

立法會
Legislative Council

LC Paper No. CB(2)1865/08-09
(These minutes have been
seen by the Administration)

Ref : CB2/PL/WS

Panel on Welfare Services

**Minutes of special meeting
held on Saturday, 10 January 2009, at 9:00 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon Albert CHAN Wai-yip (Chairman)
Hon CHEUNG Kwok-che (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon Paul CHAN Mo-po, MH, JP
Hon WONG Sing-chi
- Member absent** : Hong WONG Kwok-kin, BBS
- Members attending** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon WONG Ting-kwong, BBS
Hon Cyd HO Sau-lan
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Kwok-him, GBS, JP

Public Officers attending : Mr Matthew CHEUNG Kin-chung, GBS, JP
Secretary for Labour and Welfare

Miss Eliza LEE
Deputy Secretary for Labour and Welfare (Welfare) 1

Miss Hinny LAM
Principal Assistant Secretary for Labour and Welfare
(Welfare) 2

Ms Zandra MOK
Political Assistant to Secretary for Labour and Welfare

Ms Winnie LEUNG
Assistant Secretary for Labour and Welfare (Welfare) 2A

Ms PANG Kit-ling
Acting Assistant Director of Social Welfare
(Family and Child Welfare)

Deputations by invitation : Session one

The Against Elderly Abuse of Hong Kong

Mr FOO Wai-lok
Principal Consultant (Elderly Services)

Hong Kong Chinese Civil Servants' Association, Social
Work Officers Grade Branch

Mr LEUNG Kin-hung
Chairman

Hong Kong Sex Culture Society

Mr Matthew MAK
Project Director

Parents for the Family Association

Mr LAI Ho-wah
Chairman

Evangelical Free Church of China, Yan Fook Church

Mr SO Wing-chi
Senior Pastor

Hong Kong Parents Voice

Mr TUNG Kok-leung
Organizer

The Association for the Advancement of Feminism

Ms AU Mei-po
Organizer

Education Convergence

Mr HO Hon-kuen
Vice President

Tai Wai Pastor Fellowship

Mr TANG Chung-ming
Co-ordinator

Bible Seminary of Hong Kong

Mr LAM Chi-keung
Student

Amnesty International (Hong Kong)

Ms Clara LAW

Jabbok Charitable Foundation Limited

Mr YIP Bing-chiu
Chairman

Women Coalition of HKSAR

Miss Connie CHAN
Spokeperson

Hong Kong Women Workers' Association

Ms WU Mei-lin
Coordinator

The Hong Kong Chinese Christian Churches Union

Mr CHAN Cheung-fu
Executive Secretary

Rainbow Action

Mr Noel CHEN
Executive Committee

Hong Kong Ten Percent Club

Mr Joseph CHO Man-kit
Vice-President

北角炮台山家庭關注組

Mr CHAN Ka-ming
Convenor

Phenomenon Speculation

Mr Wayne
Associate Committee

Hong Kong Association for the Survivors of Women Abuse
(Kwan Fook)

Ms LIU Ngan-fung
Chairperson

The Society for Truth and Light

Mr CHOI Chi-sum
General Secretary

Catholic Diocese of Hong Kong

Rev. Lawrence LEE
Chancellor

Harmony House

Ms Michelle LEE
Social Worker

小石頭聯盟

Ms Henan YANG

Family Safeguard

Mrs KWAN Kwai-fong
Secretary

中女社 —— 土瓜灣區

Ms Maisie YU
Representative

The Conference of Mennonite Churches in Hong Kong

Mr CHOI Wing-kau
Pastor

Agape Mennonite Church

Mr LEUNG Tak-kwan
Group Leader

Hong Kong Christian Institute

Ms WONG Mei-fung
Project Secretary

Hong Kong Human Rights Monitor

Ms Linda WONG
Vice-chairperson

Association for the Promotion of Family Values

Ms Laura CHAN
Secretary

Concerned Parents for Culture and Decency

Ms Betty SHEK Wing-yee
Secretary

Parents' Concern Group of the Kowloon City

Mr SO Wing-chiu
Convener

Society for the Promotion of Family Ethics

Ms CHAN Mei-ping
Convener

Holy Net for Youth

Miss Sarah KWONG Wai-man
Chairman

Assemblies of God West Point Church

Rev. Sam S S CHUNG
Senior Pastor

Child Protection New Force

Ms Fontaine CHOW
Spokesperson

Spiritual Seekers Society

Miss Medeleine MOK
Vice-President

Department of Religion and Philosophy, Baptist University

Dr KWAN Kai-man
Associate Professor

Session two

Sham Shui Po Concern Group

Ms WONG Yan-chun
Secretary

Concerned Parents for Social Morality

Ms AU Yim-ling
Secretary

Society for the Protection of Family Rights

Ms LAW Wai-ling
Secretary

Teachers' Concern Group

Mr WAN Wing-kan
Convenor

彩虹約定聯盟會

Miss Vicky KAN
Student

Civil Human Rights Front

Ms YEO Wai-wai
Member

AIDS Concern

Mr LEE Ting-yu
Prevention Officer

Youth/Children Development Concern Group

Miss LAU Wai-man

Hong Kong Professionals and Senior Executives
Association

Mr Samuel YUNG Wing-ki
Founding President

Chastity Youth Network

Mr Michael C K CHEUNG

International Association of Registered Financial
Consultants Hong Kong and Macau Centre

Mr Hugo CHAN Sai-keung
Chair

Diocesan Pastoral Commission for Marriage and the Family

Mr TSE Yau-hung
Family Pastoral Officer

Rainbow of Hong Kong

Mr SHAM Tsz-kit
Administrative Assistant

Elements

Mr YIU Kai-lok

Full Gospel Business Men's Fellowship International (Hong
Kong)

Mr Robert TSOI
National President

Bodily & Spiritual Health Society

Mr POON Kam-keung
Committee Member

Federation of Parent-Teacher Associations of Yau Tsim and
Mong Kok Districts Limited

Mrs Leticia LAU LEE See-yin
President

Christian Fellowship of Alice Ho Miu Ling Nethersole
Hospital

Mr Tony MA Kwok-fai
Doctor

Association Concerning Sexual Violence Against Women

Ms Linda WONG Sau-yung
Executive Director

Hong Kong Lesbian and Gay Social Workers Network

Ms TSANG Lok-yan

Hong Kong Fans Club

Miss LAW Man-yin
Secretary

The Balance of Human Rights Watch

Mr FONG Chi-shing
Chairman

Harmony Foundation International Ltd.

