>Chairman's concern and the Administration's response regarding whether the District Court would delegate the Family Court with its power to make a court order under relevant sections of CACO.</p> <p>ALA8's advice and the Administration's response regarding the scope of definition of "child" in the proposed revised section 21(8) of CACO.</p> <p>Ms Cyd HO's view that issues relating to the prohibition of removal of a child out of Hong Kong without consent might be followed up by the relevant Panel.</p>	Admin
004826 - 005037	Chairman Admin Ms Cyd HO	Completion of scrutiny of the Child Abduction Legislation (Miscellaneous Amendments) Bill 2013, subject to the response and information to be provided by the Administration.	