

**QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF  
THE 1980 CONVENTION**

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1980 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

<b>Name of State or territorial unit:</b> <sup>1</sup>	Hong Kong Special Administration Region, People's Republic of China
<i>For follow-up purposes</i>	
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**PART I: RECENT DEVELOPMENTS<sup>2</sup>**

**1. Recent developments in your State**

1.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases of international child abduction. Where possible, please state the reason for the development in the legislation / rules, and, where possible, the results achieved in practice (e.g., reducing the time required to decide cases).

- No  
 Yes, please specify:

"We" in the following replies refers to the Central Authority of the Hong Kong Special Administrative Region of the People's Republic of China ("Hong Kong SAR")

The Child Abduction Legislation (Miscellaneous Amendments) Ordinance 2014 ("the Amendment Ordinance") came into operation on 5 April 2016 to combat international child abduction and to better implement the 1980 Convention. The Amendment Ordinance confers new powers to courts to make the following orders under the Child Abduction and Custody Ordinance (Cap. 512):

- Location Order (section 15 of Cap. 512);
- Mirror Order (section 16 of Cap. 512); and
- Recovery Order (section 17 of Cap. 512)

Location Order: for the disclosure of the whereabouts or other circumstances relevant to locating a child.

Mirror Order: for the prohibition of removal of a child from Hong Kong except to the child's habitual residence or other jurisdictions specified in an order made by a judicial or administrative authority of a Contracting State to the Convention.

Recovery Order: for the recovery and return of a child to a specified person.

<sup>1</sup> The term "State" in this Questionnaire includes a territorial unit, where relevant.

<sup>2</sup> This Part of the Questionnaire is intended to deal primarily with the developments in law and practice relating to international child abduction and international child protection which have occurred in your State since the Sixth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (1-10 June 2011 and 25-31 January 2012) (hereinafter "the 2011 / 2012 Special Commission"). However, if there are important matters which you consider should be raised from *prior to* the 2011 / 2012 Special Commission, please provide such information here.

1.2 Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1980 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities<sup>3</sup> in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and relevant regional instruments.

In the recent case of *M v E* [2015] HKFLR 337; [2015] HKCU 1247, the Hong Kong Court of Appeal held that:

In construing the term "rights of custody", it is the duty of the Court to construe the Convention broadly as an international agreement according to its general tenor and purpose, without attributing to any of its terms a specialist meaning which the word or words in question may have acquired under the domestic law of Hong Kong SAR.

The distinction between "rights of custody" and "access" must be kept in proper perspective because in situations where one parent has only the right of access to a child, if in fact he or she also has the right, not merely to be consulted but also to object to the removal of the children from the country of habitual residence, then that parent has the right of custody in the Convention sense. This is so even if this right is to support rights of access rather than to protect rights of custody.

For the details of this case, please refer to the judgment which may be found at:

[http://legalref.judiciary.gov.hk/lrs/common/search/search\\_result\\_detail\\_frame.jsp?DIS=98811&QS=%2B&TP=JU](http://legalref.judiciary.gov.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=98811&QS=%2B&TP=JU)

1.3 Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child abduction.

Please see reply to 1.1 above.

## 2. **Issues of compliance**

2.1 Are there any States Parties to the 1980 Convention with whom you are having particular challenges in achieving successful co-operation? Please specify the challenges you have encountered and, in particular, whether the problems appear to be systemic.

- No  
 Yes, please specify:

[Please insert text here](#)

2.2 Are you aware of situations / circumstances in which there has been avoidance / evasion of the 1980 Convention?

- No  
 Yes, please specify:

[Please insert text here](#)

<b>PART II: THE PRACTICAL OPERATION OF THE 1980 CONVENTION</b>
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## 3. **The role and functions of Central Authorities designated under the 1980 Convention**<sup>4</sup>

*In general*

3.1 Have any challenges arisen in practice in achieving effective communication or co-operation with other Central Authorities?

- No  
 Yes, please specify:

<sup>3</sup> The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1980 Convention. Whilst in the majority of States Parties such "authorities" will be courts (*i.e.*, judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

<sup>4</sup> See also Section 5 below on "Ensuring the safe return of children" which involves the role and functions of Central Authorities.