Mr LAW Wing-tak
Director and Secretary

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in Attendance : Miss Florence WONG
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

Miss Lulu YEUNG
Clerical Assistant (2) 3

Action

Action

I. Proposed amendments to the Domestic Violence Ordinance

[LC Paper Nos. CB(2)2289/07-08, CB(2)341/08-09(03) to (04), CB(2)498/08-09(01) to (02), CB(2)530/08-09(01) to (07), CB(2)549/08-09(01) to (48), CB(2)559/08-09(01) to (40), CB(2)616/08-09(01) to (05) and CB(2)624/08-09(01) to (108)]

The Chairman informed the meeting that a great number of deputations had requested to give views on the proposed amendments to the Domestic Violence Ordinance (Cap. 189) (DVO). Owing to the administrative arrangements, only representatives of organisations were invited to the meeting and those who requested to attend the meeting after the deadline of 29 December 2008 could not be acceded to. He sought members' views on whether another special meeting should be held to receive views from deputations and individuals on the subject.

2. Members agreed to hold another special meeting on 23 January 2009 to further receive views from deputations and individuals on the proposed amendments to DVO. An invitation of public views would be posted on the website of the Legislative Council.

Meeting with the Administration

3. At the Chairman's invitation, Secretary for Labour and Welfare (SLW) briefed members on the background of and the policy considerations underpinning the Administration's proposal to extend the scope of DVO from covering only heterosexual cohabitation relationship to include also same-sex cohabitation relationship. SLW explained that the intimate relationship between same-sex cohabitants might also entail similar special power interface, dynamics and risk factors as in the relationship between heterosexual cohabitants, which rendered the victims reluctant to report to the Police the abusers' acts of violence and to seek redress under the criminal legislative framework. Noting that violent incidents could quickly escalate into life-threatening situations or even fatality, the Administration agreed that, while upholding its policy stance of not recognising any same-sex relationship as a matter of legal status, exceptional consideration could be given to extending the scope of the DVO from heterosexual cohabitants to also persons in same-sex cohabitation relationship. During the scrutiny of the Domestic Violence (Amendment) Bill 2007 (the 2007 Bill), the proposal was unanimously supported by the Bills Committee Members from various political parties, and Members had also urged the Administration to undertake to introduce the legislative amendments into LegCo as soon as practicable. SLW said that in moving the resumption of the Second Reading debate on the 2007 Bill at the Council meeting on 18 June 2008, he had accordingly undertaken to further amend DVO in the 2008-2009 session to extend the scope of DVO to include same sex cohabitation in response to the request of the Bills Committee on the 2007 Bill. SLW added that in extending

Action

the scope of the DVO under the 2007 Bill to cover former spouses, former heterosexual cohabitants and other immediate and extended familial relationships, the "living-with" requirement originally provided for under the DVO had already been removed. Accordingly, the only eligibility criterion for protection under the DVO would be the spousal, intimate or familial "relationship" between the victim and the abuser as specified in the legislation. Whether the victim was living with the abuser under the same roof would not be a factor in deciding the entitlement of protection under the DVO.

4. Noting that there was misconception among the public on the proposed amendments to DVO, SLW said that the Administration attached great importance to traditional family values and the proposed amendments were only introduced in response to the distinct and unique context of domestic violence, and this exceptional treatment was applicable only to the policy area of combating domestic violence. SLW pointed out that in Hong Kong, a marriage contracted under the Marriage Ordinance (Cap. 181) was, in law, the voluntary union for life of one man and one woman to the exclusion of all others. The law, which reflected the Administration's policy stance, did not recognise same-sex marriage, civil partnership or any same-sex relationship. SLW stressed that it remained the Administration's clear policy not to recognise same-sex relationship as a matter of legal status. The proposed amendments were only relevant to DVO and the policy area of combating domestic violence and did not affect other existing legislation.

Meeting with deputations

5. The Chairman said that since over 60 deputations would present their views, the meeting would be divided into two sessions.

Session one

6. At the invitation of the Chairman, 39 deputations attending session one presented their views on the proposed amendments to DVO. A summary of the deputations' views is in the **Appendix**.

7. Noting that many deputations expressed concern that the proposed amendments to DVO might become a green light for the recognition of same-sex marriage, Mr Albert HO invited deputations' views as to whether they would support the proposal if the legislative intent was clearly spelt out in the bill, i.e. it merely sought to provide victims of domestic violence, including same-sex cohabitants. Mr LAI Ho-wah of Parents for the Family Association responded that the Association did not object in principle to the proposal of protecting same-sex cohabitants in the unique context of domestic violence. However, he considered it prudent to state its position after having a sight of and seeking legal opinion on the drafting of the legislative proposal. Mr HO Hon-kuen of the

Action

Education Convergence held the view that family values should by no means be distorted although he agreed that everyone should be protected from acts of violence. He considered that the title of DVO should be renamed as 《同住暴力條例》 to give effect to the legislative proposal.

8. While recognising the importance of preserving the traditional and core family values, Mr LEE Cheuk-yan considered that the public might be over-worried about the impact of the legislative proposal on family values. He pointed out that the coverage of DVO already included heterosexual cohabitation relationship. There was no evidence that the Ordinance had encouraged cohabitation or extra-marital relationships since its enactment in 1986. In his view, the inclusion of same-sex cohabitants under the protection of DVO would have no bearing on encouraging same-sex relationship. Dr KWAN Kai-man of Department of Religion and Philosophy, Baptist University disagreed with Mr LEE's remarks that they were over-worried.

