

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 22 November 2018

The Council continued to meet at Nine o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, G.B.S., J.P.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, G.B.S., J.P.

THE HONOURABLE STARRY LEE WAI-KING, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, B.B.S., J.P.

THE HONOURABLE CHAN KIN-POR, G.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

THE HONOURABLE WONG KWOK-KIN, S.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN, B.B.S.

THE HONOURABLE FRANKIE YICK CHI-MING, S.B.S., J.P.

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING, B.B.S.

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE LEUNG CHE-CHEUNG, S.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, B.B.S., J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG, J.P.

THE HONOURABLE DENNIS KWOK WING-HANG

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

DR THE HONOURABLE CHIANG LAI-WAN, S.B.S., J.P.

IR DR THE HONOURABLE LO WAI-KWOK, S.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

DR THE HONOURABLE JUNIUS HO KWAN-YIU, J.P.

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING, J.P.

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE LUK CHUNG-HUNG, J.P.

THE HONOURABLE LAU KWOK-FAN, M.H.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE AU NOK-HIN

THE HONOURABLE VINCENT CHENG WING-SHUN, M.H.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S.

MEMBERS ABSENT:

THE HONOURABLE CHAN HAN-PAN, B.B.S., J.P.

DR THE HONOURABLE ELIZABETH QUAT, B.B.S., J.P.

THE HONOURABLE JIMMY NG WING-KA, J.P.

THE HONOURABLE SHIU KA-CHUN

THE HONOURABLE TANYA CHAN

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE KENNETH LAU IP-KEUNG, B.B.S., M.H., J.P.

PUBLIC OFFICER ATTENDING:

THE HONOURABLE PATRICK NIP TAK-KUEN, J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

CLERKS IN ATTENDANCE:

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Good morning. Debate on motion with no legislative effect.

This Council shall now debate on the motion on "Studying the formulation of policies for homosexual couples to enter into a union".

Members who wish to speak on the motion will please press the "Request to speak" button.

I call upon Mr CHAN Chi-chuen to speak and move the motion.

Stand-over item: Member's motion on "Studying the formulation of policies for homosexual couples to enter into a union" (since the meeting of 24 October 2018)

STUDYING THE FORMULATION OF POLICIES FOR HOMOSEXUAL COUPLES TO ENTER INTO A UNION

MR CHAN CHI-CHUEN (in Cantonese): President, this is the first time in the history of the Legislative Council that a formal discussion is held on the formulation of policies for homosexual couples to enter into a union, and this is a significant historic moment of the lesbian, gay, bisexual and transgender ("LGBT") movement in Hong Kong, as well as for those who are concerned about the rights and interests of LGBT people. My motion has in fact been included in the Agenda for quite a long time, and I have checked and found that it was included in the Agenda as early as 4 July, but it is only until today that a discussion can finally be held. I attempted to move a similar Member's motion in the last term of the Legislative Council but to no avail.

LGBT people in Hong Kong have really been waiting for a very long time for a discussion on the formulation of policies for homosexual couples to enter into a union, after a span of several generations and a wait of decades without discussion. The Legislative Council has scrutinized many different bills and during the scrutiny process, the issues of homosexual couples' entitlement to their rights and the protection for such rights were more or less touched. In this

connection, I think what struck us the most was the Private Columbaria Bill last year, when we also discussed whether homosexual couples should be allowed to claim the cremains of their deceased husband or wife.

As this is the first time for the Legislative Council to hold a formal debate on the issue, I am sure the people of Hong Kong, the Hong Kong Government and Members of this Council are, without exception, not very familiar with this issue. Although I have been following this matter, I dare not boast about being an expert in this respect, and I therefore hope that the Government, fellow Members, the legislature and the general public would look into the issue with an open mind.

The Government has always been avoiding facing up to the issue of homosexual couples, and whenever the issue of the rights and interests of homosexual couples is raised, the Government will act like an audio recorder and repeat a model answer it has prepared on the issue. Such a model answer has also been included in the Policy Address this year, and although the relevant paragraph did not discuss the rights and interests of homosexual couples but talked about anti-discrimination measures, it started by saying: "The HKSAR Government has been committed to promoting equal opportunities for people of different sexual orientations and transgenders on the basis of upholding the existing institution of monogamy and heterosexual marriage". First of all, we fully understand this. If the SAR Government is not holding such an attitude that I would not have to move this motion for debate today to urge the Government to study the inclusion of some mutually compatible systems under into the existing marriage system to allow homosexual couples to enjoy their rights.

The QT case is another example. With regard to the QT case, following its ultimate defeat in the Court of Final Appeal, the Government had to introduce legislative amendments to the Immigration Ordinance so that homosexual couples who have entered into a union in overseas countries may apply for a dependant visa to stay in Hong Kong. At a meeting of a relevant committee, I asked the Secretary for Security whether the same-sex partner of a Hong Kong permanent resident could apply for a dependant visa to come to Hong Kong after they had entered into a union in overseas countries. Secretary John LEE refused to give me a direct reply then, and only said that I should know the answer well. However, the problem does not lie in whether I know the answer well, it is the Government that has the responsibility to clarify its policy and enable members of

the public to clearly understand it. This has fully reflected the mentality of the Government that it is not willing to directly verify that homosexual couples should be treated on a par with heterosexual couples and enjoy the same or even some of the rights available to heterosexual couples. Therefore, no matter what, the Government will not take the initiative to look into the matter.

As we can always see, no government department is willing to examine how such issues as homosexual relationship and same-sex marriage should be handled, and what I am asking for is just a study in this respect. This is also one important objective behind my motion today. I hope the Government can practically commence its discussion on which government department should be made responsible for dealing with the matter. As I can recall, in the W case in respect of marriage right back then, the Government was forced to amend the Marriage Ordinance following its ultimate defeat in the Court of Final Appeal. Given that the Marriage Ordinance fell within the policy area of the Immigration Department, the matter was eventually taken up by the Secretary for Security, and I had a debate on the marriage right of transgender persons with the then Secretary for Security LAI Tung-kwok.

How about the Constitutional and Mainland Affairs Bureau? The Bureau has always been responsible for dealing with matters concerning elimination of discrimination, so that people of different sexual orientations may enjoy equal opportunities and will not be discriminated against. However, no discussion has ever been held by the Bureau on the rights of homosexual couples. Secretary, this is the fact, and while attending meetings of a relevant subcommittee, officials of the last-term Government pointed out that members raising the related issues had digressed from the subject concerned and they did not allow Members to discuss by saying that instead of same-sex marriage or civil union, the subjects under discussion then were equal opportunities and elimination of discrimination.

Secretary Patrick NIP is the public officer attending this motion debate today to answer Members' questions, but the subject under discussion involves definitely not merely the Constitutional and Mainland Affairs Bureau, and I can cite a very good example to illustrate my point. There is another pending judicial review case called the MK case, which also seeks to safeguard the rights for homosexual couples to enter into a legal union in Hong Kong. The Government has filed an application to the High Court for adjourning the hearing of the case on the grounds put by the counsel representing the Department of

Justice that the case involves important public policies and there is a need to consult a total of 13 government departments beforehand. Such grounds were given by the Government, not fabricated by me.

It can thus be seen that when the policies for homosexual couples to enter into a union is discussed, the discussion definitely involves not only the Constitutional and Mainland Affairs Bureau headed by Secretary Patrick NIP. I wonder if his attendance at the motion debate was determined by drawing lots, or he does not mind getting the short end of the stick, and is therefore willing to open the door for discussion and look into the matter concerned. I believe that a serious study on the subject matter will surely involve a number of government departments and many pieces of legislation.

When some sexual minorities heard what Carrie LAM said in the above mentioned paragraph in the Policy Address this year that she was committed to upholding the existing institution of monogamy and heterosexual marriage, they opined that the Government has shut the door on the establishment of a system under which homosexual couples may enter into a union. However, I am sorry to tell them that instead of shutting the door, it would be more correct to say that the door has never been opened. What I am trying to do today is to open this door by moving this motion for debate.

Secretary, when making preparation for moving this motion today, I have spent most of my time not on preparing my arguments but on deciding the subject of my motion. You may have noted that the title of this motion is to urge the Government to "study the formulation of policies for homosexual couples to enter into a union", but there is no mention of specific policies to be formulated, and neither have such proposals as same-sex marriage, civil union or civil partnership been put forward. Why should I handle the motion in this way? Some people have asked me why I did not seek to move a motion to directly urge the Government to enact legislation relating to same-sex marriage, since a motion of this sort has no binding effect and will unlikely be passed. Even if such a motion is passed, the Government may choose to ignore it, so why not put forward an even more earth-shattering request?

I would like to tell all of you and sexual minorities that this is a discussion rather than a debate, and my real intention is to arouse concern among members of the public, so that we can commence discussion on the subject matter instead of expressing opposition to same-sex marriage like a fundamentalist before

proceeding to voting., and then calling it a day, that's it. This is absolutely not what I hope for. I also do not wish to see that the Government asserts in a hostile manner that my proposal is not feasible because it only recognizes the institution of heterosexual marriage.

Firstly, no one should discriminate against sexual minorities, no matter whether you like and accept them or not. Secondly, we should acknowledge their objective existence, and they may be your relatives, friends, colleagues, classmates or people around you. There is a need for heterosexual couples to enter into a union, and so do sexual minorities and homosexual persons, and such a need does exist in an objective manner. No matter what policies, administrative measures or legislative means are adopted by the Government to tackle the issue, the problem still needs to be addressed and a study should still be conducted. We should not shut the door and refuse to discuss by merely chanting the slogan of "opposing same-sex marriage".

I hope all fellow Members in this Council, be they in support of my motion or have serious doubts and reservations about the subject matter, will try to listen as much as possible and talk about their worries and confusions today. What exactly are the differences between civil union and same-sex marriage? Different methods are used in different societies and places to deal with the matter, and this is exactly what I wish to discuss today. The rights involved are also of many different levels, and some are the most basic personal rights, such as the rights mentioned just now for couples to claim the dead body or cremated ashes of their partner. Alternatively, will homosexual couples be given a right and proper status so that they may visit their partner when he/she is admitted to intensive care unit? When they are incapacitated from making medical decisions, can their partner as their closest person make such decisions on their behalf? All these are very personal issues which involve the relationship between two persons.