Please insert text here

3.2 Have any of the duties of Central Authorities, as set out in **Article 7** of the 1980 Convention, raised any particular problems in practice either in your State, or in States Parties with whom you have co-operated?

- No  
 Yes, please specify:  
 Please insert text here

3.3 Has your Central Authority encountered any challenges with the application of any of the 1980 Convention provisions? If so, please specify.

- No  
 Yes, please specify:  
 Please insert text here

#### *Legal aid and representation*

3.4 Do the measures your Central Authority takes to provide or facilitate the provision of legal aid, legal advice and representation in return proceedings under the 1980 Convention (**Art. 7(2)-(g)**) result in delays in proceedings either in your own State, or, where cases originate in your State, in any of the requested States you have dealt with?

- No  
 Yes, please specify:  
 Please insert text here

3.5 Are you aware of any other challenges in your State, or, where cases originate in your State, in any of the requested States you have dealt with, regarding the obtaining of legal aid, advice and / or representation for either left-behind parents or taking parents?<sup>5</sup>

- No  
 Yes, please specify:  
 Please insert text here

#### *Locating the child*

3.6 Has your Central Authority encountered any challenges with locating children in cases involving the 1980 Convention, either as a requesting or requested State?

- No  
 Yes, please specify the challenges encountered and what steps were taken or are considered to be taken to overcome these challenges:  
 Please insert text here

3.7 Has your Central Authority worked with any external agencies to discover the whereabouts of a child wrongfully removed to or retained within your State (e.g., the police, Interpol, private location services)?

- No  
 Yes, please share any good practice on this matter:

We work closely with the police, immigration and social welfare officers. Each of these agencies has established a contact point for the purpose of handling child abduction cases to facilitate efficient communication and coordination actions.

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<sup>5</sup> See paras 1.1.4 to 1.1.6 of the "Conclusions and Recommendations of the Fifth Meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the practical implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (30 October – 9 November 2006) (hereinafter referred to as the "[Conclusions and Recommendations of the 2006 Special Commission](#)") and paragraphs 32 to 34 of the [Conclusions and Recommendations of the Special Commission to review the operation of the Hague Convention of 19 October 1980 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children \(1-10 June 2011 and 25-31 January 2012\)](#) (hereinafter the "C&R of the 2011/2012 Special Commission") (available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under "Child Abduction Section" then "Special Commission meetings").

*Information exchange, training and networking of Central Authorities*

3.8 Has your Central Authority shared its expertise with another Central Authority or benefited from another Central Authority sharing its expertise with your Central Authority, in accordance with the Guide to Good Practice – Part I on Central Authority Practice?<sup>6</sup>

- No  
 Yes, please specify:

From time to time, we exchange information with other Central Authorities on domestic laws as well as practices relating to the operation of the Convention through case dealings and conferences.

3.9 Has your Central Authority organised or participated in any other networking initiatives between Central Authorities such as regional meetings via conference call or videoconference?

- No  
 Yes, please specify:

The Asia Pacific Regional Office of the Hague Conference on Private International Law was established in Hong Kong SAR in 2012. Through this Regional Office, Hong Kong SAR organised and participated in regional meetings, conferences and seminars held in Hong Kong and in places in the Asia Pacific Region.

*Statistics<sup>7</sup>*

3.10 If your Central Authority does not submit statistics through the web-based INCASTAT database, please explain why.

We submit statistics through the web-based INCASTAT on a regular basis.

*Prompt handling of cases*

3.11 Does your Central Authority have mechanisms in place to ensure the prompt handling of cases?

- No  
 Yes, please specify:

Return applications are usually handled by two case counsels to ensure that the applications are dealt with expeditiously. When a return proceeding is commenced, a short return date is usually sought from the court to make sure that the proceeding is adhered to the 6-week time frame as far as possible. Case counsels will continue to observe the development of the case even though the applicant or his lawyer has taken over the proceedings so that assistance can be rendered immediately to the court and the parties concerned whenever required.

3.12 If your Central Authority is experiencing delays in handling cases please specify the main reasons for these delays:

We have not experienced any delay in handling cases.

