

立法會
Legislative Council

LC Paper No. CB(2)2333/13-14
(These minutes have been seen
by the Administration)

Ref : CB2/BC/2/13

**Bills Committee on
Marriage (Amendment) Bill 2014**

**Minutes of the second meeting
held on Wednesday, 23 April 2014, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon IP Kwok-him, GBS, JP (Chairman)
Hon Dennis KWOK (Deputy Chairman)
Hon James TO Kun-sun
Hon Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Cyd HO Sau-lan
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon Martin LIAO Cheung-kong, JP
Hon Tony TSE Wai-chuen

Members absent : Hon Ronny TONG Ka-wah, SC
Hon Starry LEE Wai-king, JP
Hon CHAN Kin-por, BBS, JP
Hon MA Fung-kuok, SBS, JP
Hon KWOK Wai-keung
Hon TANG Ka-piu
Ir Dr Hon LO Wai-kuok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Public Officers : Item I
attending**

Mr LEE Ka-chiu, John, PDSM, PMSM, JP
Under Secretary for Security

Mr WOO Tak-ying, Billy
Principal Assistant Secretary for Security D

Mr CHIU Wai-kai, David, IDSM
Assistant Director (Personal Documentation)
Immigration Department

**Attendance : Item I
by invitation**

Session One

Hong Kong Youth Alliance

Ms May HO
Vice President

Justice Alliance

Mr YAU Mei-kwong
Core Member

Federation of Parent-Teacher Association of Yau, Tsim,
Mongkok Districts Limited

Mr Albert LO
Co-opted Member

Parents' Association of Hong Kong

Ms Leticia LEE
President

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

People Power

Mr TAM Tak-chi
Executive Member

Nu Tong Xue She

Mr CHUNG Chi-ho
Officer

Rainbow of Hong Kong

Mr Tommy JAI
Executive Officer

Rainbow Action

Mr Jimmy SHAM
Spokesperson

Association of World Citizens Hong Kong China

Ms Mimi WONG
Director

Individual

Miss CHU Fung-mei

Individual

Mr WONG Chi-cheung

Individual

Ms TSE Yuk-ling

Equal Opportunities Commission

Mr Herman POON
Chief Legal Counsel

God's Glory Ministry Ltd

Ms MOK Chong-ngar, Gloria
General Director

Garden Against Turbulence

Miss YU Mui-ling
Chairperson

Individual

Mr CHEUNG Hon-sing, Ray

Care for the Well-being of Children

Ms TIN TING Wai-tak, Miranda

Individual

Miss HO Yuet-lai, Kathy

愛家護孩家長組

Ms TSANG Yuet-ming, Kitty
Representative

Session Two

守護傳統婚姻聯盟

Ms WONG Yin-ping
Chairman

Christians at the Bar

Mr LAM Ken-chung, Simon
Convenor

EFCC Yan Fook Church

Ms CHEUNG Sau-kuen, Bonnie
Division Head

Individual

Mr LEUNG Chun-kit

Individual

Miss WOO Yuk-chu

Hong Kong Sex Culture Society Limited

Mr MAK Pui-chuen, Matthew
Project Director

Labour Party

Miss Ivy CHAN
Representative

Parents for the Family Association

Mr H W LAI
President

Individual

Mr LEUNG Ho-yin

Individual

Ms TSUI Sum-yin

League of Young Professionals

Mr LAU Chi-hung
Chairman

維家愛苗行動

Ms WONG Sin-ting
Chairman

Individual

Ms WONG Fung-ping

Individual

Dr Stephen John Winter, WPATH

Amnesty Internaional Hong Kong

Miss Medeleine MOK
LGBT Group Coordinator

Individual

Mr LEUNG Siu-fai

Individual

Miss YU King-yan, Queenie

Biases Concern

Mr WONG Kai-yeung
Convener

Individual

Miss NG Wing-yan

Justice Family

Mr William Roy LEUNG
Chief Justice

Gender Rights Watch

Mr YEUNG Ka-wai, Geoffrey
Executive

BigLove Alliance

Miss HO Wan-see, Denise
Founding member

Transgender Resource Center

Miss LEUNG Wing-yan
Chair

Session Three

Action Q

Mr LEE Tak-hung
External Vice-Chairperson

Pink Alliance

Mr Reggie HO
Representative

Society for the Preservation of the Culture of Chinese Family

Mr David KAM
Chairman

Individual

Mr CHOW Wang-ngai

Social Value Defense's Alliance

Mr FUNG Ka-lok
Convener