When it comes to the enactment of anti-discrimination legislation to provide for in this respect, some people will raise objection on the ground that this will result in reverse discrimination, and people will be inadvertently caught and go against their conscience. However, conversely, when homosexual couples wish to claim the dead body of their partner, they should not be regarded as going against their conscience, right? With regard to the entering into a union by homosexual couples, no matter how you name it, and be it called civil union or

"cohabitants", a term used by the opposition camp in Taiwan to avoid using the word "marriage", the aim is to reflect the genuine relationship of these couples and the need to give them the necessary protection. I have often advised the Government that if homosexual couples are not allowed to claim the dead body of their partner, the Government will definitely lose the lawsuit if a judicial review is filed. For couples who have lived their lives together for several decades, the Government simply cannot prevent them from claiming the dead body of their partner. I was told by government officials that they could actually do so, as long as there was no other claim and no other person was fighting for it. Yet, the problem is that if the mother of a deceased person wishes to claim the dead body, the same-sex partner of that deceased person will neither have the status nor the rights to do so.

As to the rights at the next higher level, public policies may be involved when it comes to the rights to opt for a joint assessment when completing a tax return. Some may even wish to fight for the rights to apply for public housing, which will add another level of complexity involving the distribution of social resources and the question of taking away the resources from heterosexual couples may be raised. I of course do not consider it the case, because as fellow Hong Kong citizens, why are homosexual couples not allowed to apply for public housing and purchase flats under Home Ownership Scheme when heterosexual couples can do so?

There are also some other more controversial issues, such as the rights to adopt children, the rights to conceive a child by means of artificial insemination, and such issues are indeed highly controversial. Hence, in the debate held today, I do not wish to give certain Members a chance to express their opposition like a fundamentalist to any legislation and policies that would promote the rights of sexual minorities, exaggerate the problem and even oppose a study on the issue. What logic do they have? They refuse to give in an inch when it comes to the introduction of legislation against sexual orientation discrimination or the formulation of a system for homosexual couples to enter into a union. When there are still 100 steps away from the finish line, why they refuse to give in one step? According to them, as long as we are allowed to take one step forward, the distance from the finish line will be shortened to only 99 steps, and hence even a single step will not be allowed. I really cannot have a debate with people like them.

Fortunately, there is a very wide spectrum in the pro-establishment camp, and some pro-establishment Members are even willing to support my motion. These Members told me in private that as long as the marriage system and the definition of marriage remained unaffected, and nothing would be done to the arrangements for adopting children, the suggestion for a civil union system was open for discussion. Therefore, different people will have different views, and with the only exception of Dr Priscilla LEUNG, all Members who will move amendments to my motion today have exercised utmost restraint. The detailed justifications will be explained by these Members themselves.

Finally, I would like to refute a fallacy. Some people pointed out that with the introduction of a system for homosexual couples to enter into a union, they would be forced to indirectly act against their own values and conscience, meaning that the Government would infringe their freedom of acting according to their conscience. I am sorry to say that as I have always pointed out, we are all free to choose our own spouse, there will be no need for us to seek permission from each other in this respect, and no one can be forced to attend a wedding banquet and give a wedding gift. Since no one will be arrested for this, how can a person's freedom of acting according to his/her own conscience be infringed?

Many different values exist in our society, and we must respect each other. What is the core value of marriage or the entering into a union? I think it does not lie in the gender or sexual orientations, but in the aspirations for building up a stable relationship, and the hope to take care of and be responsible to the partner. Everything comes from love. I therefore hope that our discussion on this subject matter today can be held along this direction.

President, I move that the motion be passed.

Mr CHAN Chi-chuen moved the following motion: (Translation)

"That this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr CHAN Chi-chuen be passed.

PRESIDENT (in Cantonese): Three Members will move amendments to this motion. This Council will conduct a joint debate on the motion and the amendments.

I will call upon Members who will move the amendments to speak in the following order: Dr Priscilla LEUNG, Mr AU Nok-hin and Mr Gary FAN, but they may not move their amendments at this stage.

DR PRISCILLA LEUNG (in Cantonese): President, I will speak on my amendment to Mr CHAN Chi-chuen's motion on equal rights for people of different sexual orientations. Mr CHAN Chi-chuen has been saying that my amendment has hijacked his original motion. I beg to differ with his view. All Legislative Council Members are entitled under the Rules of Procedure and the House Rules to move an amendment to a motion pursuant to the requirements and time limit set out in the Rules of Procedure.

The original motion urges the Government to study the formulation of policies for homosexual couples to enter into a union. I do not understand why he has the idea that I have hijacked his motion. I actually think he should support my amendment because I also mention in my amendment that the Government can study the policy on equal rights for people of different sexual orientations, as long as the study will not shake the existing marriage institution and undermine the related rights.

Actually, I also support eliminating discrimination. I also hope that the Government can expand its scope of action against discrimination to cover discrimination against the rights of speech and expression of those opposing homosexuality. This is what they call reverse discrimination. In fact, reverse discrimination is also a form of discrimination. The study should be extensive and all-inclusive. I thus do not oppose studying the policies in this regard.

But Mr CHAN Chi-chuen has been criticizing my amendment. Also, he has been criticizing the Government for saying in this Policy Address that "the HKSAR Government has been committed to uphold the existing institution of monogamy and heterosexual marriage". This shows my judgment is correct. In fact, his original motion focuses not only on the policies for homosexual couples entering into a union. It also targets at the institution of monogamy and heterosexual marriage.

My amendment precisely seeks to uphold the existing marriage institution and policies, such as the custody of children. The existing marriage institution in Hong Kong is an important component of our society. It is also the cornerstone to a stable and harmonious family. I hold that if the marriage institution of "one husband and one wife" and "one man and one woman" is crushed, it will cause an upheaval of society.

In fact, Hong Kong is a society of great freedom. Homosexual couple itself is not a crime. It is their private decision to get into a union. No one is stopping them. However, I do not encourage, and do not accept, homosexual movement supporters discriminating those opposing homosexuality. The latter are only expressing their personal views based on their own belief.

There are many similar examples abroad. I believe the message in society, including the message in the Government's promotion, is rather one-sided, that is, homosexual people are being discriminated. There is never any mention of anti-homosexual people being discriminated.

Mr CHAN Chi-chuen's supporters often smear those opposing homosexuality for being homophobic. Our former Legislative Councillor Mr WONG Sing-chi was mocked as a "moral Taliban". I do not think we should use such words. Mr CHAN Chi-chuen says that the Legislative Council has never discussed this subject. I do not think he is being fair to say so. In fact, this subject has been discussed in the past several terms of Legislative Council, just that the wordings were different. This is exactly what I want to point out. Although Mr CHAN Chi-chuen has not used wordings such as same-sex marriage or civil union, he is actually referring to the same thing.

There are many worrying examples abroad. In Hong Kong, there were also cases of reverse discrimination when legislation or a clear policy on this issue were yet to be introduced. Let me cite a few examples. The first case took place in the United Kingdom and it was also reported by the BBC news recently. The United Kingdom has opened the floodgates on this subject. Three hundred female members of the Labour Party defected because a transgender party member was allowed to take up a quota of the female candidate shortlist. The candidate was not required to undergo any transsexual surgery or present any certification. This is what has happened in the United Kingdom.

Even more ridiculous examples can be found in the United Kingdom. Female students in 40 secondary schools were not allowed to wear skirts as the uniform. These schools were concerned that an explicit gender policy may cause distress to transgender students or students with insufficient knowledge of gender issues and make them feel different from others. As a result, all students wore trousers. This example is taken from a British newspaper. Has this practice not deprived students who are sure they are female of the opportunity and the right of choice to wear skirts as their uniform? Why are schools in the United Kingdom so scared of the gender issue?

For instance, there are often requests in the community, or even among Members, for installing a "gender-inclusive toilet". Why do we have to describe these toilets as "gender-inclusive"? Why can we not call it a "uni-sex toilet"? The name sounds like people are not acting inclusively. Similar situations are found in high schools in the United States. Some female students yelled when a transgender person entered the female toilet. Although legislation has been enacted in the United States in this regard, the students yelled out of instinct when the transgender person suddenly entered the toilet. However, they were not allowed to have such a reaction and were immediately criticized for being discriminatory. It was an instinctive reaction of the female students because they were not adapted to the change yet. But they were not allowed to have such a reaction.

What about the judiciary? Another example took place in the United Kingdom, involving a family court judge named Richard PAGE. In the judgment on an adoption case, PAGE said a child would be better placed with a father and a mother of a traditional family. He was then penalized for this alleged error. There are many more examples. In Canada, a teacher named Dr Chris KEMPLING was fined for expressing his objection to same-sex marriage. The incident resulted in the suspension of his teaching post for three months.

Am I making a groundless accusation? In fact, I, just like Mr CHAN Chi-chuen, am not an expert on this subject. My past research focuses on the Basic Law and the difference in the marriage institutions of the Mainland, Taiwan and Hong Kong. I thus know that the marriage institution can reflect the mainstream values of a society. For example, in California of the United States, a father of a six-year-old boy did not want his son to study in a school that regarded homosexuality as normal. He held that his son was not mature enough

and he should not be taught such an idea. However, as his father, he does not have the right to refuse to let his son study in that school. What about the situation in Hong Kong? Two years ago, the principal of International Christian School disagreed with the behaviour of a male teacher who cross-dressed in women's clothes at school. The principal was subject to political persecution and ultimately removed from that school.

I now talk about the law. Article 141 of the Basic Law provides that schools run by religious organizations may, according to their previous religion or belief, continue to operate. But a centenary-old school is now being questioned for its way of education. In fact, the school does not mean to be discriminatory. I am speaking for these organizations and groups. They hope that we can continue to have freedom of speech, and that they can be allowed to continue to teach their religion and not to be condemned for breaking the law when they do so.

Paragraph 4 of Article 18 of the International Covenant on Civil and Political Rights provides that "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions." Besides, the European Court of Human Rights also clearly rules that it is not a basic human rights to have a sex orientation of the same sex, and it is a basic right for a man and a woman to enter into a union and form a family and they are under the scope of protection.

I do not make this up. In the past 10 years, different groups and organizations were extremely worried. They came to me because no one could help them. I thus wish to invite Members to consider why people living in countries which have legislated on same-sex marriage would question why they do not have freedom of expression. They comment that people of different sexual orientations are not asking for equal rights. They are actually seizing the rights.

