



Hong Kong, January 11, 2017

The Hon. Mr. CHAN Hak-kan, BBS, JP
President
Bills Committee on Private Columbaria Bill
Legislative Council Complex
1 Legislative Council Road
Central

Via electronic delivery
bc_51_16@legco.gov.hk

Dear Mr. Chan:

Re: Written submission concerning Private Columbaria Bill

1. We would like to thank the Bills Committee for providing the opportunity to comment on the Private Columbaria Bill and are pleased to make the submission for your consideration.
2. In the scrutiny of the Bill under the last Legislative Council, former legislator the Hon. Cyd Ho moved to include same-sex couples whose relationship were formalized overseas and to afford them the same treatment as relative in the disposal of ashes of the deceased upon closure of the premise as different-sex couples.
3. It is unfortunate that this proposal was left out in the present Bill before your Committee by the Administration despite having adopted over 500 other amendments.
4. Hong Kong has always been a pluralistic society. As our society evolves, the law should reflect and include such changes accordingly; in an inclusive manner so that it does not leave behind those who are unwilling or unable to enter into the institution in the traditional sense. **It is for this reason we of are the view that it is in the interest of the society where the Bill must adopt an inclusive approach in dealing with current matter to include same-sex couples.**

5. Increasingly, same-sex couples are able to travel overseas to formalize their relationship as more and more countries are equalizing marriage or providing legal partnership recognition to include same-sex couples. These relationships are rendered irrelevant upon their return to Hong Kong as they are treated as strangers in the eyes of the law; regardless if the couple are married or how long they have spent together. While it's true that the same can be said for unmarried different-sex couples, the difference however is that there is an avenue for different-sex couples to marry and be recognized and conferred with legal recognition after entering into a marriage, which is not available in Hong Kong for same-sex couples.
6. Giving recognition to unmarried de facto couples in Hong Kong laws which include same-sex couples is not unprecedented. The *Domestic and Cohabitation Violence Ordinance* and *Electronic Health Record Sharing System Ordinance* were both enacted in such a way that unmarried de facto couples can be included.
7. Furthermore, studies have indicated that there is a wide spectrum of support in the matter. A 2014 study carried out by the University of Hong Kong found that **74 percent of respondents thinks that same-sex couples should have "all" or "some of" the rights enjoyed by different-sex couples**. Another more recent study conducted in August 2016 by the Chinese University found that **64 percent of Hongkongers were agreed when asked specifically whether same-sex partners should be able to claim deceased partner's ashes**, and less than 10 percent disagreed.
8. It is obvious that the rights of minority should not solely be decided by a majority. We include this in our submission to offer the view that an amendment to include same-sex couples in the present Bill would not be a controversial one that lacks the support from the public.
9. Indeed, it would only be the right, just and fair one.
10. **We therefore respectfully urge Members of the Legislative Council to support an amendment to the Private Columbaria Bill so that same-sex couples will be included in the coverage of the Bill.**

Sincerely yours



Billy R. Leung
Vice-chair