**4. Court proceedings & promptness**

4.1 Has your State limited the number of judicial or administrative authorities who can hear return applications under the 1980 Convention (*i.e.*, concentration of jurisdiction)?<sup>8</sup>

- Yes  
 No, please indicate if such arrangements are being contemplated:

<sup>6</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice". See, in particular, Chapter 6.5 on twinning arrangements.

<sup>7</sup> See paras 1.1.16 to 1.1.21 of the Conclusions and Recommendations of the 2006 Special Commission (*supra*. note 5).

<sup>8</sup> See, *The Judges' Newsletter* on International Child Protection – [Vol. XX / Summer-Autumn 2013](#) the special focus of which was "Concentration of jurisdiction under the *Hague Convention of 25 October 1980 on the civil aspects of International Child Abduction* and other international child protection instruments".

Please insert text here

4.2 Does your State have mechanisms in place to handle return decisions within six weeks (e.g., production of summary evidence, limitation of appeals, swift enforcement)?

- No  
 Yes, please explain:

Return proceedings are governed by the Rules of the High Court which provide, inter alia, for the exchange of affidavit evidence only and within stipulated time limits. Oral evidence is generally not allowed and if allowed, it is at the discretion of the judge on a case by case basis and in exceptional circumstances. In addition, strict timeframes are set by judges during the course of the proceedings to ensure that the applications are expeditiously dealt with and a decision be reached within the 6-week period and if not practicable within the shortest possible period.

4.3 If your response to the previous question is No, does your State contemplate implementing mechanisms to meet the requirement of prompt return under the 1980 Convention (e.g., procedures, bench-books, guidelines, protocols)?

- No, please explain:  
Please insert text here  
 Yes, please explain:  
Please insert text here

4.4 If your State is experiencing delays in handling return decisions please specify the main reasons for these delays:

We have not experienced any delays in handling return decisions.

4.5 Do your courts regularly order immediate protective measures when initiating the return procedure, so as to prevent a new removal and minimize the harm to the child (e.g., prohibit removal of the child from the jurisdiction, retain documentation, grant provisional access rights to the left-behind parent)?

- No, please explain:  
Please insert text here  
 Yes, please explain:

The court usually makes an order to prohibit the removal of the child from the jurisdiction of Hong Kong SAR once a return proceeding is commenced. The court order will also request the abducting parent to deliver the travel documents of the child to the court for safe keeping pending resolution of the proceeding.

4.6 Do your courts make use of direct judicial communications to ensure prompt proceedings?

- Yes  
 No, please explain:  
Please insert text here

4.7 If your State has not designated a sitting judge to the International Hague Network of Judges does your State intend to do so in the near future?

- Yes  
 No, please explain:  
Please insert text here

4.8 Please comment upon any cases (whether your State was the requesting or requested State), in which the judge (or decision-maker) has, before determining an application for return, communicated with a judge or other authority in the requesting State regarding the issue of the child's safe return. What was the specific purpose of the communication? What was the outcome?

We are not aware of any such case.

## 5. **Ensuring the safe return of children**<sup>9</sup>

*Methods for ensuring the safe return of children*<sup>10</sup>

5.1 What measures has your Central Authority taken to ensure that the recommendations of the 2006 and 2011 / 2012 Special Commission meetings<sup>11</sup> regarding the safe return of children are implemented?

Protective measures in the form of conditions and undertakings are incorporated in the return order to safeguard the welfare/interests of the child upon his return and until the intervention of the court in the requesting State. Maintain close liaison with the requesting Central Authority to ensure that the protective measures are duly complied with and, if possible, ensure that a mirror order is in place before the child's return. Secure information from the requesting Central Authority concerning services and facilities available in the requesting State to safeguard the child (and the taking parent where appropriate) and ensure that the taking parent who wishes to return with the child is provided with such information.

5.2 In particular, in a case where the safety of a child is in issue and where a return order has been made in your State, how does your Central Authority ensure that the appropriate child protection bodies in the *requesting* State are alerted so that they may act to protect the welfare of a child upon return (until the appropriate court in the requesting State has been effectively seised)?