I wish to say that I participated in the Advisory Group on Eliminating Discrimination against Sexual Minorities which was established two and a half years ago. Mr CHAN Chi-chuen was also a member. I am willing to use executive policies, or even a voluntary charter, to improve the present problems in Hong Kong. Or, talking about the QT case, I have also asked the Secretary whether the definition of dependent can be expanded, just like the way we dealt with the Domestic Violence Ordinance, so that the welfare benefits can be

provided to the persons in need and the decision will not meet with objections. Thus, we are very supportive of the Continuing Powers of Attorney Bill, so that more benefits can be provided to homosexual people on the fronts of welfare and policy. But we are definitely against shaking the marriage institution. President, this is for the sake of the next generation. We cannot shake (*The buzzer sounded*) ...

PRESIDENT (in Cantonese): Dr LEUNG, please stop.

DR PRISCILLA LEUNG (in Cantonese): I so submit.

MR GARY FAN (in Cantonese): President, the Government has all along refused to conduct public consultation on equal rights for people of different sexual orientations, so that the discussion around this subject in the community of Hong Kong only remains a battle between opposite stances, characterized by the dichotomy between either agreement and disagreement, thus failing to guide the public to discuss in depth various issues and difficulties related to the rights and interests of people of different sexual orientations. The motion proposed by Mr CHAN Chi-chuen today provides a very important opportunity for each of our Honourable Members to earnestly engage in an in-depth debate for the rights of homosexual people and understand the difficulties they face.

President, my amendment consists of four parts concerning homosexual couples: first, collecting their partners' dead bodies or cremated ashes; second, making important medical decisions on their partners' behalf; third, receiving the compensation paid to their partners who died in accidents; and fourth, making decisions on living donation for their partners. These four rights ...

(There was interference with the broadcasting system in the Chamber)

PRESIDENT (in Cantonese): Mr FAN, is your mobile phone with you? Please put it away.

(Mr Gary FAN put his mobile phone away)

MR GARY FAN (in Cantonese): Dr Priscilla LEUNG, please listen carefully. These four rights have nothing to do with the legalization of same-sex marriage. Just as in the QT case heard by the Court of Final Appeal earlier, the Government has to clearly explain the rationale behind the "differential treatment" faced and endured by homosexual people. If the rationale is inadequate, and the Government does not take the initiative to revise the current policy of unfair and differential treatment of homosexual couples, it will face more judicial review challenges in future. Moreover, homosexual people will feel deep pain in their heart when they lodge judicial reviews under tremendous pressure.

During the trial of the QT case, the Court of Final Appeal pointed out that the contested issues were whether QT received discriminatory treatment and whether such discriminatory treatment could be justified. They did not involve whether same-sex couples have a right to marry under Hong Kong law. President, the aforesaid notion of the Court of Final Appeal debunked the popular myth that equal rights for people of different sexual orientations would inevitably lead to legalization of same-sex marriage. In fact, homosexual couples are treated differently, or differentially, from heterosexual couples in respect of a great number of rights, and the Government should clearly explain why homosexual couples are subjected to the Government's differential treatment in public policies. Notably, homosexual couples endure pain and suffering, physically and mentally, at certain critical times of life, such as child birth, illness, old age and death. At the most painful critical point in life, heterosexual and homosexual couples should be equally treated. The Government and the opponents, Dr Priscilla LEUNG in particular, and all of us alike, should treat them with empathy.

First of all, the rights of homosexual people in regard to collection of their partners' dead bodies or cremated ashes are different from those of heterosexual couples. At present, homosexual people can only collect their partners' dead bodies in the capacity of friends, with a priority lower than that given to relatives. As for the collection of cremated ashes, according to the Private Columbaria Ordinance enacted earlier by the Legislative Council, homosexual partners in cohabitation relationship are required to provide proof of two years of cohabitation, but their priority for collecting cremated ashes is also lower than that given to relatives. Therefore, once homosexual people encounter a situation beyond the comprehension of their partner's family, they will be faced with a lot of difficulties in the course of collecting their partner' dead body or cremated ashes.

Second, the right to make important medical decisions on behalf of same-sex partners with serious illness. The Legislative Council passed the Electronic Health Record Sharing System Bill years ago, accepting the suggestion of the then Member Cyd HO from the Labour Party to broaden the definition of "family members" in the ordinance to cover cohabiting same-sex partners, so that they can make medical decisions on behalf of their partners in future.

When it comes to life-and-death matters, such as the treatment preference of a same-sex partner with serious illness, there is indeed very little the other same-sex partner can do. Currently, homosexual couples have to rely on advance directives. While still in a sound mental state, they appoint their partners as authorized agents in advance, so that once they lose self-determination, their same-sex partners can still express the will on their behalf. Nevertheless, as everyone knows, the Hospital Authority currently provides forms mainly for "patients who are suffering from terminal or serious irreversible diseases". Ordinary people may not fully understand the various situations described on the form, and eventually the form may not be accepted by doctors. This is the point at issue.

Third, homosexual couples may not have the right to receive the compensation paid to their partners who died in accidents. At present, same-sex partnership is not legally recognized. Unlike spouses and partners of opposite sex, even if a couple are partners and the closest family members, they cannot enjoy various benefits of insurance. For example, not all labour insurance policies cover employees' same-sex partners. In addition, if same-sex partners cannot obtain certification with legal effects, they cannot be included as beneficiaries in life insurance policies.

Since Hong Kong's estate legislation is overriding, even if the insurance company recognizes the identity of a same-sex partner as the beneficiary, in the case that the insured has not made a will, and the immediate family with the priority right to inherit has brought an action because it disputes the inheritance arrangement, the same-sex partner's identity as beneficiary may possibly be invalidated, making it impossible to receive the due compensation after the partner's death in accordance with his or her will.

Fourth, making decisions on living donation for their partners. According to the Human Organ Transplant (Amendment) Bill 2018 passed earlier by the Legislative Council, the spousal relationship in the context of organ donation

includes same-sex partnership registered overseas. Precisely put, a registered medical practitioner may carry out an organ transplant provided that the marriage between the recipient and the donor has subsisted for not less than three years at the time of the transplant, regardless of opposite-sex marriage or same-sex partnership registered overseas. Nevertheless, homosexual couples in Hong Kong are treated differently. They still need to register overseas first to obtain certification of overseas registration, otherwise it is impossible to carry out living organ transplants.

We should give it some further thought. The living organ donation from a partner is a life-critical decision. If all the homosexual couples are required to register overseas before they can acquire the right to save the life of their better halves, such approach and arrangement are very harsh indeed.

Although the current civil union partnership in foreign countries cannot be called a marriage, it is not different from the status of marriage in all respects and is likewise recognized by law in those foreign countries. This can serve as a point of reference for the SAR Government to explore how to effectively, reasonably and justifiably safeguard the rights due to homosexual couples.

President, before my amendment, there were amendments proposed by Dr Priscilla LEUNG and Mr AU Nok-hin. And Dr LEUNG's amendment, I think, was a sheer violation of the original intent of the original motion. She proposed an amendment almost contrary to the stance of the original motion. It has drastically revised the content of the original motion, deleting the key wording "enter into a union" and adding such expressions as "one man and one woman" and "upholding the stability of the marriage institution", which are the exact opposite. This affects our discussion and has the effect of hijacking the original motion. Therefore, once Dr LEUNG's amendment is passed, I can only opt to withdraw my amendment because it violates the original intent of the original motion. This is undesirable.

President, Honourable Members, I hope that Hong Kong can become a society of tolerance and respect for human rights. No matter what position we take on same-sex marriage, we should not deny the existence of homosexual couples. They should be entitled to the same basic rights as those enjoyed by every citizen of Hong Kong, because those are basic human rights. I request the Government to establish measures and mechanisms to protect some basic rights

of homosexual couples. I hope that all Members support the original motion, Mr AU Nok-hin's amendment and mine. *(The buzzer sounded)*

PRESIDENT (in Cantonese): Mr FAN, please stop speaking.

MR AU NOK-HIN (in Cantonese): President, Dr Priscilla LEUNG remarked that the Legislative Council already debated quite a number of topics related to homosexuals in the past. Of course, it has done so from time to time, but many a time, such discussions were only of a dragged-in nature. What I mean is that we were basically discussing other types of topics, but then, we suddenly shifted our focus to this topic, dragging in the family value of life-long union and topics related to homosexuals.

I have checked the records of the Legislative Council in order to find out when discussions on homosexual topics were last held. I am not talking about any dragged-in discussions, as I simply could not find any information about them. Actually, it was already as far back as November 2012 that the last formal debate on such topics was held. Back then, former Member Ms Cyd HO moved, "That this Council urges the Government to expeditiously launch public consultation on enacting legislation to safeguard equal opportunities for and the basic rights of people of different sexual orientations." The motion, as it was worded, merely requested the Government to conduct consultation, so it was regarded as very moderate. The Government was not totally unresponsive to the motion, and it followed her advice—one year later, it established the Advisory Group on Eliminating Discrimination against Sexual Minorities ("the Advisory Group"). But instead of conducting any public consultation, it merely set up the Advisory Group comprising a handful of people and asked them to hold discussions in their meeting room. The Advisory Group presented its work report several years later in 2015. But the Government has kept putting off the proposal of enacting legislation on anti-discrimination, and needless to say, it has never put forward any formal legislative proposal and conducted any public consultation.

I support Mr CHAN Chi-chuen's original motion today. If I were to nitpick at Mr CHAN Chi-chuen's original motion, I would say its wording is even more moderate than that of Ms Cyd HO's, because his motion is still urging the Government to conduct objective studies today—after the passage of six years.

If even such a moderately phrased motion is not supported ... I hope those Members who intend to vote against Mr CHAN Chi-chuen's motion today—I guess Dr Priscilla LEUNG will cast a negative vote—can put forward their justifications and tell society if there are any better alternatives that can eliminate the unequal treatment of sexual minorities in society.

Last week, Mr CHAN Chi-chuen invited Mr Gary FAN and me to hold a press meeting with him in order to explain the contents of his motion to the media. As Mr CHAN said, the Government's inaction and procrastination over the previous 20 years have put homosexuals in many unnecessary difficulties in their daily lives. They all think that rather than waiting any further for the Government's formulation of homosexual-friendly policies—many of them have already grown tired of waiting—they should turn to judicial means and make sustained efforts to challenge the Government's policies that breach both the constitution and human rights.