Family Value Foundation of Hong Kong Limited

Mr NG Sze-yuen
Vice-Chairperson

Individual

Mr HUONG Cheong-fai

護家愛孩同盟

Ms CHEUNG Wai-ming
Chairman

The Society for Truth and Light

Mr CHOI Chi-sum
General Secretary

Individual

Ms FONG Lai-hung

同心同行家長組

Mr TSE Kwok-fu, Daniel
Chairman

Individual

Prof KWAN Kai-man

Individual

Dr HONG Kwai-wah

Family School Sodo Concern Group

Mr Roger WONG
Convener

Individual

Ms LAW Ka-chun, Priscilla

Individual

Mr FUNG Kin-shing

Hong Kong Christian Institute

Ms WONG Mei-fung
Social Ministry Officer

Parents Concern

Mr HO Wai-ip
Co-ordinator

Individual

Mr CHAN Ping-lung

Life Transformer

Mr LEE Chak-pui, Terence
Director

Individual

Ms CHEUNG Wai-ping

Clerk in attendance : Ms Amy YU
Chief Council Secretary (2) 6

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 11

Miss Josephine SO
Senior Council Secretary (2) 6

Miss Meisy KWOK
Legislative Assistant (2) 6

Action

I. Meeting with deputations and the Administration

[File Ref: SB CR 1/3231/13, LC Paper Nos. CB(3)444/13-14, CB(2)1203/13-14(02)-(06), CB(2)1221/13-14(02)-(04), CB(2)1309/13-14(01)-(23), CB(2)1310/13-14(02)-(05), CB(2)1311/13-14(01)-(45), CB(2)1316/13-14(0001)-(2399), CB(2)1339/13-14(01)-(13), CB(2)1353/13-14(01)-(13) and CB(2)1360/13-14 (01)].

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee received views from 64 deputations/individuals attending the meeting, and noted that 2 455 written submissions had been received from other organizations/individuals which/who did not attend the meeting.

II. Any other business

Date of next meeting

3. The Chairman reminded members that the next meeting would be held on 29 April 2014, at 9:00 am, to continue to receive views from deputations on the Bill.

4. There being no other business, the meeting ended at 1:28 pm.

**Proceedings of the second meeting of the
Bills Committee on Marriage (Amendment) Bill 2014
on Wednesday, 23 April 2014, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000257 – 001049	Chairman Ms Cyd HO	<p>The Chairman's opening remarks.</p> <p>The Chairman informed members that –</p> <p>(a) the Law Society had indicated its intention to provide a written submission on the Marriage (Amendment) Bill 2014 ("the Bill") to the Bills Committee by mid-May 2014;</p> <p>(b) the next meeting would be held on 29 April 2014 at 9:00 am to continue to receive views on the Bill from another 33 deputations; and</p> <p>(c) in response to the request of some members made at the last meeting, arrangement would be made for the Bills Committee to meet with representatives of the Inter-departmental Working Group on Gender Recognition.</p> <p>Ms Cyd HO suggested that the Bills Committee should also meet with medical professionals within the Hospital Authority who had expertise in sex re-assignment surgery ("SRS"), so as to facilitate members' understanding of the procedures and risks involved in undergoing SRS.</p>	
<i>Session One</i>			
001050 – 001359	Ms May HO, Hong Kong Youth Alliance	Presentation of views	
001400 – 001716	Mr YAU Mei-kwong, Justice Alliance	Presentation of views	
001717 – 002032	Mr Albert LO, Federation of Parent-Teacher Association of Yau, Tsim, Mongkok Districts Limited	Presentation of views	
002033 – 002404	Ms Leticia LEE, Parents' Association of Hong Kong	Presentation of views	
002405 – 002722	Mr TAM Tak-chi, People Power	Presentation of views	
002723 – 003024	Mr CHUNG Chi-ho, Nu Tong Xue She	Presentation of views	
003025 – 003335	Mr Tommy JAI, Rainbow of Hong Kong	Presentation of views (LC Paper No. CB(2)1353/13-14(02))	