We will request the requesting Central Authority to alert the appropriate protection agencies in the requesting State to ensure that protective measures and services necessary for the safe return of the child are in place before the child's return. We will continue to maintain close liaison with the requesting Central Authority to monitor that any conditions or undertakings embodied in the return order for the protection of the child's welfare are duly observed until legal proceedings in the Requesting State are on foot.

5.3 Where there are concerns in the requested State regarding possible risks for a child following a return, what conditions or requirements can the relevant authority in your State put in place to minimise or eliminate those concerns?

In case where there are concerns regarding possible risks to a child following his return to Hong Kong SAR, we are prepared to apply to court for a mirror order embodying the protective measures taken on a provisional basis in the requested State. We will serve the order on the protective bodies including the police and the social welfare agencies and maintain close contact with them to ensure that the child is well taken care of upon return and the protective measures/conditions put in place are implemented and adhered to. Domestic proceedings e.g. wardship proceedings, to enhance the protection of the child's welfare will be resorted to, if necessary, by the appropriate authority after the child's return.

*Use of the 1996 Convention to ensure a safe return*

5.4 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for urgent protective measures associated with return orders (**Arts 7 and 11**), in providing for their recognition by operation of law (**Art. 23**), and in communicating information relevant to the protection of the child (**Art. 34**)?

- No  
 Yes, please explain:  
[Please insert text here](#)

<sup>9</sup> See **Art. 7(2) h)** of the 1980 Convention.

<sup>10</sup> Where relevant, please make reference to the use of undertakings, mirror orders and safe harbour orders and other such measures in your State.

<sup>11</sup> See the [Conclusions and Recommendations](#) of the Special Commission of 2006 (*supra.* note 5) at paras 1.1.12 and 1.8.1 to 1.8.2 and 1.8.4 to 1.8.5 and the Appendix to the Conclusions and Recommendations and the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra.* note 5).at paras 39-43.

*Protection of primary carer*

5.5 Are you aware of cases in your State where a primary carer taking parent, for reasons of personal security (e.g., domestic or family violence, intimidation, harassment, etc.) or others, has refused or has not been in a position to return with the child to the requesting State? How are such cases dealt with in your State? Please explain and provide case examples where possible.

We are not aware of any such cases.

5.6 In particular, would your authorities consider putting in place measures to protect the primary carer upon return in the requesting State as a mean to secure the safe return of the child? Please explain and provide case examples where possible.

We will relay the concern of the primary carer to the Central Authority of the requesting State with a view to finding a solution to ensure the primary carer can return safely with the child. For example, we may explore with the Central Authority of the requesting State if separate accomodation for the abducting parent and the child can be provided upon their return and what other safety measures can be in place before the return. We may also suggest the left behind parent to withdraw any criminal charge/complaint that he/she has filed against the abducting parent in the requesting State.

*Post-return information*

5.7 In cases where measures are put in place in your State to ensure the safety of a child upon return, does your State (through the Central Authority, or otherwise) attempt to monitor the effectiveness of those measures upon the child's return? Would you support a recommendation that States Parties should co-operate to provide each other with follow-up information on such matters, insofar as is possible?

Close contacts are maintained with the requesting Central Authority to monitor the effectiveness and implementation of those interim protective measures embodied in the return order upon the child's return. We fully support the recommendation that States Parties should co-operate to provide each other with follow-up information on the enforcement of protective measures, insofar as is possible.

5.8 If your State is not Party to the 1996 Convention, is consideration being given to the possible advantages of the 1996 Convention in providing a jurisdictional basis for requesting a report on the situation of the child upon return to the State of habitual residence (**Art. 32-(a)**)?

- No  
 Yes, please explain:

It is good practice to liaise closely with the Central Authority of the habitual residence to monitor the situation of the child upon return.

**6. Voluntary agreements and mediation**

6.1 How does your Central Authority (either directly or through any intermediary) take, or is it considering taking, appropriate steps under **Article 7-(c)** to secure the voluntary return of the child or to bring about an amicable resolution of the issues? Please explain:

We will meet with/write to the abducting parent to persuade him/her to return the child voluntarily. In particular, we will explain clearly to him/her that the return of the child does not mean the granting of rights of custody to the left behind parent and that the issues concerning such rights and the welfare of the child will have to be decided by the courts of the habitual residence. We will also encourage the parties to communicate with each other directly to resolve the disputes among themselves and remind them of the advserse impact of court proceedings on the child.