I believe the judgment on the QT case handed down by the Court of Final Appeal in July this year must be of immense significance to the homosexual movement in Hong Kong. In one sense, the judgment shows that the case definitely does not merely involve the narrowly interpreted immigration policy mentioned by Chief Executive Carrie LAM. It also shows that the case involves obvious human rights issues. The judgment on the QT case establishes the principle of forbidding discrimination against homosexuals, and the SAR Government's differential treatment for same-sex partners and heterosexual couples is likewise subject to this anti-discrimination principle. Any administrative decisions for differential treatment not based on reasonable justifications shall be unconstitutional.

In another sense, the QT case has prompted our society to seriously consider what protection can be accorded under the law and our policies to the partners of homosexuals living in Hong Kong. Most applicants for judicial review in the past entered into a union overseas. Since the SAR Government does not recognize homosexual unions, some people may well go to other countries and seek recognition of their unions under the local laws there, rather than waiting for the enactment of legislation in Hong Kong. But when they return to Hong Kong, their home, they are still treated as two single persons under the law.

Very few homosexual friends of mine will volunteer to disclose their relationship as a couple to the landlords letting apartments to them. They will usually say they are brothers, or sisters, or friends wanting to share a place, lest the landlords may refuse to rent the places to them. When accompanying their partners in follow-up medical consultations, they will simply say they are friends, so as to avoid trouble and the need for explanation. Yet, when important medical decisions must be made (on the performance of surgeries, for example), or when they want to claim the dead bodies of their partners, can they just say "I am his friend, so please let me claim his dead body"? After their partners have passed away and they need to claim the insurance benefits, can they just say "He is my friend, so please let me claim the insurance benefits"? The answers are no because they do not have any such rights under the law.

My amendment makes reference to civil union, and I know that conservatives and Dr Priscilla LEUNG are strongly averse to this. She did not make any particular reference to civil union just now, and even if she did mention it in one way or another, she did not respond directly to my advocacy anyway. But I must clarify that the civil union I refer to is itself not the focus of my amendment. Our social institutions actually bundle most of the rights of spouses with marriage, and for this reason, homosexual couples whose relationship is not recognized under the law are excluded. The purpose of my amendment is to urge the Government to review its policies, so that same-sex couples can at least enjoy some, if not all, of the rights enjoyed by married couples.

We ask for consultation because we want to have discussions. The authorities say that all must depend on public opinions. In July this year, the Centre of Comparative and Public Law of the University of Hong Kong published the findings of an opinion poll. The findings show that 78% of the respondents agree that same-sex couples should have some or all of the rights enjoyed by different-sex couples. What are these rights? As much as 78% of the respondents favour allowing same-sex couples to visit each other in the hospital during hours restricted to family members; 67% agree that same-sex couples should be protected from housing discrimination; and 61% agree that same-sex partners should inherit property from each other. Strictly speaking, the authorities may have failed to meet the requirements of the Court in respect of all these rights I have mentioned. As for other rights I have not mentioned, if the authorities do not include these rights in Hong Kong's system of laws, the

exclusion may well be ruled unconstitutional in the future. But the Court will explain to us that all such rights actually will not impair the sanctity of one-man-one-woman marriage.

Finally, I wish to let the Secretary know that one more lesbian person has recently applied to the High Court for judicial review. She claims that it is against the Basic Law and the Hong Kong Bill of Rights Ordinance for the Government to forbid civil union, and she requests the Court to make an order, so that she and her same-sex partner can enter into a civil union in Hong Kong. The hearing of the case will start next year.

As I have pointed out, given the present situation in the legislature, seeking policy reform through judicial means may well be a more effective strategy, because it looks like the rulings of the Court can exercise stronger checks and are of greater binding force than mere discussions in the legislature. But if the Government always waits until it loses a case, or even a final appeal, before it reluctantly revises its policies, it will only show that it simply does not respect the rights of sexual minorities.

I understand and sympathize with the Government and Dr Priscilla LEUNG in their steadfast defence of the marriage institution based on the union of one man and one woman. But this does not mean any agreement on my part that the deprivation of homosexual people's rights is justified. That is why I oppose Dr Priscilla LEUNG's amendment. The reason, as also pointed out at a meeting of the Panel on Constitutional Affairs by Mrs Regina IP, who was present here this morning, is that the impact sustained by one-man-one-woman marriage in modern society is actually caused by modern people's distrust of any life-long commitment, having nothing to do with sexual minorities.

Finally, I want to ask for Members' opinions on one thing. As a District Council member, I have assisted many people in drawing up wills. I sometimes wonder why something like joint tenancy was conceived of and introduced. I sometimes think ... Well, two people purchase the same property together, and each of them has half of the ownership. No one knows what will happen to their life in the several decades to come, but then at the time of purchase, they are made to draw up such joint tenancy.

This system can be compared to the marriage institution based on the union of one man and one woman. No one actually knows how the relationship among people in modern society will change several decades later. So, if we shut the door now, we may end up shutting the door to ourselves later. I do respect the marriage institution based on the life-long union of one man and one woman, and my own marriage rests on the same basis. Yet, when we look at Dr Priscilla LEUNG's amendment, we simply cannot find any reference to any life-long commitment. (*The buzzer sounded*) We really need to think seriously about the emptiness left here.

PRESIDENT (in Cantonese): Mr AU, please stop speaking.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the purpose of Mr CHAN Chi-chuen's motion is to urge the Government to study the formulation of policies for homosexual couples to enter into a union, so that they can enjoy equal rights as heterosexual couples. The purposes of Mr AU Nok-hin and Mr Gary FAN's amendments also mentioned civil union policy and the scope of some specific equal rights respectively. It is proposed in Dr Priscilla LEUNG's amendment that in the policy studies on equal rights for homosexual people, we should refrain from shaking the existing marriage institution based on "one man and one woman" and "one husband and one wife". With regards to the motion and three amendments, I wish to elaborate on the current situation and policies.

President, at present, there is no law in Hong Kong to prohibit homosexuality or the establishment of intimate relationship between a homosexual person and his/her partner. In fact, as the Chief Executive pointed out in her policy address: "The HKSAR Government has been committed to promoting equal opportunities for people of different sexual orientations and transgenders on the basis of upholding the existing institution of monogamy and heterosexual marriage." Our policy objective is to eliminate discrimination in the community, and we have been proactively promoting the culture and values of inclusiveness, mutual respect and non-discrimination.

Regarding the *QT v Director of Immigration* case, the Administration stressed that the revision related to the judgment only concerned the immigration policy on applications made by same sex partners for entry of their non-local

dependants, and it has nothing to do with legal recognition of same-sex civil partnership, same-sex civil union, same-sex marriage, opposite-sex civil partnership or opposite-sex civil union in Hong Kong. The Court of Final Appeal ("CFA") also stressed that the case did not involve any claim that same-sex couples have a right to marry under Hong Kong law. It also reiterated that marriage in this jurisdiction was heterosexual and monogamous. This is also the policy and position of the Government.

Moreover, we understand that in another case, the MK case, the existing institution under the Marriage Ordinance was directly challenged. There was also the Angus LEUNG case some time ago which sought the granting of spousal benefits to the same sex partner of a homosexual Hong Kong civil servant. As the two cases are pending judicial proceedings, I will make no more comments to them. As a result of successive judicial challenges, the Hong Kong society starts to worry if the existing marriage institution would be subject to impact. Some have pointed out that the promotion of the equal rights of the sexual minorities should be conducted in a prudent way, otherwise it would be counter-productive.

In order to further understand the views of stakeholder, I have met with deputations of family values concern groups, religious groups and sexual minority groups, and that also included Legislative Council Members who are present in this Chamber. Views are quite divergent on both sides in areas such as same-sex marriage, civil union, and enacting legislation to protect people of different sexual orientations against discrimination. Even so, we agree that Hong Kong is a pluralistic society which values tolerance and mutual respect. Although we hold different views, we agree on the direction of eliminating discrimination. Nevertheless, deputations of family values concern groups and religious groups expressed their strong views that the work in the elimination of discrimination should be based on safeguarding the existing marriage institution.

In Hong Kong, the Marriage Ordinance (Cap. 181) stipulates that every marriage under the Ordinance shall be "a Christian marriage or the civil equivalent of a Christian marriage". The expression implies a formal ceremony recognized by the law as involving the voluntary union for life of one man and one woman to the exclusion of all others. The relevant ordinance reflects the existing policies. That is, same-sex marriage, civil union or other same-sex relationships (same-sex cohabitation) are not recognized by the law of Hong Kong as a valid marriage; they are therefore not entitled to the rights and

obligations under the relevant law. In early June this year, the Court of Appeal of the High Court mentioned in the judgment for an appeal case that the unique status of marriage in society would be undermined if a same-sex partner were to enjoy the benefits and rights that a heterosexual married partner had been enjoying over the years.

In fact, a lot of laws and policies in Hong Kong, such as the application for public rental housing, tax matters, social welfare benefits and so on, are all based on the existing marriage institution. For this reason, if Hong Kong is to establish a recognized civil union system (it is also called civil union or domestic partnership in some other jurisdictions) which allows same-sex partners to celebrate a civil union and thereby obtaining the recognition and rights that are comparable to a marriage, then it will have an inevitable, extensive and far-reaching impact on the existing marriage institution of Hong Kong and social values. I believe Members agree that it is a highly sensitive and controversial issue; therefore we need to handle it with extra caution.

However, President, there has been absolutely no government inaction in the past as Members have said just now. Besides, it does not mean that the Government neglects the actual problems sexual minorities are facing. Some people consider that the Government may resolve the issue through the revision of policies or the provision of resources. It is worth exploring. I will further elaborate on that question later on.

President, I will continue to listen closely to speeches to be delivered by Members and then I will give my response. Thank you, President.

MR ALVIN YEUNG (in Cantonese): President, on behalf of the Civic Party, I rise to speak in support of the motion moved by Mr CHAN Chi-chuen as well as the amendments proposed by Mr AU Nok-hin and Mr Gary FAN.