Time marker	Speaker	Subject(s)	Action required
003336 – 003643	Mr Jimmy SHAM, Rainbow Action	Presentation of views (LC Paper No. CB(2)1353/13-14(03))	
003644 – 003955	Ms Mimi WONG, Association of World Citizens Hong Kong China	Presentation of views (LC Paper No. CB(2)1309/13-14(01))	
003956 – 004302	Miss CHU Fung-mei	Presentation of views (LC Paper Nos. CB(2)1309/13-14(02) and CB(2)1353/13-14(04))	
004303 – 004611	Mr WONG Chi-cheung	Presentation of views (LC Paper No. CB(2)1309/13-14(03))	
004612 – 004908	Ms TSE Yuk-ling	Presentation of views (LC Paper No. CB(2)1309/13-14(04))	
004909 – 005221	Mr Herman POON, Equal Opportunities Commission ("EOC")	Presentation of views (LC Paper No. CB(2)1309/13-14(05))	
005222 – 005541	Ms MOK Chong-ngar, Gloria, God's Glory Ministry Ltd	Presentation of views (LC Paper No. CB(2)1309/13-14(06))	
005542 – 005839	Miss YU Mui-ling, Garden Against Turbulence	Presentation of views	
005840 – 010146	Mr CHEUNG Hon-sing, Ray	Presentation of views (LC Paper No. CB(2)1309/13-14(07))	
010147 – 010459	Ms TIN TING Wai-tak, Miranda, Care for the Well-being of Children	Presentation of views (LC Paper No. CB(2)1339/13-14(01))	
010500 – 010807	Miss HO Yuet-lai, Kathy	Presentation of views (LC Paper No. CB(2)1309/13-14(08))	
010808 – 011129	Ms TSANG Yuet-ming, Kitty, 愛家護孩家長組	Presentation of views (LC Paper No. CB(2)1339/13-14(02))	
011130 – 011547	Mr LAW Yuk-kai, Hong Kong Human Rights Monitor ("HKHRM")	Presentation of views (LC Paper No. CB(2)1353/13-14(01))	
011548 – 011740	Chairman Mr CHAN Chi-chuen	Mr CHAN Chi-chuen expressed support for some deputations' view that the Administration should conduct wide public consultation on the controversial issues relating to the Bill and gender recognition. He urged the Administration to reconsider whether the Bill in its present form should be enacted, having regard to the objection raised by many deputations.	

Time marker	Speaker	Subject(s)	Action required
011741 – 011951	Chairman Dr Priscilla LEUNG	Dr Priscilla LEUNG stressed that the Court of Final Appeal ("CFA")'s judgment did not change the existing law on the institution of marriage in Hong Kong, which was based on the monogamous union of one man and one woman.	
011952 – 012200	Chairman Dr Fernando CHEUNG Mr LAW Yuk-kai, HKHRM	Dr Fernando CHEUNG invited Mr LAW Yuk-kai's view on how the Administration should take forward legislative amendments to address the broader issues relating to gender recognition facing transsexuals, while conforming to international human rights laws without infringing the rights of transsexual persons.	
012201 – 012405	Chairman Mr Paul TSE Ms TIN TING Wai-tak, Miranda, Care for the Well-being of Children Mr Herman POON, EOC	Mr Paul TSE invited Ms TIN TING Wai-tak and Mr Herman POON to elaborate more fully their views.	
012406 – 012616	Chairman Ms Cyd HO	Ms Cyd HO expressed dissatisfaction with the Administration for introducing a bill which adopted a narrow approach in implementing the CFA's Order in the case of <i>W v the Registrar of Marriages (FACV 4/2012)</i> ("the W case"), without addressing the worries and concerns of relevant parties.	
012617 – 012823	Chairman Dr Helena WONG	Dr Helena WONG stressed that the Bill did not seek to address the question of same sex marriage.	
012824 – 012926	Chairman Ms Emily LAU	Ms Emily LAU considered some deputations' criticism against EOC unfair. She urged EOC to step up its promotion to the public on its work and Hong Kong's obligations under various human rights covenants.	
012927 – 013031	Chairman Mrs Regina IP	Mrs Regina IP stressed that the Bill sought only to implement CFA's judgment made in the W case in respect of the marriage right of transsexual persons who had received full SRS, and that issues relating to same sex marriage or marriage right of transsexual persons who had not completed full SRS were outside the scope of the Bill.	
013032 – 013203	Chairman Mr LEUNG Kwok-hung	Mr LEUNG Kwok-hung pointed out that the Bill did not deal with the question of same sex marriage.	
013204 – 013737	Break		
Session Two			
013738 – 014259	Ms WONG Yin-ping, 守護 傳統婚姻聯盟	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
014300 – 014551	Mr LAM Ken-chung, Simon Christians at the Bar	Presentation of views (LC Paper No. CB(2)1309/13-14(09))	
014552 – 014844	Ms CHEUNG Sau-kuen, Bonnie, EFCC Yan Fook Church	Presentation of views (LC Paper No. CB(2)1360/13-14(01)) (restricted to members only)	
014845 – 015131	Mr LEUNG Chun-kit	Presentation of views (LC Paper No. CB(2)1339/13-14(03))	
015132 – 015444	Miss WOO Yuk-chu	Presentation of views (LC Paper No. CB(2)1339/13-14(03))	
015445 – 015736	Miss Ivy CHAN, Labour Party	Presentation of views	
015737 – 020047	Mr H W LAI, Parents for the Family Association	Presentation of views (LC Paper Nos. CB(2)1353/13-14(06) and CB(2)1568/13-14(01))	
020048 – 020356	Mr LEUNG Ho-yin	Presentation of views (LC Paper No. CB(2)1339/13-14(04))	
020357 – 020703	Ms TSUI Sum-yin	Presentation of views (LC Paper No. CB(2)1309/13-14(10))	
020704 – 021012	Mr LAU Chi-hung, League of Young Professionals	Presentation of views (LC Paper No. CB(2)1353/13-14(07))	
021013 – 021325	Ms WONG Sin-ting, 維家 愛苗行動	Presentation of views (LC Paper No. CB(2)1353/13-14(08))	
021326 – 021637	Ms WONG Fung-ping	Presentation of views (LC Paper No. CB(2)1353/13-14(09))	
021638 – 021956	Dr Stephen John Winter, WPATH	Presentation of views (LC Paper Nos. CB(2)1309/13-14(11) and (15))	
021957 – 022249	Miss Medeleine MOK, Amnesty International Hong Kong	Presentation of views (LC Paper No. CB(2)1221/13-14(04))	
022250 – 022549	Mr LEUNG Siu-fai	Presentation of views	
022550 – 022844	Miss YU King-yan, Queenie	Presentation of views	
022845 – 023137	Mr WONG Kai-yeung, Biases Concern	Presentation of views	
023138 – 023448	Miss NG Wing-yan	Presentation of views	