9. In response to Mr Ronny TONG and Mr LEUNG Yiu-chung, Rev. Lawrence LEE of the Catholic Diocese of Hong Kong (CDHK) said that CDHK would not oppose the proposed amendments, irrespective of whether being effected by means of amending DVO or introducing a separate ordinance, if both the title and content of the legislation would not give rise to any confusion or misunderstanding on the core values and concepts of family and marriage. As far as the current proposed amendments were concerned, it opposed the inclusion of same-sex cohabitants under DVO as the title and content of the Ordinance in the present form would create confusion among the public on the concept of family.

10. Mrs Sophie LEUNG recalled that the Women's Commission had deliberated on the legislative proposal. Noting the concern about the proposal would move a step towards recognising same-sex relationship as a matter of legal status, Mrs LEUNG said that to her understanding, the policy intent was only relevant to DVO and the policy area of combating domestic violence.

11. Ms LIU Ngan-fung of Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) said that the contention could be put to an end if the scope of DVO was expanded to cover all intimate relationships between the abusers and the victims. She considered that the proposal should not be effected by renaming the title of DVO to 《家居暴力條例》 as it would exclude former spouses or former cohabitants from the protection of the Ordinance. Moreover, it would unduly delay the introduction of the legislative proposal.

12. At the invitation of Mr Paul CHAN, Rev. SO Wing-chi of the Evangelical Free Church of China, Yan Fook Church said that the proposed amendments should not only seek to extend the scope of DVO to cover persons in a specific relationship, as the protection from domestic violence should be applicable to all

Action

categories of persons. In his view, moral standards should be included as a factor to consider in the law-making process. The legislation per se should not encourage same-sex relationship which was not conducive to the healthy development of the society.

13. In the light of the grave concern expressed by the deputations, Ms Emily LAU held a strong view that the Administration should provide the public with the draft wording of the proposed amendments for further discussion. In the absence of the draft wording, it was difficult, if not impossible, for the public to decide on whether the proposed amendments were acceptable. SLW advised that the drafting work of the legislative proposal was underway. In line with the usual practice, the Administration would incorporate members' views as far as practicable in drafting the legislative proposal after consulting the Panel on the policy aspect of proposal.

14. Ms Priscilla LEUNG was concerned that the proposed amendments to extend the scope of DVO to cover same-sex cohabitants would inevitably affect the meaning of "marriage", "matrimonial home" and "spouse", etc. and other provisions in the Ordinance. She pointed out that judicial review on the legal status of same-sex relationship had been carried out in some overseas jurisdictions, and thereby the complexity and implications of the issue should not be overlooked.

15. Miss Connie CHAN of Women Coalition of HKSAR strongly disagreed with Ms LEUNG's concerns as the proposed amendments merely sought to enable same-sex cohabitants to apply under DVO to the court for an injunction order against molestation by their cohabiting partners.

[The meeting was suspended for a 10-minute break and resumed at 11:10 am.]

Session two

[At the suggestion of the Chairman, members agreed to extend the meeting to 12:30 pm.]

16. At the invitation of the Chairman, 23 deputations attending session two presented their views on the proposed amendments to DVO. A summary of the views is in the **Appendix**.

Discussions

17. Noting that most deputations had stated that they did not oppose to enhance protection to same-sex cohabitants from acts of domestic violence, Ms Priscilla LEUNG reiterated that consideration could be given to renaming the title of DVO to "Domicile Violence Ordinance" such that it would not confuse

Action

with the concept of family or delay the legislation process. Ms LEUNG said that the proposal to extend the scope of DVO to cover same-sex cohabitants had given rise to concerns and argument about the definition of "marriage". In her view, the proposed amendments should under no circumstances give rise to legal challenge of the definition of "marriage" in the Marriage Ordinance. She added that abused elderly cases were not uncommon among elders lived together, and hence they should also be protected from acts of violence as well.

18. Mr WONG Sing-chi said that he did not object to extending the protection under DVO to same-sex cohabitants. However, he could not agree that Members should pass a piece of legislation on the ground that the proposal was supported by Members of the last term, and therefore it was unnecessary to re-open the proposal for discussion. In his view, the proposed amendments to DVO should not undermine the core values of family and marriage. Pointing out that there were no divergent views among deputations over the need to enhance protection from the threat of domestic violence acts, the legislative proposal could be effected expeditiously by amending the title and some relevant provisions of DVO. He urged the Administration to expedite the legislative process to extend coverage to same-sex cohabitants.

19. Mr Ronny TONG said that DVO was tailored to deal with acts of domestic violence which occurred between persons in intimate relationship, but was not necessarily in cohabitant relationship. He noted with concern that the discussion so far had been sidetracked to the meaning of marriage, family values, religious and moral standards. He pointed out that the 2007 Bill had already extended its scope to cover former spouses and former cohabitants, irrespective of whether they were living together, and to familial relationships other than spousal relationship. In addition, the proposed amendments to DVO did not seek to recognise same-sex relationship or civil partnership.

20. Expressing similar views, Mr LEE Cheuk-yan pointed out that while acts of violence were liable to criminal sanctions under the current legislative framework, the civil remedies provided for under DVO were tailored to the specific context arising from the intimate relationships between the abusers and victims. This explained why DVO was not intended to cover persons living under the same roof. Mr LEE added that it was noteworthy that under DVO, the abusers would be required to receive counselling services that aimed to change their attitudes and behaviours. Pointing out that there were no disputes that same-sex cohabitants should also be protected from acts of domestic violence, Mr LEE held the view that the legislative proposal should be introduced as soon as possible.

Action

21. While understanding that some deputations were concerned about the traditional family model, Ms Cyd HO was of the view that rights of same-sex cohabitants from acts of domestic violence should be safeguarded. Ms HO opposed to give effect to the proposed amendments by way of introducing a separate ordinance as it might not be able to provide the same level of protection under DVO to same-sex cohabitants.

22. To facilitate future discussion, Ms Emily LAU remained of the view that the Administration should make available the wording of the proposed amendments to DVO as soon as possible. Ms LAU added that the legislative proposal should be introduced expeditiously.

