



尋道會
Spiritual Seekers Society
Hong Kong

LC Paper No. CB(2)559/08-09(10)

Submission to the
Legislative Council Panel of Welfare Services on
Inclusion of same-sex couples under the
Proposed amendments to the Domestic Violence Ordinance (Cap. 189)

The Spiritual Seekers Society is a liberal religious organization which upholds freedom, reason, and tolerance. As a religious group, we are gravely concerned that there are Christians using their distorted interpretation of the scriptures in oppressing individuals in same-sex relationship, and ignoring the fact that there are sufferers of domestic violence. We worry about the existence of violence in any relationship and urge the Government to include same-sex couples in the protection under the Domestic Violence Ordinance (DVO).

We not only embraced the fact that all human beings are born equal in rights; we are concerned that there is higher occurrence of violence in same-sex relationships¹ due to the fact that they are under social stigma and discrimination in everyday life.

To exclude same-sex couples from the protection of DVO would not only be unreasonable, but is also against the Basic Law of Hong Kong² and Bill of Rights Ordinance³. The Basic Law and the Bill of Rights Ordinance have guaranteed equal protection under the law for all people of Hong Kong, including those who are of same-sex orientation.

The Administration had already recognized the need for coverage under the DVO of same-sex couples, the victims and perpetrators of same-sex domestic violence need as much assistance as their counterparts in heterosexual relationships, and the Government has the obligation to protect them and allow them equal discourse to deal with domestic violence situations. Recent discussion, however, has distracted from its original course of action.

It is particularly alarming that recently some legislators have tried to use religion as an excuse for their own prejudice against homosexuals. As the Government is a secular government and not a theocratic government, the public would expect the legislators to base their decisions on what is good for all members of the society and not just members of their

¹ Submission from Women Coalition of HKSAR on the Administration's latest proposal regarding the coverage of cohabitation relationships in the Domestic Violence Ordinance (Chinese version only) [CB(2)2103/07-08(01)] (27 May 2008)

² Article 25 of the Basic Law states: "All Hong Kong residents shall be equal before the law."

³ Article 1 (1) and 22 of the Bill of Rights Ordinance. Article 1 (1) states: "The rights recognized in this Bill of Rights shall be enjoyed without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 22 states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

own religious groups. It is disturbing to even suggest that religion could be used in such a way to excuse such cruel and heartless decision as to ignore the needs of domestic violence victims in same-sex relationships. Religions worthy of existence should show compassion towards domestic violence victims instead of shunning them in times of need.

Offering same-sex couples equal protection under the law is only a recognition of their existence, and not extending any additional legal recognition under the law. The opposition suggesting that it is linked to same-sex marriage is just a tactic to distract the public from real discussion of what the Government should do in tackling the problem of domestic violence.

We disagreed with the suggestion to change the Chinese title of the DVO. The suggested term would likely be translated as "household" (家居) which was the form used in laws⁴ that related to inanimate objects in the home.

The Government has already recognized that domestic violence exists in same-sex relationships and victims from domestic violence require the protection of DVO. This is further proved by the submission by Women Coalition⁵ that domestic violence exists in same-sex relationships. The Administration's paper on the proposed amendment to the Domestic Violence Ordinance (Cap. 189) states "in the context of domestic violence, incidents could quickly escalate into life-threatening situations or even fatality. Since lives may be at stake, the Administration accepted the need to extend the protection under the DVO to victims of domestic violence who are in same sex cohabitation relationships."⁶ Under Administration's awareness that domestic violence being potentially life-threatening, failure to offer same-sex couples the same protection as opposite-sex couples would be unethical and violating their most basic human rights.

We urge the Government and legislators to stand firm against discrimination based on sexual orientation and to focus on the problem of domestic violence in same-sex relationships. We urge the Government and legislators to include same-sex couples in the coverage of the DVO and to offer equal protection for domestic violence sufferers in same-sex relationships.

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⁴ Example, Cap 311W Air Pollution Control (Volatile Organic Compounds) Regulation

⁵ Submission from the Women Coalition of HKSAR on the Administration's previous proposal regarding the coverage of cohabitation relationships in the Domestic Violence Ordinance (Chinese version only) [CB(2)2103/07-08(01)] (27 May 2008)

⁶ CB(2)341/08-09(03) Administration's paper on the proposed amendment to the Domestic Violence Ordinance (Cap. 189), prepared by the Labour and Welfare Bureau in December 2008