Time marker	Speaker	Subject(s)	Action required
023449 – 023800	Mr William Roy LEUNG, Justice Family	Presentation of views	
023801 – 024105	Mr YEUNG Ka-wai, Geoffrey, Gender Rights Watch	Presentation of views	
024106 – 024412	Miss HO Wan-see, Denise, BigLove Alliance	Presentation of views	
024413 – 024725	Miss LEUNG Wing-yan, Transgender Resource Center	Presentation of views (LC Paper No. CB(2)1221/13-14(02))	
024726 – 025012	Mr MAK Pui-chuen, Matthew, Hong Kong Sex Culture Society Limited	Presentation of views (LC Paper No. CB(2)1353/13-14(05))	
025013 – 025313	Chairman Dr Priscilla LEUNG	Dr Priscilla LEUNG considered it important to take into account the implications on the existing institution of marriage in considering issues relating to the rights of transsexual persons.	
025314 – 025510	Chairman Ms Cyd HO Dr Stephen John Winter, WPATH	Ms Cyd HO invited Dr Stephen John Winter's view on whether members of the public were adequately informed of problems facing transgender persons and measures which should be taken by the Administration to enhance the community's understanding in this regard.	
025511 – 025719	Chairman Dr Helena WONG Miss HO Wan-see, Denise, BigLove Alliance	Dr Helena WONG sought views from deputations on whether gender recognition issues should be dealt with in the current legislative exercise or in a separate legislative exercise.	
025720 – 025928	Chairman Mrs Regina IP Miss LEUNG Wing-yan, Transgender Resource Center	Mrs Regina IP sought views from deputations on whether the Administration had an obligation to introduce the Bill to implement what had been conclusively decided by CFA in its Order made in the W case.	
025929 – 030130	Chairman Mr Paul TSE	Mr Paul TSE sought views from deputations on whether the Administration should shelve the Bill until a thorough consultation on relevant issues had been conducted and a consensus was reached in the society.	
030131 – 030338	Chairman Ms Emily LAU Miss LEUNG Wing-yan, Transgender Resource Center	Ms Emily LAU invited Miss LEUNG Wing-yan's view on measures that should be taken by the Administration and EOC to ameliorate the difficulties encountered by transsexual persons.	
030339 – 030552	Chairman Mr CHAN Chi-chuen Miss LEUNG Wing-yan, Transgender Resource Center	Mr CHAN Chi-chuen sought information from Miss LEUNG Wing-yan on whether an application from a transsexual person to change the sex entry on a Hong Kong Identity Card would be granted if his/her SRS was unsuccessful.	