23. Mr LEUNG Kwok-hung took the view that all people should be protected from molestation regardless of their sexual orientation. Thus same-sex cohabitants should not be discriminated. Mr LEUNG added that the policy intent of the proposed amendments to DVO merely sought to extend the scope of DVO to include person in same-sex cohabitation relationship in the distinct and unique context of domestic violence. He stressed that the proposal would not be regarded as equivalent to giving legal recognition to same-sex relationships.

24. SLW said that the Administration appreciated different views from members and deputations. He noted that the majority view was that same-sex cohabitants should also be protected from molestation. As regards the concerns raised by many deputations, SLW reiterated that it remained the Administration's established and clear policy not to recognise same-sex relationship as a matter of legal status. The Administration would carefully and thoroughly take into account the views and proceed with the drafting of the legislative proposal in consultation with the Department of Justice with a view to extending the scope of DVO to include persons in same-sex cohabitation in the distinct and unique context of domestic violence and spelling out its policy stance clearly.

25. Mr LEUNG Kwok-hung and Mr WONG Sing-chi urged the Administration to proceed with the drafting work without delay and introduce the legislative proposal expeditiously. Ms Priscilla LEUNG requested the Administration to fully engage the public in the course of drafting the legislative proposal.

26. In summing up, the Chairman said that the Panel had agreed to hold another meeting to receive views on the proposed amendments to DVO. The Panel would consider scheduling further special meeting(s) for the purpose after the meeting of 23 January 2009.

Action

II. Any other business

27. There being no other business, the meeting ended at 12:35 pm.

Council Business Division 2
Legislative Council Secretariat
12 June 2009

Panel on Welfare Services

Special meeting on Saturday, 10 January 2009

Proposed amendments to the Domestic Violence Ordinance (Cap. 189)

Summary of views of deputations

No.	Name of deputation	Major views and concerns
Session one		
1.	The Against Elderly Abuse of Hong Kong [LC Paper No. CB(2)616/08-09(01)]	<ul style="list-style-type: none"> • <u>supported</u> the proposal to extend the coverage of the Domestic Violence Ordinance (DVO) to same-sex cohabitants • <u>considered</u> that the scope of DVO should be extended to cover extended familial relationship (such as siblings) and those elders who had no familial relationships but were living together
2.	Hong Kong Chinese Civil Servants' Association, Social Work Officers Grade Branch [LC Paper No. CB(2)616/08-09(02)]	<ul style="list-style-type: none"> • <u>agreed</u> to provide civil protection for victims of domestic violence to the same sex cohabitants to protect themselves from being molested or harassed. This would also facilitate social workers and the enforcement departments to deal with domestic violence cases • while the Association did not consider that the extension of coverage of DVO to same sex cohabitants would constitute to the recognition of same-sex relationship, they would support the proposal of renaming the title of DVO if this would help expedite the introduction of the legislative proposal
3.	Hong Kong Sex Culture Society [LC Paper Nos. CB(2)635/08-09(01) and (04)]	<ul style="list-style-type: none"> • although it <u>supported in principle</u> the extension of the scope of DVO to enhance protection for victims of domestic violence to same-sex cohabitation, it <u>strongly opposed</u> the legislative proposal as this constituted discrimination against other persons living together same-sex cohabitation. Instead, the scope of DVO should be extended to cover persons living under the same roof • <u>proposed</u> that the title of DVO should be changed to 《居所暴力條例》 to extend the protection to persons living under the same roof

No.	Name of deputation	Major views and concerns
4.	Parents for the Family Association [LC Paper No. CB(2)559/08-09(02)]	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants under DVO. It was worried that the proposal would eventually change the definition of marriage • <u>proposed</u> to set up a committee to prevent domestic violence and create a pro-family environment
5.	Evangelical Free Church of China, Yan Fook Church [LC Paper No. CB(2)559/08-09(03)]	<ul style="list-style-type: none"> • <u>opposed</u> any form of violence acts but <u>objected to</u> the inclusion of same-sex cohabitants under DVO, as it would - <ul style="list-style-type: none"> (a) pave way to the recognition of same-sex relationship, which was not conducive to a healthy society; (b) have adverse impacts on the younger generation; and (c) give rise to more AIDs and HIV cases, and thereby increase the social costs to look after patients of such diseases
6.	Hong Kong Parents Voice	<ul style="list-style-type: none"> • the formation of a family should be premised on the union of one man and one woman under the Marriage Ordinance (MO), which was a mainstream value upheld by the society
7.	The Association for the Advancement of Feminism [LC Paper No. CB(2)635/08-09(02)]	<ul style="list-style-type: none"> • <u>supported</u> extending the scope of DVO to protect same-sex cohabitants so as to bring more victims of domestic violence under protection and to honour the undertaking made by the Administration • the proposed amendments were not something new, which were supported and requested by the Alliance for the Reform of DVO in the past two years • since domestic violence was confined to those living together, it considered unnecessary to rename the title of DVO by 家居 or 家居與家庭暴力條例
8.	Education Convergence [LC Paper No. CB(2)530/08-09(06)]	<ul style="list-style-type: none"> • <u>opposed</u> including same-sex cohabitants under DVO. The scope of DVO should be confined to family members within the meaning of traditional family values. The definition of marriage as the union between one man and one woman should be upheld • <u>suggested</u> introducing a separate ordinance 《同住暴力條例》 to protect people living under the same roof from violence acts, including same-sex cohabitants

