



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 post and by fax (2868 1552)

26 Sep 2014

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

Dear Mr WOO,

Marriage (Amendment) Bill 2014

The resumption of the Second Reading debate on Marriage (Amendment) Bill 2004 (the Bill) is re-scheduled to the Council meeting of 8 October 2014. It is noted that the Administration has proposed a Committee Stage amendment to clause 1(2) of the Bill to specify the commencement date of the Ordinance, upon passage of the Bill, as 17 July 2014. The Administration has explained the purpose of the amendment is to align the commencement date of the statute law with the effective date of the Court of Final Appeal's Order in *W v Registrar of Marriages* [2013] 3 HKLRD 90, i.e. 17 July 2014. In light of the re-scheduled date for the resumption of the Second Reading debate on the Bill—

- (a) Would the Administration explain whether it is necessary to change the commencement date of the Ordinance to a date after passage of the Bill so as to avoid retrospective operation of the Ordinance? and

- (b) If the answer to (a) above is negative, would the Administration consider it necessary, in light of the retrospective operation of the Ordinance, to amend clause 1(2) of the Bill to read as "This Ordinance has come into operation on 17 July 2014" or other formulation to reflect that the Ordinance has already come into operation instead of "This Ordinance comes into operation on 17 July 2014"?

It is appreciated that your reply, in both languages, could reach us by 30 September 2014.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Stephen Lam", written in a cursive style.

(Stephen LAM)

Senior Assistant Legal Adviser

c.c. LA, ASG3, CCS(2)6

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