Thirty years ago, there was a Cantonese pop song in Hong Kong and the lyrics read as follows:

"Rain keeps pattering against the window to disturb you sleep
Once again raindrops wet your untidy hair
No need to panic, you weep in terror
No need to fear, for love is no sin at all"

The above is an abstract from Tat Ming Pair's song entitled "Colour Forbidden", composed by Tat Ming Pair and written by Keith CHAN. The song depicts the social situation of homosexual people and sexual minorities in those days and how they were viewed by the secular world. It portrays the feelings and inner fears of the homosexual people and sexual minorities. The song became among the classics for gay rights movements later on and is still popular now.

Thirty years later, are there any changes in the circumstances of the homosexual people and sexual minorities depicted in the song? Let us take a look at the historical development. In 1990, the World Health Organization officially removed homosexuality per se from the International Classification of Diseases (i.e. it would no longer be treated as a form of mental disorder); in 1991, decriminalization of homosexuality took effect in Hong Kong; in 2004, the legal age of consent for homosexual buggery was lowered from 21 to 16, same as that for heterosexual intercourse; in that same year, Hong Kong saw the first Hong Kong Pride Parade; and in 2012, Mr CHAN Chi-chuen became the first Member of the Legislative Council to openly admit his homosexual orientation.

President, upon roughly looking through the historical development, one may assume that there must be some improvements in the circumstances of the homosexual people. Undeniably, there have been changes in the view and acceptability of sexual minorities in society after 30 years. Yet, the sexual minorities are still not entitled to the basic rights enjoyed by the general public. In 1997, the proposal of introducing legislation to prohibit discrimination on the ground of sexual orientation was vetoed by the former Legislative Council; in 2004, the Panel on Home Affairs of the Legislative Council submitted a report to the Government, requesting introduction of legislation to prohibit discrimination on the ground of sexual orientation; in 2006, the United Nations Commission on Human Rights ("UNCHR") urged the Government of Hong Kong to expedite introduction of legislation in respect of discrimination on the ground of sexual orientation in order to fulfil its obligations as a signatory to the International Covenant on Economic, Social and Cultural Rights ("ICESCR"). More than a decade later, however, the statutory rights and protection which the homosexual people and sexual minorities should be entitled to are still far from reach despite repeated calls from various parties in society.

President, the circumstances of homosexual people and sexual minorities are not much better than those of 30 years ago. Some of them have to resort to bogus marriage or fake celibacy in hopes of protecting themselves from being

labelled. A lot of the homosexual people actually live in frustration every day who dare not face the world as they are forever suppressed and being discriminated against. They still encounter great pressure even though they have the courage to speak up for themselves against social discrimination. What had happened to our Honourable colleague Mr CHAN Chi-chuen can serve as an evident example. He had once been insulted inside an MTR train compartment where people spoke sarcastically of his sexual orientation. Regrettably, no relevant legislation has been put in place to protect Mr CHAN from being exposed to this sort of insults at the moment. As to the latest case, it is certainly the one about the story of a senior immigration officer Mr LEUNG and his spouse who registered for same-sex marriage in New Zealand. They were not entitled to civil service welfare benefits for married couples, neither were they allowed to be jointly assessed under salaries tax because their marriage was deemed invalid under the definition of marriage in Hong Kong. In fact, before the Court of Final Appeal handed down its ruling of the QT case, same-sex civil partners could not apply for dependent visas to gain entry to Hong Kong since they did not meet the requirements of monogamous marriage (i.e. marriage between one man and one woman) stipulated in the legislation governing valid marriages in Hong Kong.

In view of the various cases mentioned above, we have to ask: Are those people treated in a fair and just manner? It is enshrined in Article 25 of the Basic Law and section 22 of the Hong Kong Bill of Rights Ordinance that all persons are equal before the law and entitled without any discrimination to the equal protection of the law. Homosexual and heterosexual people alike should be entitled to human rights and the aforesaid rights and should not be given different treatments because their sexual orientations are not in line with society's mainstream opinion. It is clearly stated by the Court of Final Appeal in respect of the QT case that requiring the sponsor's same-sex partner to fulfil the requirements of marriage in Hong Kong so as to be eligible to apply for a dependent visa is a form of indirect discrimination. The Court of Final Appeal stated further that same-sex civil partners are two parties having made openly a commitment to each other of entering into a settled marriage-like relationship and should not be regarded as equivalent to unmarried partners of opposite sex. Yet, it is so ridiculous that unmarried partners of opposite sex may be recognized under Hong Kong law as a married couple through marriage, whereas same-sex civil partners still do not stand a chance of doing so for the time being. Is such a situation desirable?

In 2013, the UNCHR gave its comments again in its Concluding Observations issued under the International Covenant on Civil and Political Rights ("the Covenant") on the situation in Hong Kong after those made in 2006 (I quote): "Hong Kong, China, should consider enacting legislation that specifically prohibits discrimination on ground of sexual orientation and gender identity, take the necessary steps to put an end to prejudice and social stigmatization of homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity. Furthermore, Hong Kong, China, should ensure that benefits granted to unmarried cohabiting opposite-sex couples are equally granted to unmarried cohabiting same-sex couples, in line with article 26 of the Covenant." (End of quote)

President, we wish that our society is an inclusive one. Whether we agree to/accept this or not, homosexual people and sexual minorities do exist in society. They may be among our relatives, friends, teachers, students, colleagues, or they could be civil servants, judges or whoever else. Ostracizing them will only result in society being torn apart, while discriminating against them will only give rise to more social conflicts. All they ask for is nothing more than basic respect, and they just wish they are like the majority of people in society who are free to pursue the kind of life they desire.

And also, I would like to take this opportunity to make an appeal to the sexual minorities or their supporters as well as those who support equal rights movements for people of different sexual orientations: Do not treat people holding different views as our enemies since it is not necessary to do so, except for those who use anti-homosexuality and homophobia to their advantage of fishing for political capital. Instead, we must exercise the greatest patience to convince people holding views different from ours that every single person in Hong Kong should be entitled to equal rights.

Lastly, President, I wish to dedicate the ending of the song to them:

"Wishing no harm be done to love somewhere
And one's inner colour not be obliterated
May the suffering and pain be gone some day
While the colour forbidden can be fully revealed to the real world"

I do wish "somewhere" is a place called Hong Kong and "some day" will come in the near future. I so submit.

MR HOLDEN CHOW (in Cantonese): President, both the Democratic Alliance for the Betterment and Progress of Hong Kong and I always respect people of different sexual orientations in the community, maintaining that sexual minorities should be respected by everybody. But then, while studying the formulation of policies for homosexual couples to enter into a union, the Government must ensure that the existing marriage institution based on "one man and one woman" and "one husband and one wife" would not be shaken.

In the last couple of years, we have seen many people trying to change the existing marriage institution which is based on "one man and one woman". They exhaust all means possible, both inside and outside this Council, in an attempt to persuade Government to recognize the legalization of same-sex marriage. Outside this Council, some people resorted to litigation to request the Special Administrative Region Government to grant homosexual couples, who have entered into civil union in overseas countries, some of the rights enjoyed by heterosexual couples in Hong Kong. Inside this Council, some Members make use of motion debates to push their agenda and indirectly prompt the Government to recognize the legalization of same-sex marriage.

The bill on columbarium back then is a case in point. We all remember that some Members have tried to dispute the definition of "concerned parties" under the bill and even tried to include same-sex partners who were married outside Hong Kong in the definition of "concerned parties". Meanwhile, some Members wanted to expand the definition of relatives to include spouses married in jurisdictions outside Hong Kong, partners in civil partnership or same-sex partners in civil union, and so on. Obviously, this is also an attempt to force the Government to recognize the legal status of same-sex marriage, under the pretext of defining "concerned parties".

President, I hope to use a bit of time today to expound on the nature of the existing marriage institution that is based on "a man and a woman". There actually is a very important essence in current marriage institution and that is something which exists between a man and a woman. It concerned the future of society, child birth and rearing of the next generation.

There is of course no problem with love relationship between people in private, no matter whether it is heterosexual love or homosexual love. However, when it comes to legally recognized marriage in society, it is no longer a private relationship but one that is socially recognized, protected and bound by law in the community. From this we see that marriage concerns not just two persons, the marriage institution is in fact inseparable from the ethics of society as a whole. Marriage itself is not merely a personal right but also an institution that affects society.

Under our present marriage institution based on "one man and one woman", there are the husband and the wife first, and then they beget the next generation and become father and mother, to form a family. Indeed, the human society is made up of numerous families. From this we see that the current "one man and one woman" marriage institution in society is inseparable from childbirth, rearing of the next generation, and development of the entire human society.

To ensure a healthy development, a set of legal system is necessary for the protection of our existing marriage institution that is based on "one man and one woman". Society will pay dearly if we break this marriage institution. Therefore, we should not only safeguard the current marriage institution based on "one husband and one wife" and "one man and one woman" but also firmly oppose any attempt to challenge this institution by various means.

President, we often hear the following saying: if we do not support the legalization of same-sex marriage or the civil union institution for same-sex partners today, we are suppressing human rights, disrespecting human freedom and failing to catch up with the world trend.

President, this is not the case and please let me talk about the point of view from the other side. We have to bear in mind that if we imprudently follow the Western society, jump on the bandwagon and recognize the legalization of same-sex marriage, there will be enormous problems. The first one that will certainly emerge is the adoption of children. How should we deal with cases in which two fathers or two mothers want to adopt a child? And how should our textbooks teach the subject of marriage? We have also heard a lot of strong views from school sponsoring bodies and religious bodies.

Recognizing the legalization of same-sex marriage is a recent trend in Western society. We do not know immediately how such a change in institution will impact the next generation, we may have to wait one or two decades before seeing the impact clearly. Indeed, we have not been able to fully grasp the risk associated with such a change. If we imprudently copy Western society and blindly follow suit in recognizing the legalization of same-sex marriage, this will probably be dangerous to the Hong Kong society.

What is more, many controversies have arisen since the legalization of same-sex marriage or the enactment of legislation to prohibit discrimination against sexual orientation in the West. For instance, the owner of Sweet Cakes by Melissa, a cake shop in the United State, refused to make wedding cake for partners in same-sex marriage out of personal conviction and was subsequently sued. It is imaginable that such controversies are likely to occur in society if the legalization of same-sex marriage or the enactment of the legislation to prohibit discrimination against sexual orientation.

President, from our point of view, civil union is in a way the first step towards legalization of same-sex marriage and it will likewise challenge the existing marriage institution that is based on "one man and one woman". We therefore do not support it. We hold that we should handle sexual minorities or (*The buzzer sounded*) ...