No.	Name of deputation	Major views and concerns
9.	Tai Wai Pastor Fellowship	<ul style="list-style-type: none"> • <u>strongly opposed</u> the extension of DVO to protect same-sex cohabitants, as family members covered persons in spousal and kinship relationships only • <u>concerned</u> that the proposed amendments to DVO would create loopholes in the law, i.e. seeking recognition of same-sex marriage through judicial review. Hence, the Administration should not introduce the proposed amendments hastily • <u>suggested</u> introducing a separate ordinance to protect people living together but having no familial relationship, including heterosexual and homosexual cohabitants, from the threat of violence
10.	Bible Seminary of Hong Kong	<ul style="list-style-type: none"> • echoed the views with Evangelical Free Church of China, Yan Fook Church, Education Convergence and Tai Wai Pastor Fellowship
11.	Amnesty International (Hong Kong) [LC Paper No. CB(2)559/08-09(04)]	<ul style="list-style-type: none"> • <u>welcomed and supported</u> the proposed inclusion of same-sex relationship in DVO in the light of the United Nations Conventions on human rights and discrimination as well as the relevant provisions in the Bill of Rights Ordinance and Article 25 of the Basic Law
12.	Jabbok Charitable Foundation Limited	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants in DVO, worrying that it would be moving a step forward of recognising same-sex marriage
13.	Woman Coalition of HKSAR	<ul style="list-style-type: none"> • <u>urged</u> the Administration to introduce the proposed amendments to DVO expeditiously so as to honour its undertaking made during the passage of the Domestic Violence (Amendment) Bill 2007. According to a survey conducted in 2007, around 33% of same-sex cohabitants were under the threat of violence acts from their partners, which was three times higher than that of heterosexual cohabitants. Efforts had been expended by women/human rights groups for the inclusion of same-sex cohabitants under DVO in the past two years
14.	Hong Kong Women Workers' Association [LC Paper No. CB(2)635/08-09(30)]	<ul style="list-style-type: none"> • <u>agreed and welcomed</u> the proposed amendments to DVO on the ground that any form of domestic violence should not be tolerated. The counter-proposal of renaming the title of DVO would unduly delay the introduction of the legislative proposal, which was regrettable. It <u>strongly requested</u> for the introduction of proposed amendments in the 2008-2009 session as undertaken by the Administration

No.	Name of deputation	Major views and concerns
		<ul style="list-style-type: none"> • <u>disagreed</u> that the inclusion of same-sex cohabitants in DVO would imply recognition of same-sex marriage, which was just an overstatement. Notwithstanding the concerns from religious and moral groups, human rights should be adequately safeguarded to the utmost extent especially on life threatening situations
15.	The Hong Kong Chinese Christian Churches Union	<ul style="list-style-type: none"> • <u>disagreed</u> with extending the scope of DVO to protect same-sex relationship as it would confuse the traditional values and concept of family • <u>proposed</u> that the title of DVO should be renamed as 《同住暴力條例》 or 《家居暴力條例》 to broaden the scope of protection to all people living under the same roof
16.	Rainbow Action	<ul style="list-style-type: none"> • <u>voiced out</u> the grief and distress resulted from the discrimination by the society towards homosexual relationships, and the physical and mental stresses caused by acts of violence and molestation by same-sex partners
17.	Hong Kong Ten Percent Club	<ul style="list-style-type: none"> • <u>supported</u> the proposed amendments to DVO as familial relationships did not necessarily confine to spousal relationship. It would be absurd to oppose the proposed amendments on the ground that it would undermine the concept of family as the scope of DVO already covered persons in other immediate and extend familial relationships • <u>opposed</u> renaming of DVO, which was discriminatiary against victims of domestic violence
18.	北角炮台山家庭關注組	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of only the same-sex cohabitants under DVO as it would give a green light to same-sex marriage and undermine the traditional values on marriage and family, and excluding the protection of other persons living together under the same roof • to address the problem and enhance protection for victims of domestic violence, it <u>suggested</u> that the title of the Ordinance should be renamed as 《居所暴力條例》, 《家居暴力條例》 or 《同住暴力條例》 in order to extend the scope of protection to all people living under the same roof, including same-sex cohabitants

No.	Name of deputation	Major views and concerns
19.	Phenomenon Speculation	<ul style="list-style-type: none"> considered that if the proposed amendments to DVO were not supported on the ground that the victims of domestic violence were same-sex cohabitants, this constituted discrimination and breached the principle of social justice
20.	Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) [LC Paper No. CB(2)635/08-09(03)]	<ul style="list-style-type: none"> urged the Administration to introduce the proposed amendments to enhance the legal protection for victims of domestic violence in the light of equity and harmony concerned that if the scope of DVO was revised to cover persons living under the same roof, former spouses and former cohabitants, who no longer lived together under the same roof, would not be protected from the threat of domestic violence acts
21.	The Society for Truth and Light [LC Paper Nos. CB(2)498/08-09(01) and CB(2)635/08-09(04)]	<ul style="list-style-type: none"> urged the Government to provide assistance to victims of domestic violence and questioned why such assistance to victims and preventive measures were not included in the legislative proposal expressed concern that the proposed amendments would pave the way to the recognition of same-sex marriage, it opposed the proposal as the only way to protect same-sex cohabitants in the context of domestic violence. It urged the Government to consider - <ul style="list-style-type: none"> (a) renaming the Ordinance as 《家庭及居所暴力條例》 to provide protection to persons in familial relationship. It should also state explicitly that the legislation did not recognise any same-sex relationship as matter of legal status; or (b) enacting a separate ordinance such as 《家居暴力條例》 or 《居所暴力條例》 to protect all people living under the same roof, including same-sex cohabitants
22.	Catholic Diocese of Hong Kong [LC Paper No. CB(2)559/08-09(05)]	<ul style="list-style-type: none"> while raising no opposing views on enhancing protection for victims of domestic violence, it cautioned that the proposed amendments should uphold the traditional values on family and marriage and make clear to the public the Administration's policy of not to recognise same-sex relationship
23.	Harmony House [LC Paper No. CB(2)635/08-09(05)]	<ul style="list-style-type: none"> welcomed the Government's proposed amendments to include same-sex cohabitants under DVO and appealed to all parties concerned to adopt an open-minded and tolerant approach in considering the proposal. The introduction of the proposed amendments should not be

