

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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Mr Stephen LAM
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Legal Service Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
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Dear Stephen,

Thank you for your letter dated 26 September 2014. The Administration's response to your two questions are set out below.

As explained previously, the Court of Final Appeal (CFA)'s Order in *W v Registrar of Marriages (W Case)* already came into effect on 17 July 2014 after the expiry of the 12-month suspension period. Accordingly, to implement the CFA Order, the Administration announced on 16 July 2014 that persons who have received full sex re-assignment surgery (SRS) will be treated by the Registrar of Marriages as being of the sex to which they are re-assigned after the surgery for the purpose of marriage registration starting from the same day.

Since the Marriage (Amendment) Bill 2014 was introduced into the Legislative Council (LegCo) to align the statute law with the CFA Order in the *W Case* so as to give the public a clear understanding of the right of transsexual persons who have received full SRS to marry in their re-assigned sex, the Secretary for Security wrote to the Clerk to LegCo on 30 September 2014 seeking the LegCo President's approval for the Administration to submit a revised amendment to be moved at the Committee Stage after the

second reading of the Bill, specifying that the Marriage (Amendment) Ordinance 2014 is deemed to have come into operation on 17 July 2014, i.e. the same day on which the CFA Order came into effect.

Such amendment aims to ensure that the commencement date of the statute law will be aligned with the effective date of the CFA Order in the W Case. Since the Bill seeks nothing but to out-and-out reflect in statute law what has been irreversibly decided by the CFA Order, which has been implemented by the Registrar of Marriages since 17 July 2014, the retrospective operation of the Amendment Ordinance (upon enactment by LegCo) is considered necessary to avoid any unnecessary misunderstanding. This will not affect the rights of persons registering or intending to register for marriages since 17 July 2014.

Yours sincerely,



(Billy Woo)
for Secretary for Security

c.c. Secretary for Justice (Attn: Alan Chong)