MR TOMMY CHEUNG (in Cantonese): President, first of all we should figure out the content of today's original motion. The title is "Urge the Government to Study the formulation of policies for homosexual couples to enter into a union". Its objective is quite straightforward, that is, to enable "homosexual couples to enjoy equal rights as heterosexual couples". Perhaps this may be achieved through the ongoing promotion of civil union or same-sex civil union in overseas countries in recent years, which is not a form of conventional marriage institution, but will have the same legal status, so that same-sex partners may register their civil union under a formal government institution. The legal status of a same-sex married couple is basically the same as a man and a woman who have gone through the formal marriage registration process.

It is worth noting that 41 countries or places in the world have put in place civil union system, some of them adopt the civil union system as a stepping stone for the legalization of same-sex marriage. They would first launch the civil

union system, followed by the recognition of same-sex marriage. During the transition from civil union policy to the legalization of same-sex marriage, these places have spent a long period of time (at least three years) conducting detailed studies on the legislation for same-sex marriage.

In other words, all of these countries or places have used the civil union system as a transitional arrangement, with the ultimate goal of legalizing same-sex marriage. Of these countries or places, 25 have already legalized same-sex marriage. Therefore, the Liberal Party considers that as it will create a hole for same-sex marriage, we therefore will not support it.

Our position has all along been very clear; we oppose the legalization of same sex marriage. In fact, I know a lot of homosexual couples in my work, especially when I was in the entertainment business previously. We maintain a normal relationship with them and I have never harboured any discriminative attitude towards them. At the same time, my religious belief does not agree with same-sex marriage, but I will not discriminate against homosexual people. The Liberal Party's attitude is just the same. We do not discriminate against homosexual people. But when it comes to the legalization of same-sex marriage, we beg to differ.

We consider that legislation should not be based entirely on individual rights; the overall impact should be taken into consideration and extra caution should be exercised, particularly in view of the far-reaching impact of legislation in this respect on the traditional values in society as well as the moral values of the next generation.

In fact, the International Covenant on Human Rights and the decisions of the European Court of Human Rights have made clear that same-sex marriage was not a basic human right and was not an obligation for various countries to follow. Hong Kong should deal with all sorts of problems arising from same-sex couples according to its own circumstances. For that reason, just now some colleagues have mentioned human rights or other issues, I think Members may look at the views of some democratic countries towards this issue and they just so happen to coincide with what I have said just now.

Certainly, the Liberal Party will not discriminate against homosexual people. We will respect their personal choices. However, as to whether we can deal with the rights of same-sex couples through administrative measures, the Liberal Party will not say no, but we should exercise caution.

When this Council scrutinized the Private Columbaria Bill a while ago, some Members moved amendments to the Bill. On the surface, such amendments aimed at protecting the rights and needs of homosexual people so that they could collect the cremains of their loved ones. Nevertheless, the amendments clearly stated that the other party of the same sex in a civil union with the deceased that entered into outside Hong Kong would be covered in the definitions of the "related person" or even "relative", who would be entitled to collect the cremains of the deceased. Undoubtedly, it was an indirect recognition of same-sex marriage relationship, and it obviously contravened the consensus in the Hong Kong community as well as the fundamental monogamous marriage institution based on one man and one woman in Hong Kong. In other words, the amendments were trying to create a hole in Hong Kong law for same-sex marriage.

The Liberal Party did not support the attempt. Luckily, the amendment concerned was negated by this Council. Nevertheless, the Liberal Party considers that as long as the monogamous marriage institution based on one man and one woman in Hong Kong is not broken, we can still opt for middle-of-the-road solutions. I wish to cite the Private Columbaria Bill as an example again. At that time, the Government made concession and amended the definition concerned, which would allow a related person who had been living with the deceased person in the same household for at least two years before that date to claim the ashes of the deceased. As a result, even persons with no blood ties or marital relationship would be allowed to claim the ashes of the deceased. It was a compromise which avoided expanding the definition for marriage.

For that reason, if we adopt a form of multiple authorization to allow any single person to authorize someone whom he/she trusts and has a close relationship with him/her (that is, to be designated by the person involved and there is no need to specify in the law) to have full authority to represent him/her to handle all the matters relating to medical conditions, the deceased body and estates in the event that he/she loses consciousness or becomes mentally incapacitated or dies, the Liberal Party considers that we may study and consider this approach.

If we adopt this approach, then we can still be able to allow the person involved to handle his/her personal matters according to his/her own will without having to recognize the marital status of same-sex partner or the status as a spouse of same-sex partner, this approach can also cater for the needs of many

single people and person who live alone. It will lead to a multi-win situation. This is always better than getting entangled in the years-long debate concerning the highly controversial legislation on such issues as sexual orientation discrimination, civil union, de facto marriage and same-sex marriage.

President, it is undeniable that the homosexual rights movement is spreading across Chinese communities and Asian countries. I can also see the impact of the movement on family ethics, education and social values in overseas countries, especially the occurrence of many cases of reverse discrimination, which has greatly hurt religious groups and people who have religious belief. This is worthy of our self-reflection and discussion.

I hope Members can discuss the issue on the basis of mutual respect and we should refrain from making any personal attack. The Liberal Party knows well of its own conviction, and we will endeavour to defend the monogamous marriage institution based on one man and one woman in Hong Kong. We deeply hope that our community can draw a clear line between tolerating personal choice and upholding family ethics.

President, I so submit.

MRS REGINA IP (in Cantonese): President, on behalf of the New People's Party, I speak in support of Mr CHAN Chi-chuen's motion and Mr AU Nok-hin's and Mr Gary FAN's amendments, but I beg to differ with Dr Priscilla LEUNG's amendment.

President, I have not made my stand clear until now. Although in the past few weeks, some Christian friends and my supporters texted and emailed me to request me not to support Mr CHAN Chi-chuen's motion. They are concerned that his motion may deal a blow to the traditional marriage institution. I do not think Mr CHAN Chi-chuen's motion and Mr AU Nok-hin's and Mr Gary FAN's amendments have any problems. They are only asking the Government to study this subject, and this is not against the stand expressed by Secretary Patrick NIP just now.

The Government has to study this subject anyway. Besides, there are court rulings on cases that defend equal rights and oppose discrimination. Also, Secretary Patrick NIP has made it clear just now. The Government may need to

amend the definition of marriage because of the relationship of two same-sex persons. It is a highly controversial issue in society and the Government will be very prudent on this matter. I thus think that there is nothing wrong to support this motion and urge the Government to study this subject.

I wish to say something about Dr Priscilla LEUNG's amendment. The Court of Final Appeal clearly explained in its ruling on the case of Miss W in 2012 the meaning of a union for life of one man and one woman to the exclusion of all others. This definition of marriage was introduced to Hong Kong in 1972 due to the passage of the Nullity of Marriage Act in 1971 in the United Kingdom. The Nullity of Marriage Act defines marriage as the union for life of one man and one woman to the exclusion of all others and thus Hong Kong subsequently followed suit. This definition comes from the Christendom concept of marriage.

Let us look at the Marriage Ordinance of Hong Kong (Cap. 181) which was passed in the 1970s. Its Long Title clearly says that the Ordinance seeks to "provide for the celebration of Christian marriages or the civil equivalent thereof, and for matters connected therewith". So, this is a Christendom concept.

The ruling on the case of Miss W mentioned many British court rulings. These rulings point out that this came from a Christendom concept. For instance, in the ruling on *Bellinger v Bellinger*, Lord NICHOLLS says, "The Church of England Book of Common Prayer of 1662 declared that the first cause for which matrimony was ordained was the 'procreation of children'. For centuries this was proclaimed at innumerable marriage services". In the Christendom concept, the union of one man and one woman is for procreation.

However, this is surely not the idea of a traditional family or marriage in Chinese society. In Chinese society, President, their traditional idea of marriage is polygamy. Hence, when Hong Kong was under the British colonial rule, concubines and slave girls which had long existed in the laws of Hong Kong, were abolished by the British. As a lawyer, Dr Priscilla LEUNG, as well as the many other Members in this Council who are lawyers, should look carefully what the relevant ordinances are trying to defend. Dr LEUNG is defending Christians and the Christendom concept of marriage, but not the concepts of family and marriage in traditional Chinese society. I can thus understand why Christians protested against me and voiced out their objection to my support of the motion. But I think Dr Priscilla LEUNG's amendment has some misconceptions.

The state religion of England is the Church of England. I studied in an Anglican school. The marriage institution of the United Kingdom has long been the union of one man and one woman and excluded the union of two same-sex persons. However, with the constant changes in society, the British courts and European court of human rights began to lay down different rulings. For instance, in the ruling concerning human rights in *Bellinger v Bellinger* in 2002, Lord Justice THORPE, one of the judges of the case, had a different view on marriage against the other judges.

Lord Justice THORPE says, "The world that engendered those classic definitions", that is, the definition of marriage being the union for life of one man and one woman to the exclusion of all others, "has long since gone. We live in a multi-racial, multi-faith society. The intervening 130 years have seen huge social and scientific changes. Adults live longer, infant mortality has been largely conquered, and effective contraception is available to men and women as is sterilisation for men and women within marriage."

And he continues, "Marriage has become a state into which and from which people choose to enter and exit." That is, they can get married or divorced anytime. "Thus I would now redefine marriage as a contract for which the parties elect but which is regulated by the state, both in its formation and in its termination by divorce, because it affects status upon which depend a variety of entitlements, benefits and obligations".

Some court rulings in Australia, which I will not cite any further, point out that people get married not to procreate. There are many examples in Hong Kong that I believe the President and many Members here are well-aware, and many young couples decide not to have children but have pets instead. They treat their pets as their children. So, these concepts are already outdated. We should not use these concepts to oppose equal rights for people of different sexual orientations, or refuse to study homosexual couples seeking to enter into a union. We should also accept that young people no longer think in the same way as old people do for they are relatively conservative. President, if the Government truly wants to stand by young people, aside from creating some high-paid posts, (*The buzzer sounded*), it should also consider the views of the young people.

PRESIDENT (in Cantonese): Mrs Regina IP, please stop.

MR CHARLES PETER MOK (in Cantonese): President, the last time we debated a similar subject in the Legislative Council was in November 2012. At that time, I declared my Christianity belief at the beginning. Same as last time, I will support Mr CHAN Chi-chuen's motion and Mr Gary FAN's and Mr AU Nok-hin's amendments. But I will oppose Dr Priscilla LEUNG's amendment.