Time marker	Speaker	Subject(s)	Action required
030553 – 030745	Chairman Mr LEUNG Kwok-hung	Mr LEUNG Kwok-hung pointed out that while CFA had held in its judgment that post-operative transsexual persons should be qualified to marry in their re-assigned sex, it had not specified that only post-operative transsexual persons would be so qualified.	
030746 – 031249	Break		
Session Three			
031250 – 031740	Mr LEE Tak-hung, Action Q	Presentation of views	
031741 – 032051	Mr Reggie HO, Pink Alliance	Presentation of views (LC Paper No. CB(2)1309/13-14(12))	
032052 – 032406	Mr David KAM, Society for the Preservation of the Culture of Chinese Family	Presentation of views (LC Paper No. CB(2)1353/13-14(10))	
032407 – 032723	Mr CHOW Wang-ngai	Presentation of views (LC Paper No. CB(2)1339/13-14(05))	
032724 – 033030	Mr FUNG Ka-lok, Social Value Defense's Alliance	Presentation of views (LC Paper No. CB(2)1339/13-14(06))	
033031 – 033339	Mr NG Sze-yuen, Family Value Foundation of Hong Kong Limited	Presentation of views (LC Paper No. CB(2)1309/13-14(13))	
033340 – 033707	Mr HUONG Cheong-fai	Presentation of views (LC Paper No. CB(2)1309/13-14(14))	
033708 – 034021	Ms CHEUNG Wai-ming, 護家愛孩同盟	Presentation of views	
034022 – 034339	Mr CHOI Chi-sum, The Society for Truth and Light	Presentation of views (LC Paper No. CB(2)1309/13-14(16))	
034340 – 034647	Ms FONG Lai-hung	Presentation of views (LC Paper No. CB(2)1309/13-14(17))	
034648 – 034959	Mr TSE Kwok-fu, Daniel, 同心同行家長組	Presentation of views (LC Paper No. CB(2)1309/13-14(18))	
035000 – 035317	Prof KWAN Kai-man	Presentation of views (LC Paper No. CB(2)1309/13-14(19))	
035318 – 035635	Dr HONG Kwai-wah	Presentation of views (LC Paper No. CB(2)1309/13-14(20))	
035636 – 035937	Mr Roger WONG, Family School Sodo Concern Group	Presentation of views (LC Paper No. CB(2)1309/13-14(21))	

Time marker	Speaker	Subject(s)	Action required
035938 – 040251	Ms LAW Ka-chun, Priscilla	Presentation of views (LC Paper No. CB(2)1353/13-14(11))	
040252 – 040556	Mr FUNG Kin-shing	Presentation of views (LC Paper No. CB(2)1353/13-14(12))	
040557 – 040913	Ms WONG Mei-fung, Hong Kong Christian Institute	Presentation of views (LC Paper No. CB(2)1309/13-14(22))	
040914 – 041223	Mr HO Wai-ip, Parents Concern	Presentation of views (LC Paper No. CB(2)1339/13-14(07))	
041224 – 041613	Mr CHAN Ping-lung	Presentation of views (LC Paper No. CB(2)1353/13-14(13))	
041614 – 041922	Mr LEE Chak-pui, Life Transformer	Presentation of views (LC Paper No. CB(2)1309/13-14(23))	
041923 – 042234	Ms CHEUNG Wai-ping	Presentation of views (LC Paper Nos. CB(2)1339/13-14(08) and CB(2)1916/13-14(01))	
042235 – 042506	Chairman Mr LEUNG Kwok-hung Mr HUONG Cheong-fai	Mr LEUNG Kwok-hung expressed the view that the rights of minority groups should be respected.	
042507 – 042735	Chairman Mr Paul TSE Ms LAW Ka-chun, Priscilla	Mr Paul TSE sought views from deputations on whether the Administration should shelve the Bill until a thorough consultation on relevant issues had been conducted and a consensus was reached in the society.	
042736 – 042855	Chairman	Closing remarks; next of next meeting	