No.	Name of deputation	Major views and concerns
		delayed any further so as to provide assistance to victims of domestic violence, irrespective of their sexual orientation
24.	小石頭聯盟 [LC Paper No. CB(2)559/08-09(06)]	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants under DVO on the ground that it contradicted with the concept of marriage as the union of one man and one woman and the Government's policy of not recognising same-sex marriage. The proposed amendments would give rise to loopholes in the legislation and undermine the rule of law. As the intent of DVO was to protect only persons in familial relationship, the Administration should introduce a separate ordinance to protect people living under the same roof from violence acts
25	Family Safeguard [LC Paper No. CB(2)559/08-09(07)]	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants under DVO given that the amendments violated the traditional concepts of family and marriage
26.	中女社 – 土瓜灣區 [LC Paper Nos. CB(2)559/08-09(08) and CB(2)635/08-09(06)]	<ul style="list-style-type: none"> • <u>objected</u> to extending the scope of DVO to cover same-sex cohabitants on the ground that the proposal would undermine and confuse the concepts of family and marriage as the union of one man and one woman. Moreover, family members should cover persons in spousal and kinship relationships as well as adopted children only • <u>suggested</u> to rename the title of DVO as 《居所暴力條例》 under which all people living under the same roof could be protected and the traditional values on marriage and family could be upheld
27.	The Conference of Mennonite Churches in Hong Kong	<ul style="list-style-type: none"> • <u>opposed</u> extending the scope of DVO to cover same-sex cohabitants. The proposal was in breach of the meaning of marriage in MO and moral values. Members should conduct wide public consultation on the proposal. Instead, the Administration should introduce a separate ordinance to enhance protection for people living under the same roof
28.	Agape Mennonite Church	<ul style="list-style-type: none"> • <u>objected</u> to extending the scope of DVO to same-sex cohabitants because it would undermine the concept of marriage as the union of one man and one woman, and the traditional concept of family as well • <u>suggested</u> that the Administration should introduce a separate ordinance known as 《同住暴力條例》 to protect heterosexual and same-sex cohabitants as well as persons living together

No.	Name of deputation	Major views and concerns
29.	Hong Kong Christian Institute [LC Paper No. CB(2)559/08-09(09)]	<ul style="list-style-type: none"> • <u>supported</u> the proposed amendments to DVO in light of zero tolerance against acts of domestic violence. The policy intent of DVO, as enacted in 1986, was to protect people from the threat of domestic violence, which was independent of the concepts of marriage and family. It <u>urged</u> the Administration to honour its undertaking and introduce the legislative proposal expeditiously • <u>concerned</u> that if DVO was renamed as 家居 or 居所暴力條例, it would have negative connotations on the target groups to be protected, i.e. not victims of domestic violence
30.	Hong Kong Human Rights Monitor [LC Paper No. CB(2)635/08-09(07)]	<ul style="list-style-type: none"> • <u>supported</u> extending the scope of DVO to cover same-sex cohabitants to give effect to United Nations Conventions on human rights and the relevant court rulings • <u>pointed out</u> that although heterosexual cohabitation relationship had been covered within the scope of DVO since its enactment in 1986, it had not resulted in the recognition of heterosexual cohabitation relationship as a matter of legal status
31.	Association for the Promotion of Family Values	<ul style="list-style-type: none"> • <u>opined</u> that the proposed amendments to DVO would convey a wrong message about the meaning of marriage and family. In its view, a family was premised on spousal relationship under MO • <u>considered</u> that giving legal protection for persons living under the same roof, other than persons in spousal and familial relationships, should be effected by means of a separate ordinance such as 《同住人士暴力條例》 or 《居所暴力條例》
32.	Concerned Parents for Culture and Decency [LC Paper No. CB(2)635/08-09(31)]	<ul style="list-style-type: none"> • <u>appealed to</u> take immediate actions to protect victims of domestic violence, but <u>opposed</u> to extend the scope of DVO to cover same-sex couples which would convey a misleading message on recognising same-sex relationship. As such, it <u>urged</u> the Administration to explore other avenues for enhancing protection for such victims of violence acts
33.	Parents' Concern Group of the Kowloon City [LC Paper No. CB(2)635/08-09(32)]	<ul style="list-style-type: none"> • <u>considered</u> that a family was premised on a marriage which was the union of one man and one woman, and therefore <u>opposed</u> the proposed amendments as this would give rise to misunderstanding that same-sex relationship was recognised legally

No.	Name of deputation	Major views and concerns
		<ul style="list-style-type: none"> • <u>suggested</u> enhancing protection for persons in cohabitant relationships by measures other than amending DVO
34.	Society for the Promotion of Family Ethics	<ul style="list-style-type: none"> • <u>concerned</u> that the proposed amendments would pave the way for recognition of same-sex marriage. In view of the far-reaching implications on the concepts of marriage and family, it <u>opposed</u> extending the scope of DVO to cover same-sex cohabitants and <u>suggested</u> renaming the Ordinance as 《居住人士暴力條例》 to broaden the scope of protection to all people living under the same roof
35.	Holy Net for Youth	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitation relationship under DVO on the ground that it would undermine the core values of family and marriage and hinder the healthy development of children. It also <u>worried</u> that the public would misunderstand that the proposed amendments would give recognition to same-sex marriage. As revealed in a survey conducted in 2007, 90% of the respondents (1 000 tertiary institution students) expressed support for a marriage relationship between one man and one woman. The results showed that traditional concept of marriage was well received by young people
36.	Assemblies of God West Point Church [LC Paper No. CB(2)616/08-09(03)]	<ul style="list-style-type: none"> • <u>expressed reservation</u> that people living under the same roof would be regarded as members of a family and the scope of DVO should be extended to enhance protection for them from threat of domestic violence. This would confuse the concepts of marriage and family. As such, the Administration should introduce a separate ordinance such as 《家居暴力條例》 to protect people living in the same household
37.	Child Protection New Force	<ul style="list-style-type: none"> • <u>concerned</u> about the adverse consequences of the legislative proposal - <ul style="list-style-type: none"> (a) the proposed amendments contradicted with the definition of marriage in MO, and provided room for different interpretation of the meaning of marriage and familial relationship; (b) it was unfair to only include same-sex cohabitants under the protection but not other categories of persons living in the same household; and (c) it would have adverse impacts on the younger generation
38.	Spiritual Seekers Society [LC Paper No. CB(2)559/08-09(10)]	<ul style="list-style-type: none"> • <u>supported</u> the proposed amendments to enhance protection for victims of domestic violence, regardless of their sexual orientation. It urged the Administration to honour its undertaking and introduce the legislative proposal as soon as possible. Otherwise, it would constitute

