

**For discussion on
3 March 2016**

Paper FC 2/2016

Family Council

**Public Consultation on the Proposed Legislation to Implement the
Recommendations of the Law Reform Commission Report on
Child Custody and Access**

The Labour and Welfare Bureau launched a public consultation on the proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access on 25 November 2015, which will last until 25 March 2016. A paper on this subject issued to the Legislative Council Panel on Welfare Services on 25 November 2015 is at **Annex**.

2. Members are invited to note and comment on the proposals set out in the consultation paper.

**Labour and Welfare Bureau
November 2015**

LC Paper No. CB(2)338/15-16(01)

**For discussion
on 14 December 2015**

Legislative Council Panel on Welfare Services

Public Consultation on the Proposed Legislation to Implement the Recommendations of the Law Reform Commission Report on Child Custody and Access

Purpose

The Labour and Welfare Bureau (LWB) has launched a public consultation on the proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access (the Report) since 25 November 2015. This paper briefs Members on the proposed legislation and the support measures as set out in the consultation paper at [Annex](#).

Public Consultation on the Proposed Legislation and Support Measures

2. LWB conducted a public consultation on whether to implement the parental responsibility model (the Model) as recommended by the Law Reform Commission (LRC) on Custody and Access by legislative means from December 2011 to April 2012. During the period, LWB consulted this Panel on 9 January 2012, and listened to the views of deputations/individuals on 25 February 2012. LWB subsequently reported to this Panel on 8 July 2013 the results of the last public consultation and briefed Members on how to take LRC's recommendations forward. Noting that there were concerns on how the Model was to be implemented in practice, it was proposed that the Government should work out the legislative proposals and proposed support measures to show how the concerns would be addressed in practical terms. Upon working out the proposals, LWB would further engage the stakeholders and interested parties before embarking on legislation.

3. In consultation with the Department of Justice, the Home Affairs Bureau, the Social Welfare Department (SWD), the Judiciary and other relevant bureaux/departments, LWB has now prepared the draft Children Proceedings (Parental Responsibility) Bill (the draft Bill) to implement

LRC's recommendations by legislative means as appropriate. Meanwhile, a number of support measures to promote the concept of parental responsibility, as stated in the consultation paper, have been and will be implemented. For example, SWD has produced a set of handbooks on co-parenting issues, and is running on a trial basis a short psycho-educational programme to instil the concept of continuing parental responsibility in separated/divorced parents. SWD will also launch a pilot project on children contact service to facilitate the arrangement of children contact with separated/divorced parents.

4. LWB is inviting public views on the draft Bill and the support measures as set out in the consultation paper on or before 25 March 2016. During the four-month public consultation period, stakeholders and interested parties can send their views to LWB by post, by fax or by email. LWB will present the proposals to the relevant committees, including the Social Welfare Advisory Committee, Women's Commission and Family Council, and arrange discussion fora for different groups, including non-governmental organisations from the welfare sector and women's groups. The public engagement activities will be announced via LWB's website (www.lwb.gov.hk/parentalresponsibility_consult). LWB will revise its proposals in the light of the comments received during the public consultation period, as appropriate.

Advice Sought

5. Members are invited to note and comment on the proposals set out in the consultation paper.

Labour and Welfare Bureau
November 2015