6.2 In what ways have you used the "Guide to Good Practice on Mediation"<sup>12</sup> for the purpose of implementing the 1980 Convention in your State? Please explain:

We will refer the parties to non-governmental organisations which provide mediation services if the parties wish to undertake mediation.

6.3 Has your State considered or is it in the process of considering the establishment of a Central Contact Point for international family mediation to facilitate access to information on available mediation services and related issues for cross-border family disputes involving children, or has this task been entrusted to the Central Authority?<sup>13</sup>

No, please explain:

Due to the limited number of cases, it is considered not cost effective. The present available facilities are considered sufficient to serve the purpose.

Yes, please explain:  
Please insert text here

## 7. Preventive measures

7.1 Has your State taken steps to advance the development of a travel form under the auspices of the International Civil Aviation Organisation?<sup>14</sup>

No  
 Yes, please describe:  
Please insert text here

7.2 Regardless of whether the International Civil Aviation Organisation adds the development of a travel form to its work programme, would your State support the development of a non-mandatory model travel form under the auspices of the Hague Conference?

Yes  
 No, please explain:  
Please insert text here

## 8. The Guide to Good Practice under the 1980 Convention

8.1 In what ways have you used the Parts of the Guide to Good Practice<sup>15</sup> to assist in implementing for the first time, or improving the practical operation of, the 1980 Convention in your State?

a. Part I on Central Authority Practice. Please explain:

We have used the Guide to Good Practice as reference in improving the implementation and operation of the Convention and as the basis for the preparation of the Office Practice Manual. The Guide also serves as reference in our making of policy and practical decisions relating to the implementation of the Convention. The Guide provides useful practical guidance to the relevant authorities which play a part in the operation of the Convention.

b. Part II on Implementing Measures. Please explain:

see (a) above.

c. Part III on Preventive Measures. Please explain:

<sup>12</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

<sup>13</sup> As it has been encouraged in the Guide to Good Practice on Mediation, Chapter 4, on "Access to Mediation". par. 114-117. See also Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 61.

<sup>14</sup> See the Conclusions and Recommendations of the 2011 / 2012 Special Commission (*supra*. note 5) at par. 92.

<sup>15</sup> All Parts of the Guide to Good Practice under the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

see (a) above.

- d. Part IV on Enforcement. Please explain:

see (a) above.

8.2 How have you ensured that the relevant authorities in your State have been made aware of, and have had access to, the Guide to Good Practice?

The relevant authorities in our jurisdiction are well aware of and have access to the Guide to Good Practice posted in HCCH's websites. Their attention is also drawn to the relevant parts when seminars/lectures are conducted for them.

8.3 Do you have any other comments about any Part of the Guide to Good Practice?

We do not have any other comments about any Part of the Guide to Good Practice.

## 9. **Publicity and debate concerning the 1980 Convention**

9.1 Has the 1980 Convention given rise to (a) any publicity (positive or negative) in your State, or (b) any debate or discussion in your national parliament or its equivalent?

No

Yes, please indicate the outcome of this debate or discussion, if any:

Please insert text here

9.2 By what methods does your State disseminate information to the public about the 1980 Convention?

Through talks and seminars given to the public, e.g. to the university students. Also the information about the Convention can be found in our website: <http://www.doj.gov.hk/childabduct/index.html>

<b>PART IV: TRANSFRONTIER ACCESS / CONTACT AND INTERNATIONAL FAMILY RELOCATION</b>
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## 10. **Transfrontier access / contact**<sup>16</sup>

10.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding Central Authority practices, legislation, procedural rules or case law applicable in cases of transfrontier contact / access?

No

Yes, please explain:

Please insert text here

10.2 Please indicate any important developments in your State, since the 2011 / 2012 Special Commission, in the interpretation of **Article 21** of the 1980 Convention.

There has not been any important developments in the the interpretation of Article 21 of the Convention.

10.3 What problems have you experienced, if any, as regards co-operation with other States in respect of:

- a. the granting or maintaining of access rights;

We have not experienced any problems.