No.	Name of deputation	Major views and concerns
		discrimination on the ground of sexual orientation, which was in breach of the Basic Law and Bill of Rights Ordinance
39.	Department of Religious and Philosophy of Baptist University [LC Paper No. CB(2)616/08-09(04)]	<ul style="list-style-type: none"> in the light of the principle of equality, no one should be excluded from the protection of the threat of domestic violence. As such, the Administration should introduce a separate ordinance 《居住暴力條例》 to extend the scope of DVO to cover persons living under the same roof
Session two		
40.	Sham Shui Po Concern Group [LC Paper No. CB(2)635/08-09(08)]	<ul style="list-style-type: none"> <u>opined</u> that the proposed extension of scope of DVO to include same-sex cohabitants was too restrictive, and <u>suggested</u> that the scope of DVO should be extended to protect persons living under the same roof from the perspective of fairness and equity. The Ordinance should be renamed as 《居所暴力條例》 to this effect
41.	Concerned Parents for Social Morality [LC Paper No. CB(2)635/08-09(09)]	<ul style="list-style-type: none"> <u>opposed</u> all forms of domestic violence and <u>urged</u> the Administration to rename DVO as 《同住人士暴力條例》 to protect persons living under the same roof <u>opposed</u> the inclusion of same-sex cohabitants under the protection of DVO in view that the meaning of marriage in MO was the voluntary union of one man and one woman, and same-sex relationship was not recognised as a matter of legal status <u>concerned</u> that the proposal would pave the way for recognition of same-sex marriage as a matter of legal status
42	Society for the Protection of Family Rights [LC Paper No. CB(2)635/08-09(34)]	<ul style="list-style-type: none"> <u>opposed</u> to extend the coverage of DVO to same-sex cohabitants as it would be regarded as turning a green light to recognise same-sex marriage. This would confuse parents and the younger generation on the concepts of "marriage" and "family". It urged the Administration to abort proceeding with the legislative proposal
43.	Teachers' Concern Group [LC Paper No. CB(2)635/08-09(33)]	<ul style="list-style-type: none"> <u>opposed</u> to extend the coverage of DVO to same-sex cohabitants in the light of the following - <ul style="list-style-type: none"> (a) the amendments would violate the definition of marriage i.e. the voluntary union of one man and one woman, and mislead the public that same-sex relationship was recognised as a matter of legal status;

No.	Name of deputation	Major views and concerns
		<ul style="list-style-type: none"> (b) the amendments would mislead students about the role of different sexes; and (c) teachers would have problems in explaining to students the concept of family
44.	彩虹約定聯盟會	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants under DVO as it would lead to confusion about the role of the two sexes and impede the healthy development of the younger generation
45.	Civil Human Rights Front	<ul style="list-style-type: none"> • <u>urged</u> to extend the scope of DVO to cover same-sex cohabitants to provide legal protection to them against violence by their partners which might result in life-threatening situations or fatality • <u>opined</u> that those in support of the proposed amendments did not seek to give recognition of same-sex relationship. While it did not have special views on the title of DVO, it was <u>concerned</u> that the contention about the title of the Ordinance would delay the introduction of the proposed amendments
46.	AIDS Concern	<ul style="list-style-type: none"> • <u>supported</u> the inclusion of same-sex cohabitants under DVO in view that lives were at stake in violence incidents. Extending the scope to cover same-sex cohabitants would provide an additional protection for them from the threat of domestic violence and raise the public awareness about the assistance provided to victims of domestic violence
47.	Youth/Children Development Concern Group [LC Paper No. CB(2)559/08-09(11)]	<ul style="list-style-type: none"> • <u>opposed</u> extending the scope of DVO to same-sex cohabitants in the light of the following - <ul style="list-style-type: none"> (a) the proposal would challenge the concept of marriage as the union of one man and one woman and the concept of family would be ambiguous; (b) wrong messages would be conveyed to the younger generation about homosexual relationship and the role of the two sexes; and (c) increase in diseases resulted from promiscuous same-sex relationship
48.	Hong Kong Professionals and Senior Executives Association	<ul style="list-style-type: none"> • <u>opposed</u> the proposed amendments to DVO as this would give rise to an impression that same-sex marriage was recognised by the Government; violate the mainstream concepts of family and marriage, and the definition of marriage under MO; as well as implications on estate arrangements • while raising no objection to protecting same-sex cohabitants from acts of domestic violence, it <u>considered</u> that this should be effected by means of a separate ordinance entitled as 《同住同居

No.	Name of deputation	Major views and concerns
		條例》或將DVO的標題改為《家庭及同居/同住暴力條例》。As such, the scope of the legislation should cover persons living under the same roof, including same-sex cohabitants
49.	Chastity Youth Network	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants under DVO as such relationship was not an intimate relationship between both sexes, which was deviated from the policy intent of DVO. This was also unfair to other persons living under the same roof who were excluded from the protection of domestic violence • <u>concerned</u> that the proposed amendments would pave the way to give recognition of same-sex marriage. In view of the controversy over the legislative proposal, it <u>considered</u> that the proposal should be shelved at the moment
50.	International Association of Registered Financial Consultants Hong Kong and Macau Centre	<ul style="list-style-type: none"> • <u>strongly opposed</u> extending of the scope of DVO to cover same-sex cohabitants with the following considerations - <ul style="list-style-type: none"> (a) the policy intent of DVO was to protect spouses and heterosexual cohabitants as well as immediate and extended family members premised on the traditional concepts of marriage and family. The general understanding of marriage, as defined in MO, was the voluntary union between one man and one woman; (b) the proposed amendments would be regarded as giving recognition to the same-sex relationship, which would have far-reaching repercussion on the meaning of marriage and family
51.	Diocesan Pastoral Commission for Marriage and the Family [LC Paper No. CB(2)616/08-09(05)]	<ul style="list-style-type: none"> • <u>opposed</u> extending the scope of DVO to cover same-sex cohabitants as this would imply that same-sex relationship was regarded as familial relationship. The changes in the coverage of persons in familial relationships would have legal implications on other family-related ordinances • <u>proposed</u> that the proposed amendments be effected by renaming DVO to 《家庭及同居暴力條例》或通過另訂條例《同居暴力條例》來保護同住同一屋宇的人士，包括同性同居者
52.	Rainbow of Hong Kong [LC Paper No. CB(2)635/08-09(10)]	<ul style="list-style-type: none"> • <u>opined</u> that the opposition against the proposed amendments was discriminatory against same-sex partners

