

Dear Sir / Madam,

In light of the proposed amendment to the Domestic Violence Ordinance (Chapter 189), I have the following concern.

If "same sex couple" is separately identified in the proposed amendment to the Ordinance, the Ordinance will need to define this category of relationship. This is the first time that such relationship is being defined in Hong Kong Laws. The inclusion of such a definition may invite judicial review in future after the current proposed amendment has been enacted on whether "same sex couple" is "marriage equivalent". The outcome of the judicial review will have to be decided by the court. If the court rules that such relationship of "same sex couple" is "marriage equivalent", then the Marriage Ordinance and other related Ordinances with the definition of family and marriage will need to be amended. I think the majority of the Hong Kong people is not in favour of our Government going down this slippery road.

I understand that the amendment bill has yet to be drafted. Before the law draftsman put pen on paper, the Labour and Welfare Bureau is now doing due diligence in gathering opinion from the public. I think the Bureau has done a great job in gathering people's opinion. I also have high regard to Mr. Matthew Cheung who is a very capable minister and I am sure that he will give clear drafting instructions to the law draftsman when it comes to the definition of 'same sex couple'. The law draftsman in Hong Kong is usually of very high standard. However, notwithstanding all the good intention and hard work from both the Government and the LegCo, there is no way that we can forestall the possibility of someone initiating a judicial review to challenge whether the definition of "same sex couple" in the Domestic Violence Ordinance is "marriage equivalent". So the safest route, from my point of view, is that "same sex couple" is not separately identified and defined, they should be treated similar to other people sharing the same shelter under one common roof.

Many thanks for your consideration. Please acknowledge receipt by e-mail.

Lee Kin Ying