

Family Procedure Bill

Debate and voting arrangements

Object of the Bill : The Bill seeks to (a) amend and consolidate the law relating to the courts' jurisdiction, powers, practice and procedure in family matters; (b) establish the Family Procedure Rules Committee ("FPRC") for making a consolidated set of family procedure rules ("FPR"); and (c) make related amendments.

Joint debate	: Clauses with no amendment, and a clause and the Schedule with amendments by the Chief Secretary for Administration ("CS")	— Clauses 1 to 28, and the Schedule
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Joint debate on the original clauses, the Schedule and the amendments.

CS's amendments

To rectify an error in relation to FPRC's power to make rules

Clause 26

- Under clause 26(1)(q) of the Bill, FPR may provide that contravention of any provision therein that relates to a specified Ordinance¹ would be an offence punishable by a fine, imprisonment or both. **Whilst the maximum imprisonment for contravention currently prescribed in the specified Ordinance is 1 month, the maximum imprisonment has been prescribed as 2 years in clause 26(2) of the Bill by mistake.** The amendment seeks to **remedy this mistake** by restating the penalty level in line with that currently prescribed in the specified Ordinance.

To replace a colonial term

Schedule

- To amend section 149 of and add section 150A to the Schedule to **replace** a colonial term “**地方法院的司法常務官**” by “**區域法院司法常務官**” in sections 6(4) and 12(9) of the Parent and Child Ordinance (Cap. 429) in Chinese, and make corresponding amendments to the Ordinance in English to ensure consistency.

To amend the definition of “child” under the Inheritance (Provision for Family and Dependants) Ordinance (Cap. 481)

Schedule

- To amend section 154(1) of the Schedule to **amend** paragraph (b) of the definition of “child” under section 2(1) of the Inheritance (Provision for Family and Dependants) Ordinance proposed in the Bill (i.e. “a child who was in the womb of his or her mother at the death of the deceased and born posthumously”) **as “a child who was in the womb of his or her mother at the death of the deceased” (i.e. to delete “and born posthumously”).**

Voting order	: 1. Clauses with no amendment (i.e. clauses 1 to 25, 27 and 28) standing part of the Bill 2. CS's amendments (to amend clause 26 and the Schedule) 3. Clause 26 and the Schedule with or without amendments standing part of the Bill
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¹ Under clause 26 of the Bill, specified Ordinance means the Guardianship of Minors Ordinance (Cap. 13), the Separation and Maintenance Orders Ordinance (Cap. 16), or the Matrimonial Proceedings and Property Ordinance (Cap. 192).

CS's amendments

(set out in LC Paper No. CB(3)518/2023(02) issued on 19 June 2023)

Council Business Division 3

Legislative Council Secretariat

19 June 2023