No.	Name of deputation	Major views and concerns
		<ul style="list-style-type: none"> • <u>urged</u> the Administration to honour its undertaking to introduce the proposed amendments to DVO in the 2008-2009 legislative session. The proposal would enhance the protection to victims of domestic violence who were same-sex cohabitants, as they lacked professional support at the moment
53.	Elements [LC Paper No. CB(2)635/08-09(11)]	<ul style="list-style-type: none"> • <u>urged</u> the Administration to introduce the proposed amendments to DVO expeditiously as lives were at stake in violence cases • <u>considered</u> the legislative proposal was tailored to deal with violence acts in a specific context arising from the intimate relationships between the abusers and victims, which was different from persons living under the same roof, e.g. a domestic helper and his/her employer
54.	Full Gospel Business Men's Fellowship International (Hong Kong)	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants under DVO as it would convey a confusing message about the concepts of marriage and family
55.	Bodily & Spiritual Health Society [LC Paper No. CB(2)559/08-09(13)]	<ul style="list-style-type: none"> • <u>opposed</u> extending the scope of DVO to cover only same-sex cohabitants as persons living under the same roof should also be protected from violence acts. DVO should be renamed as 《居所暴力條例/家庭及居所暴力條例》 so as to broaden its scope to protect persons living under the same roof • <u>concerned</u> that the legislative proposal would path the way to recognise same-sex marriage, which would be subject to judicial review on the definition of marriage
56.	Federation of Parent-Teacher Association of Yau Tsim and Mong Kok District Limited	<ul style="list-style-type: none"> • <u>opposed</u> extending the scope of DVO to cover same-sex cohabitation relationship, which would pave the way to recognition of same-sex relationships and challenge the traditional family values • <u>opined</u> that the Government should conduct wide public consultation on the proposed amendments, together with the draft wording, before introducing the relevant legislative proposal
57.	Christian Fellowship of Alice Ho Miu Ling Nethersole Hospital	<ul style="list-style-type: none"> • <u>opposed</u> extending the scope of DVO to cover same-sex cohabitants due to the following reasons -

No.	Name of deputation	Major views and concerns
	[LC Paper No. CB(2)559/08-09(14)]	<ul style="list-style-type: none"> (a) the policy intent of DVO and definition of marriage were tailored to deal with spousal and extended familial relationships; and (b) while the Administration had stated its policy of not to recognise same-sex relationship as a matter of legal status, overseas experience revealed that such interpretation was subject to legal challenge <ul style="list-style-type: none"> • <u>disagreed</u> renaming DVO to cover same-sex cohabitants, instead the proposed amendments should be effected by means of a separate ordinance
58.	Association Concerning Sexual Violence Against Women [LC Paper No. CB(2)635/08-09(12)]	<ul style="list-style-type: none"> • <u>supported</u> the inclusion of same-sex cohabitants under DVO to enhance the protection to victims of domestic violence, irrespective of their sexual orientation. The proposal to extend the scope of DVO to cover same-sex cohabitants was the most efficient way for the purpose • <u>worried</u> that the bone of the contention was deviated from the purpose of the legislative proposal (enhancing protection to victims of domestic violence) to ethics and morality issues • <u>disagreed with</u> the proposal of renaming the title of DVO given that the scope of DVO was tailored to deal with acts of domestic violence in a specific context. To protect persons living under the same roof from violence acts was beyond the scope of DVO, this should be dealt with separately by other ordinances
59.	Hong Kong Lesbian and Gay Social Workers Network [LC Paper No. CB(2)559/08-09(15)]	<ul style="list-style-type: none"> • <u>urged</u> that the proposed amendments to DVOs should be introduced as early as possible so as to enhance the protection of same-sex cohabitants from acts of domestic violence, in view that a survey revealed that 33% of same-sex cohabitants were victims of domestic violence • <u>opposed</u> renaming the title of DVO to 《家居暴力條例》 given that the scope of DVO covered persons in specific intimate relationship, and that acts of molestation did not necessarily take place in the domestic context
60.	Hong Kong Fans Club	<ul style="list-style-type: none"> • <u>objected</u> that the inclusion of same-sex cohabitants under DVO as this would pave the way for recognising same-sex marriage and undermine the traditional values on marriage and family
61.	The Balance of Human Rights Watch [LC Paper Nos. CB(2)559/08-09(16) and	<ul style="list-style-type: none"> • <u>opined</u> that the application for an injunction order against molestation should be as lax as possible so as to provide an additional protection to victims of domestic violence. In taking

No.	Name of deputation	Major views and concerns
	CB(2)635/08-09(13)]	forward the proposed amendments, the Administration could make reference to the Domestic Violence Act in USA and New Zealand under which persons living together were covered under the legislation
62.	Harmony Foundation International Ltd. [LC Paper No. CB(2)559/08-09(17)]	<ul style="list-style-type: none"> • <u>opposed</u> the inclusion of same-sex cohabitants under DVO with the following justifications - <ul style="list-style-type: none"> (a) it would breach the definition of marriage under MO; and (b) it would be regarded as equivalent to giving recognition of same-sex relationship, which was deviated from the concept of family adopted by the vast majority of the society • <u>urged</u> the Administration to carefully and fully consider the views of the majority on the proposed amendments

Council Business Division 2
Legislative Council Secretariat
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