



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : SB CR 1/3231/13  
本函檔號 OUR REF : LS/B/6/13-14  
電話 TELEPHONE : 3919 3502

傳真 FAX : 2901 1297  
電郵 E-MAIL : slam@legco.gov.hk

By Fax (2868 1552)

Mr Billy WOO  
Principal Assistant Secretary (Security) D  
Security Bureau  
10/F, East Wing  
Central Government Offices  
2 Tim Mei Avenue  
Tamar  
Hong Kong

3 June 2014

Dear Mr WOO,

### Marriage (Amendment) Bill 2014

Further to our previous letters, we have the following additional question for your clarification.

According to the LegCo Brief on and the Explanatory Memorandum of the Bill, and the Secretary for Security's explanations on a number of occasions at the meetings of the Bills Committee, the purpose of the Bill is to implement the Court of Appeal's (CFA) order in the case of *W v the Registrar of Marriages* (FACV 4/2012) (the W case). Assuming that the term "the CFA's order" is confined to mean the terms of the order of the CFA (which refers to section 40 of Cap. 181 and section 20(1)(d) of Cap. 179) given on 16 July 2013, would the Administration, on such assumption, explain the justification for introducing the new section 40A(2)(b) relating to re-assignment of sex from female to male which appears to be outside the terms of the order of the CFA in the W case?

Your reply, in both languages, is very much appreciated.

Yours sincerely,

(Stephen LAM)

Senior Assistant Legal Adviser

c.c. Clerk to Bills Committee