My belief is based on equality before God for all people. In our life on earth, a Christian has the responsibility to stand out and oppose or fight against injustice, discrimination and oppression in society. We do it not for self-satisfaction. We see our own inadequacies in Christ and we offer help to people in greater needs.

In November 2012, I supported a motion proposed by a former Member Ms Cyd HO. Today, I wish to cite part of my speech on that day. But before I speak, I wish to point out that the proposals made in this motion by Mr CHAN Chi-chuen are retrogressive and accommodating as compared to those proposed by Ms Cyd HO last time. Actually, Mr CHAN Chi-chuen has settled for a less satisfactory proposal, but still, some Members are against his motion.

I asked last time why Christians traditionally opposed homosexuality. As Mrs Regina IP just pointed out, marriage is a Christendom concept. Opposition to homosexuality is mostly based on the Book of Leviticus in the Old Testament of the *Bible*, especially on the verses "You should not lie with a male ..." and the related verses in the Book of Romans and First Corinthians in the New Testament.

However, quite many contemporary theologians consider that the *Bible* verses must be interpreted in context. In simple terms, these verses are condemning people who left God to worship the fake gods and engaged in sexual intercourse with people of the same sex during the ceremony. In the New Testament, Paul opposed this kind of sexual intercourse because this is idolatry. The original intention may be different from opposition to homosexuality.

Some scholars point out that the wordings used by Paul in relation to "sin" in the Book of Romans are the same as those used by him in dealing with the "social values" at the time. Therefore, his comment may be about the prevailing social customs, rather than the "sins" that are definitely denounced by human nature and Christendom teachings.

Regarding these viewpoints, I am not a theologian, but I believe Members may have looked up theological theories that support or oppose homosexuality. Another critical point is whether Christians who oppose homosexuality should magnify a "sin" in the religious sense and turn it into a "sin" in the moral and public spheres based on a kind of religious interpretation of the *Bible*. Many other things that were not accepted from a religious viewpoint are gradually accepted because social values have changed, such as divorce and contraception, and churches' approach towards these issues has also changed accordingly. Should we still denounce homosexuality in the sphere of public law and in society? I do not think we should.

I will not repeat the words of some famous theologians I cited at that time. But I believe only some, not all, theologians consider that Christianity is against homosexuality. I hope that I will not become the target of attack because of my speech now. After all, we should accommodate different views, rather than launching attacks at others.

I think some viewpoints, such as Dr Priscilla LEUNG's view, are putting the cart before the horse. She is concerned about reverse discrimination and that is why she is against equal rights for people of different sexual orientations. It is totally untenable as there is yet to be any reverse discrimination and she is saying that this is going to happen.

In his last lesson in the Chinese University of Hong Kong before facing trial this week, Prof CHAN Kin-man spent quite some time sharing his Christianity faith. I very much share his view in that he says he has a faith but he has no religion. Nowadays, not only churches in Hong Kong, but also many churches worldwide use more time on fighting against social values they denounce than on fighting against totalitarian rule and social injustice. They are against homosexuality. They are homophobic and anti-migrant. Churches more or less have become a haven to make people feel good. Churches in Hong Kong are totally indifferent to churches in China being oppressed, their crosses being demolished or their churches being controlled by the Communist Party, not to mention their inaction to criticize such acts. However, they are very concerned about homosexual relationships. As a Christian, I cannot identify with this value.

To me, a religious belief should be full of conflicts and obstacles. It should not only embrace things that are agreeable to me or I feel good about. It should not show only a perfect world. No, it should not be like this. It should be a difficult path to pursue, but this is precisely the path we choose. A difficult path is the right path.

Lastly, I wish to read the words of a Supreme Court judge in 2015 on the legalization of same sex-marriage in the United States. Justice Anthony KENNEDY, who has recently retired, says, "The nature of marriage is that, through its enduring bond, two persons together can find other freedoms, such as expression, intimacy, and spirituality. This is true for all persons, whatever their sexual orientation ... There is dignity in the bond between two men or two women who seek to marry and in their autonomy to make such profound choices."

We, Members of the Professionals Guild, including Mr SHIU Ka-chun who cannot attend the meeting today and will be absent from the voting, support the original motion proposed by Mr CHAN Chi-chuen and the amendments proposed by Mr Gary FAN and Mr AU Nok-hin. (*The buzzer sounded*)

PRESIDENT (in Cantonese): Mr MOK, please stop.

MR JEREMY TAM (in Cantonese): President, I thank Mr CHAN Chi-chuen for proposing this motion on homosexual couples seeking to enter into a union. There is intense controversy over this issue in society and even in this Council. But we should look carefully into the motion wordings. It says, "That this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples". So, it is only talking about studying the formulation of policies. Why is it necessary to do so? President, partly because the general public, and also some Members in this Council, hold a different view about giving equal rights to people of different sexual orientations. But it is strange that a Member in this Council could have said something to humiliate a homosexual Member.

Two weeks ago in this Council, Mr Paul TSE used the topic of infrastructure under discussion to make a fuss. He said, "Members no need to be scared when they hear the word 'infrastructure' (which puns with the word 'homosexual' in Cantonese). The infrastructure I am talking about is not the kind of 'infrastructure' (homosexuality) of Mr CHAN Chi-chuen." No matter how abnormal Mr Paul TSE thinks homosexuality is, and no matter how much hatred he has against a person, he should not use homosexuality to laugh at another person. I cannot imagine something like this could have happened in our Council. This precisely shows that however advanced Hong Kong seems to be in respect of achieving equal rights for people of different sexual orientations, it is not so. President, the minds of many people are actually filled with discrimination.

I come back to the subject. Why do we have to formulate policies on this subject? Let me tell Members a real example. President, about a year ago, I received a case seeking help. A professional expatriate was granted a work visa to Hong Kong. He was married to a same-sex person in his country, but the Immigration Department in Hong Kong refused to issue a dependant visa to his partner. In other words, his partner could not come to Hong Kong. A married couple in general can come to Hong Kong for work, living and residence purpose, but his partner was not allowed to do so. His partner could only visit Hong Kong as a tourist.

I thus wrote to the Immigration Department asking about the policy. The Department only gave me a simple reply. It says that other countries have same-sex marriage, but Hong Kong does not. For this reason, it does not accept their marriage. I wrote again to the Immigration Department ... all these are in black and white. Since polygamy is lawful in some places, in the case of one man and multiple wives, I asked the Department how many wives would be allowed to accompany this man to Hong Kong, and whether the Department would refuse to let any of the wives come. I expected that the Department would tell me none of the wives could come because polygamy is unlawful in Hong Kong. Mrs Regina IP mentioned this point just now. I think her comment on Dr Priscilla LEUNG's amendment is brilliant. She says that monogamy was only introduced to Hong Kong from 1972.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Okay, I come back to the issue just now. In its reply to my question on polygamy, the Immigration Department stated that the man could choose one of his wives and this wife would be issued a dependant visa to accompany him lawfully to Hong Kong. This practice is odd. Is polygamy allowed under the laws of Hong Kong? No, it is not allowed. Then, why did the Immigration Department reply in such a funny way? This is the policy. I later learnt that the example I cited just now was mentioned by the court earlier. When I followed up the case, I did not know there was this court case. Anyway, we can see from this example that the practice of the Immigration Department is very odd.

In other words, the Immigration Department is not rejecting marriage institutions that are not available in Hong Kong, but it rejects marriage institutions that are not the union of one man and one woman. Please listen carefully. There is no lawful union of one husband and multiple wives or one wife and multiple husbands in Hong Kong. Similarly, there is also no lawful union of two men or two women. Then, why does the Immigration Department allow a polygamous applicant, as in the example just now, to pick one of his wives or one of her husbands to accompany the applicant to Hong Kong? This is a very odd practice, but this is the policy.

Other policies also affect homosexual couples, such as the policy on columbaria, an example which a Member also mentioned just now. This is a problem to homosexual couples. For inheritance of estate, do we allow homosexual couples to have the right to inherit estate? Even if we avoid discussing these problems, we still have to face them. Like the example of immigration I just mentioned, we also have to face it. Like it or not, the problems remain if we confine our perspective in Hong Kong and ignore what is happening around world.

Deputy President, what makes Hong Kong an international metropolis? It is because of our convergence with the world. We must deal with this problem now. In the case I just mentioned, the homosexual partner of the professional expatriate was not allowed to come to Hong Kong in the end. Actually, this will discourage many professionals to come to Hong Kong. Perhaps Members may wonder how many professionals would refuse to come to Hong Kong because

their homosexual partners are not allowed to come. Of course, I cannot tell Members the exact number. But I did have such a case. They truly found this a thorny issue. I do not know whether the professional expatriate concerned has come to Hong Kong or not, but my correspondence with the Immigration Department over this case makes me feel that the practice of the Department is extremely odd.

For all that we have said, we are only urging the Government to conduct a study. Moreover, it is not just about same-sex marriage. I must make this clear first. There are many examples abroad, such as in Australia and the United Kingdom, which show that marriage is not the only means to certify two persons are a couple. Two persons who are cohabitants or in same-sex marriage can also be a couple and they are also entitled to the rights of the people who are in a heterosexual marriage. I must stress that homosexual couples should be given equal rights as those of heterosexual couples. I believe no one would oppose this. They should be entitled to some rights. More importantly, please look at the motion wordings carefully. It is only asking the Government to study this issue.

I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): Deputy President, I support the motion moved by Mr CHAN Chi-chuen. Many of those people who oppose same-sex marriage in our society nowadays share an attitude that on one hand, they keep talking about their respect for the freedom of sexual orientation of homosexual people, and not opposing their having a relationship with a same-sex partner, on the other hand, these people consider that homosexual people need not get married. This is what many people have said. But it is really puzzling to me if the argument that it is enough for them to love each other without the need for marriage was valid, I would find it puzzling. Why can heterosexual couples have both love and marriage, but homosexual couples cannot have the same?

As a matter of fact, Deputy President, we all know that marriage often involves additional legal rights, especially those concerning the responsibilities and obligations of couples, such as the making of important medical decisions and the rights to claim the dead body or cremated ashes of a deceased partner.

