

# 立法會

## *Legislative Council*

LC Paper No. CB(3) 19/14-15

Ref : CB(3)/B/S/1 (13-14)

Tel : 3919 3307

Date : 3 October 2014

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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### **Council meeting of 8 October 2014**

### **Marriage (Amendment) Bill 2014**

### **Committee stage amendments and the debate and voting arrangements**

Further to LC Paper Nos. CB(3) 775/13-14 and CB(3) 827/13-14 issued on 30 June and 8 July 2014 respectively, Members are invited to note that as the Second Reading debate on the Marriage (Amendment) Bill 2014 was not dealt with at the Council meeting of 9 July 2014 and the debate will be resumed at the Council meeting of 8 October 2014, the Secretary for Security has withdrawn the notice of his original amendment to the Bill (**Appendix I**). Subject to the Bill receiving a Second Reading, the President has waived the notice required for the Secretary for Security to move the attached amendment to the Bill (**Appendix II**), which is strictly technical in nature, during its Committee stage.

2. An updated table on the debate and voting arrangements for the various provisions of and amendments to the Bill is in **Appendix III** for Members' information.

(Ms Jessica CHAN)  
for Clerk to the Legislative Council

Encl.

Marriage (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Secretary for Security

Clause

Amendment Proposed

1(2)	By deleting everything after “operation” and substituting “on 17 July 2014.”.
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Marriage (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Secretary for Security

Clause

Amendment Proposed

1(2) By deleting everything after “Ordinance” and substituting “is deemed to have come into operation on 17 July 2014.”.

Revised

**Marriage (Amendment) Bill 2014**  
**Debate and voting arrangements**

<b>First debate:</b> Clause with no amendment - clause 2			
<b>Voting:</b> Clause 2 stand part of the Bill			
<b>Second debate:</b> Clauses with amendments proposed by the Administration, Hon CHAN Chi-chuen and Hon Dennis KWOK - Clauses 1 and 3			
Joint debate on the original clauses and the amendments thereto; contents involve:			
<u>Clause 1</u>			
– Commencement of the Bill			
<u>Clause 3</u>			
– For construing the references to “man” and “woman” in section 40(2) of the Marriage Ordinance and the references to “male” and “female” in section 20(1)(d) of the Matrimonial Causes Ordinance, a person who has received a full sex re-assignment surgery (“SRS”) is treated as being of the sex to which the person is re-assigned after completion of the surgery;			
– To provide for the definition of a full SRS; and			
– To provide for a presumption about the sex of one of the parties to the marriage stated on the identification document at the time of marriage			
● <b>Secretary for Security</b>	:	To amend clause 1(2) to provide that the Bill is deemed to have come into operation on 17 July 2014 (i.e. to align with the commencement as stated in the Court of Final Appeal’s Order)	
● <b>Hon CHAN-Chi Chuen</b>	:	1st amendment	– To amend clause 1(2) to provide that the Bill comes in operation on 17 July 2024
		2nd amendment	– To amend clause 1(2) to provide that the Bill comes in operation on 17 July 2019
● <b>Hon Dennis KWOK</b>	:	To amend clause 3 to add section 40C to provide that sections 40A and 40B of the Bill shall expire at midnight on 31 July 2017; and to amend the heading of clause 3 to add section 40C	
Amendment mover	Order of voting on amendment	Remarks	Amendment
Secretary for Security	To vote on the Secretary for Security’s amendment	If the Secretary’s amendment <b>is passed</b> , Hon CHAN Chi-chuen <b>may not</b> move his two amendments, but Hon Dennis KWOK <b>may</b> move his amendments to clause 3.	<b>Annex 1</b>

Amendment mover	Order of voting on amendment	Remarks	Amendment
Hon CHAN Chi-chuen	To vote on Hon CHAN Chi-chuen's 1st amendment <u>if the Secretary's amendment is negated</u>	If Hon CHAN Chi-chuen's 1st amendment <b>is passed</b> , he <b>may not</b> move his 2nd amendment.  If Hon CHAN Chi-chuen's 1st or 2nd amendment <b>is passed</b> , Hon Dennis KWOK <b>may not</b> move his amendments to clause 3.	
Hon Dennis KWOK	To vote on Hon Dennis KWOK's amendments <u>if Hon CHAN Chi-chuen's 1st or 2nd amendment is negated</u>	-	<b>Annex 2</b>
<b>Third debate:</b> Clause with amendment proposed by Hon CHAN Chi-chuen - Clause 4			
Joint debate on the original clause and the amendments thereto; the content involves technical amendments to change the terms "widow" (寡婦) and "widower" (鰥夫) to "widowed person"(喪偶) in the various forms specified in Schedule 1 to the Marriage Ordinance			
● Hon CHAN-Chi Chuen	: 3rd amendment	- To amend clause 4(2) and (4) to change the Chinese term "喪偶" as proposed in the Bill to "喪偶者"	
<b>Voting:</b> Hon CHAN Chi-chuen's 3rd amendment - <b>Annex 3</b>			

### Secretary for Security's amendment

(Issued under LC Paper No. CB(3) 19/14-15 on 3 October 2014)

### Hon CHAN Chi-chuen's and Hon Dennis KWOK's amendments

(Issued under LC Paper No. CB(3) 825/13-14 on 8 July 2014)

Council Business Division 3  
Legislative Council Secretariat  
3 October 2014

Marriage (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Secretary for Security

Clause

Amendment Proposed

1(2) By deleting everything after “Ordinance” and substituting “is deemed to have come into operation on 17 July 2014.”.

Marriage (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting everything after “operation” and substituting “on 17 July 2024.”.

Marriage (Amendment) Bill 2014

**Committee Stage**

Amendment to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting everything after “operation” and substituting “on 17 July 2019.”.



Marriage (Amendment) Bill 2014

**Committee Stage**

Amendments to be moved by the Honourable Dennis KWOK

<u>Clause</u>	<u>Amendment Proposed</u>
3	In the heading, by deleting “ <b>and 40B</b> ” and substituting “, <b>40B and 40C</b> ”.
3	By adding–  <b>“40C. Expiry of sections 40A and 40B</b> Sections 40A and 40B shall expire at midnight on 31 July 2017.”.

Marriage (Amendment) Bill 2014

**Committee Stage**

Amendments to be moved by the Honourable CHAN Chi-chuen

<u>Clause</u>	<u>Amendment Proposed</u>
4(2)	By deleting “喪偶” and substituting “喪偶者”.
4(4)	By deleting “喪偶” and substituting “喪偶者”.