- b. the effective exercise of rights of access; and

<sup>16</sup> See the [Conclusions and Recommendations](#) of the 2006 Special Commission (*supra.* note 5) at paras 1.7.1 to 1.7.3.

We have not experienced any problems.

- c. the restriction or termination of access rights.

We have not experienced any problems.

Please provide case examples where possible.

Not applicable.

10.4 In what ways have you used the "General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children"<sup>17</sup> to assist in transfrontier contact / access cases in your State? Can you suggest any further principles of good practice?

We have used the particular General Principles and Guide to Good Practice as reference in improving the implementation and operation of the Convention with regard to contact/access cases. We have only very few cases on contact/access.

### **11. International family relocation**<sup>18</sup>

11.1 Since the 2011 / 2012 Special Commission, have there been any significant developments in your State regarding the legislation, procedural rules or case law applicable to international family relocation? Where possible, please explain these developments in the legislation, procedural rules or case law:

There is no significant development in this aspect.

## **PART V: NON-CONVENTION CASES AND NON-CONVENTION STATES**

### **12. Non-Convention cases and non-Convention States**

12.1 Are there any States that you would particularly like to see become a State Party to the 1980 Convention? If so, what steps would you suggest could be taken to promote the Convention and encourage ratification of, or accession to, the Convention in those States? Please explain:

We have no particular recommendations at this stage.

12.2 Are there any States which are not Parties to the 1980 Convention or not Members of the Hague Conference that you would like to see invited to the Special Commission meeting in 2017?

We have no particular recommendations at this stage.

*The "Malta Process"*<sup>19</sup>

<sup>17</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".

<sup>18</sup> See the Conclusions and Recommendations of the 2006 Special Commission meeting at paras 1.7.4 to 1.7.5:  
 "1.7.4 The Special Commission concludes that parents, before they move with their children from one country to another, should be encouraged not to take unilateral action by unlawfully removing a child but to make appropriate arrangements for access and contact preferably by agreement, particularly where one parent intends to remain behind after the move.  
 1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

1.7.5 The Special Commission encourages all attempts to seek to resolve differences among the legal systems so as to arrive as far as possible at a common approach and common standards as regards relocation."

<sup>19</sup> The "Malta Process" is a dialogue between certain States Parties to the 1980 and 1996 Conventions and certain States which are not Parties to either Convention, with a view to securing better protection for cross-border rights of contact of parents and their children and addressing the problems posed by international abduction between the States concerned. For further information see the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "Judicial Seminars on the International Protection of Children".

12.2 In relation to the “Malta Process”:

- a. Do you have any comment to make on the “Principles for the Establishment of Mediation Structures in the context of the Malta Process” and the accompanying Explanatory Memorandum?<sup>20</sup>

[We do not have any comments.](#)

- b. Have any steps been taken towards the implementation of the Malta Principles in your State and the designation of a Central Contact Point, in order to better address cross-border family disputes over children involving States that are not a Party to the 1980 and 1996 Hague Conventions?

- No  
 Yes, please explain:

[Please insert text here](#)

- c. What is your view as to the future of the “Malta Process”?

[We have no comments.](#)

<p><b>PART VI: TRAINING AND EDUCATION AND THE TOOLS, SERVICES AND SUPPORT PROVIDED BY THE PERMANENT BUREAU</b></p>
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### **13. Training and education**

13.1 Can you give details of any training sessions / conferences organised in your State to support the effective functioning of the 1980 Convention, and the influence that such sessions / conferences have had?

[Seminars are provided by the Central Authority to the relevant authorities within the government, such as the Social Welfare Department and the Police Force. Institutions responsible for the continuing legal education would organize training sessions/seminars on this subject from time to time and one of those judges responsible for handling convention cases would normally be invited to be the speaker. These training sessions are well received by attendees which raise their awareness as well as update their knowledge on the operation of the Convention. Also, the Asia Pacific Regional Office of the Hague Conference on Private International Law was established in Hong Kong SAR in November 2012. Since then, it has organised regular conferences/seminars in the Hong Kong SAR of PRC and other countries within the Region to promote the awareness and operation of the Convention.](#)

### **14. The tools, services and support provided by the Permanent Bureau**

*In general*

14.1 Please comment or state your reflections on the specific tools, services and support provided by the Permanent Bureau to assist with the practical operation of the 1980 and 1996 Conventions, including:

- a. The Country Profile available under the Child Abduction Section.

[It assists States Parties to have basic understanding of the operation of the Convention in other States Parties.](#)

- b. INCADAT (the international child abduction database, available at < [www.incadat.com](http://www.incadat.com) >).

<sup>20</sup> The Principles and Explanatory Memorandum were circulated to all Hague Conference Member States and all States participating in the Malta Process in November 2010. They are available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under “Child Abduction Section” then “Judicial Seminars on the International Protection of Children”.

It provides very useful reference and is very user friendly

- c. *The Judges' Newsletter* on International Child Protection - the publication of the Hague Conference on Private International Law which is available online for free;<sup>21</sup>

It provides very useful reference.

- d. The specialised "Child Abduction Section" of the Hague Conference website (< www.hcch.net >);

It provides very useful reference.

- e. INCASTAT (the database for the electronic collection and analysis of statistics on the 1980 Convention);<sup>22</sup>

It provides very useful reference.

- f. Providing technical assistance and training to States Parties regarding the practical operation of the 1980 and 1996 Conventions.<sup>23</sup> Such technical assistance and training may involve persons visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences;

We very much appreciate the Permanent Bureau's efforts in organising seminars, conferences and special meetings to promote judicial and administrative co-operation as well as providing support in maintaining relevant materials and updated information in its website for the effective operation of the Convention by the Central Authorities.

- g. Encouraging wider ratification of, or accession to, the Convention(s), including educating those unfamiliar with the Convention(s);<sup>24</sup>

It ensures the effective operation of the Convention on a wide basis.

- h. Supporting communications between Central Authorities, including maintaining their contact details updated on the HCCH website;

It is important to have such support in order to maintain the effectiveness and efficiency in the implementation of the Convention.

- i. Supporting communications among Hague Network Judges and between Hague Network Judges and Central Authorities, including maintaining a confidential database of up-to-date contact details of Hague Network Judges

It is important to have such support in order to maintain the effectiveness and efficiency in the implementation of the Convention.

#### Other

#### 14.2 What other measures or mechanisms would you recommend:

- a. To improve the monitoring of the operation of the Conventions;

<sup>21</sup> Available on the Hague Conference website at < www.hcch.net > under "Child Abduction Section" and "Judges' Newsletter on International Child Protection". For some volumes of *The Judges' Newsletter*, it is possible to download individual articles as required.

<sup>22</sup> Further information is available via the Hague Conference website at < www.hcch.net > under "Child Abduction Section" then "INCASTAT".

<sup>23</sup> Such technical assistance may be provided to judges, Central Authority personnel and / or other professionals involved with the practical operation of the Convention(s).

<sup>24</sup> Which again may involve State delegates and others visiting the Permanent Bureau or, alternatively, may involve the Permanent Bureau organising, or providing assistance with organising, national and international judicial and other seminars and conferences concerning the Convention(s) and participating in such conferences.

Setting up an independent office competent to review the practical operation of the Convention and to deal with reports of suspected serious violations of Convention obligations may be considered as necessary.

- b. To assist States in meeting their Convention obligations; and

Facilitating regular meetings of Central Authorities through seminars and conferences for sharing views and discussing problems relating to operation.

- c. To evaluate whether serious violations of Convention obligations have occurred?  
same as a.

<p style="text-align: center;"><b>PART VII: PRIORITIES AND RECOMMENDATIONS FOR THE SPECIAL COMMISSION AND ANY OTHER MATTERS</b></p>
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**15. Views on priorities and recommendations for the Special Commission**

15.1 Which matters does your State think ought to be accorded particular priority on the agenda for the Special Commission? Please provide a brief explanation supporting your response.

We do not have any comments.

15.2 States are invited to make proposals concerning any particular recommendations they think ought to be made by the Special Commission.

We have no particular suggestion at the moment.

**16. Any other matters**

16.1 States are invited to comment on any other matters which they may wish to raise concerning the practical operation of the 1980 Convention.

We do not have any comments at this stage.