These represent a person's love and duty towards his/her partner, and the willingness of couples to share ups and downs in life and go through the ordeals of illness, ageing and even death together.

We all understand that there are diverse views in society at present, which are difficult to reconcile, but as pointed out by Mr AU Nok-hin and Mr Gary FAN in their proposed amendments, although it may not be possible to enable homosexual couples to enjoy the same and equal rights as heterosexual couples within a short period of time, reference can first be made to the practices adopted in the United Kingdom, France, Germany, etc., so that homosexual couples will be offered the chance to enter into a legally recognized civil union, or register their cohabitation relationships with the Government. By doing so, homosexual couples can at least enjoy the same rights and benefits available to ordinary heterosexual married couples.

Some people consider that these rights are not necessarily and exclusively enjoyed by couples. For example, the collection of the dead body or cremated ashes of a deceased person can be allowed with the prior authorization by one of the parties concerned before his/her death. However, we should bear in mind that death often comes suddenly. This is not something we can foresee, and for which prior arrangements cannot be made. Therefore, when these basic rights are available to heterosexual couples, why are they not available to homosexual couples? What exactly are the differences between the two?

I think it will be perfect if the Government is willing to take the first step, so as to enable a study and discussion on the matter to be carried out as suggested by Mr CHAN Chi-chuen. Moreover, the scope of discussion proposed in Mr CHAN's motion is very broad, and the Government is only urged to consider formulating policies for homosexual couples to enter into a union, which is not confined to the enactment of legislation on same-sex marriage. I believe that it is also Mr CHAN's hope to leave more room for public discussion, and encourage the Government to take one step further. Besides, I consider the original motion very conservative as it only asks for a study on the issue, and it can even be regarded as an olive branch extended to the Government. Hence, I can see no reason for opposition. It is of course our hope to progress towards the legalization of same-sex marriage when we see more mature social conditions in the future, because marriage means a lot more than its benefits.

Many homosexual people hope that they can enjoy the same rights as their heterosexual counterparts do to declare their love and make their marriage vows openly, so that their love relationships are equally meaningful and respectable as those of heterosexual people. Hence, if we agree that everyone is equal before love, we should not treat homosexual people as second-class citizens. They should be free to decide whether they would get married, instead of being prevented from doing so by law.

Moreover, according to a research report published by the University of Hong Kong in March this year, over 50% of the respondents surveyed last year expressed support for same-sex marriage, representing an increase of 10% over that of 2013. Besides, nearly 70% of the respondents agreed to legislate against sexual orientation discrimination, representing also an increase of 11% over that of five years ago. It can thus be seen that over the past several years, there was a marked increase in the number of people who supported the rights of homosexual couples and legislating against sexual orientation discrimination. However, very regrettably, the Government has turned a deaf ear to this so far in defiance of people's will.

Many people who oppose same-sex marriage are of the view that once the Government legislates to recognize homosexuality openly, it is tantamount to damaging the traditional monogamous marriage institution, resulting in a collapse of traditional values. They have even stretched their imagination infinitely and opined that this would encourage incestuous relationships or bestiality. However, more logical thinking will make us realize that this is nothing but an uncalled for worry. As a matter of fact, we should question whether traditional practices are reasonable for sure and must be retained? This should be the most important point. If traditions must not be changed, how about our daily life and values? Should we give up modern life and live like the ancients?

Hence, it is my opinion that in order to promote social progress, we should not rely solely traditions as authority, but should ponder over their reasonableness. Moreover, no matter what legislation the Government tries to enact, there will be both supporting and opposing views in society, but as a responsible government, it should have the courage to commit itself to amending obsolete laws or those which are in violation of human rights, thereby promoting social advancement. This is an area to which the Government should attach greater importance.

In June 1988, the Hong Kong Government unprecedentedly published a consultation paper on decriminalization of homosexual acts. In July of the same year, a group of homosexual people voiced openly for their own rights for the first time, and concluded by saying: "Homosexual people are also people of Hong Kong, and we are therefore willing to work together with all of you here in Hong Kong to create a better future, and we hope that we will not be divided by sexual orientation". Today, 30 years later, I hope Hong Kong society and the SAR Government will listen carefully to the views of this group of people, show respect for the sexual orientation of each one of them, and grant legal recognition of the rights and status due to them.

MR KENNETH LEUNG (in Cantonese): Deputy President, I rise to speak in support of Mr CHAN Chi-chuen's motion and the amendments proposed by Mr AU Nok-hin and Mr Gary FAN.

According to the study report published by the Centre of Comparative and Public Law of the University of Hong Kong on 3 July 2018, the percentage of Hong Kong people in support of same-sex marriage already rose from 38% in 2013 to 50% in 2017. Over half (about 69%) of the respondents thought that legislation should be enacted to prohibit discrimination against sexual orientations. This can show that a drastic change has happened to our society's receptiveness and attitude towards this topic over the past five years. If we look around Asia, we will notice that even those places which are regarded as conservative, such as the Philippines, Australia and Taiwan, have long since passed various laws to prohibit discrimination against homosexuals or people with different sexual orientations in respect of employment, education and social security.

I am sure that Members have all heard how Secretary Patrick NIP interpreted the judgment handed down by the Court of Final Appeal on the QT case. The Government's interpretation of this case is restricted to the aspects of immigration and employment. But if we do more thinking, we will actually see that immigration and employment aside, this case shows clearly that regardless of sexual orientations, all people, including homosexuals or people with any other sexual orientations, should enjoy the same rights as heterosexual people in respect of education, tax concessions, welfare benefits, and estates inheritance. If the Government still intends to stick to such a narrow interpretation of the case, I will have to say that it is just wasting time. Also, I observe that Hong Kong's pool of

talents will get smaller and smaller. The day before yesterday, the International Institute for Management Development in Lausanne of Switzerland lowered the competitiveness ranking of Hong Kong in the talent aspect to the 18th in the world, and its ranking in Asia has dropped to the second. If the Government still does not conduct any policy studies to enable people with different sexual orientations to enjoy the same rights as heterosexual people, Hong Kong will surely lag behind others in competitiveness as a result.

On the LGBT issue, I do not think that its analysis should be based on economic benefits, as it is actually a topic that involves religious faith, philosophy and social ethics. Yet, even from the standpoints of all these, there should still be equal rights for both homosexual and heterosexual people.

First, let me explode a number of myths. Just now, some Members (notably Mr Tommy CHEUNG) referred to heterosexuality as a traditional Chinese value. Yet, I note that homosexuality is also described in some of the classical Chinese literary works I have read. This shows that homosexuality has been in existence since the ancient times, and it will not disappear because people avoid talking about it or criminalize it. Homosexuality is something that has been in existence for several thousand years, not only in Chinese societies but also in Western ones.

Second, the LGBT population will not increase as a result of enacting egalitarian legislation or laws prescribing the right to civil union. This will not be the case. Rather, the only probable result may just be the coming forward of more LGBT people to disclose their sexual orientations after the enactment of egalitarian legislation or laws prescribing the right to civil union.

Third, Dr Priscilla LEUNG's amendment mentions the need for protecting the healthy development of children, and she therefore says that she cannot support the idea of equal rights for homosexuals and the conduct of any policy studies on allowing them to enter into a union. I fail to see why she should have put forward this argument. Children's healthy development ... Well, the fact is that like it or not, there are bound to be LGBT people around us. If parents do not allow their children to have any contact with such people, they will in effect be placing their children under a protective dome, shutting them out from society.

Dr Priscilla LEUNG and I share the same family name, but our views on raising children may be so very different. Parents must naturally give their children a good upbringing, but when it comes to LGBT people ... Last week, there were news reports about some sex workers operating in a shopping arcade of a housing estate in Tseung Kwan O. Residents were quoted as saying that the existence of these sex workers would cause very bad impact on children. We of course do not want to see anything like this, but we must still realize that many unfortunate members of our society must engage in this occupation due to livelihood needs. Similarly, many people were simply born with different sexual orientations. We cannot possibly deny their existence, ignore them all together, and refuse to give them equal rights. We cannot ignore them and deny their existence. What is more, parents must not think that there is no need for their children to know any such people. Actually, the intrinsic rights and duties of such people are exactly the same as ours. In that case, how should parents educate their children? Parents should give their children guidance and options, of course. They must never think that the existence of LGBT people may change their children's sexual orientation. This is not the case, and just a myth, I believe.

Deputy President, please also permit me to talk about the Marriage Ordinance. I am a civil celebrant, and every time I celebrate a marriage of one man and one woman, I am filled with immense joy. As pointed out by Mrs Regina IP just now, the kind of marriage as defined in the Marriage Ordinance (Cap. 181) is "a Christian marriage or the civil equivalent of a Christian marriage". This connotes a heavy Christian bias. Perhaps, I should not use the word "bias" here, and should instead say that this definition is based on the Christian tradition. Then, how about China? China is heavily influenced by three major beliefs: Buddhism, Taoism and Confucianism. Can anyone tell me whether there are any major creeds in Buddhism, Taoism and Confucianism that rule out equal rights for homosexuals and even their civil union? Even with civil union, it is actually still possible to preserve the sacred Christian marriage based on "the voluntary union for life of one man and one woman to the exclusion of all others". The two can coexist.

I therefore maintain that Mr CHAN Chi-chuen's motion is a very sensible one. We should all proceed in this very direction.

Deputy President, I so submit.

DR CHENG CHUNG-TAI (in Cantonese): Deputy President, I will definitely support the motion moved by Mr CHAN Chi-chuen.

I find the discussion today very important. But I do not think we should depend on our judicial system to determine the development direction of same-sex marriage or the marriage institution itself, nor do I think we should depend on it to arouse discussions in society. The most realistic and direct approach is to start discussions among the people themselves. This means that people's representatives should discuss this very topic in this Chamber, or the masses may launch discussions among themselves, so as to explore how the marriage institution and the related policies should develop in Hong Kong society. This is the one fundamental issue. I support Mr CHAN Chi-chuen's action of moving a similar motion every year for discussion. This can enable us to discuss the topic at least once a year in the Chamber, refresh us a bit and make us less bored. Other debates intended for reprimanding the MTR Corporation Limited, for example, are way too boring. We really find the presence of Secretary Frank CHAN in this Chamber so very boring.

Yet, I hope Members can realize one thing. The reason why we must seriously and cautiously approach and discuss the marriage institution is that it is actually the basis of all other institutions in society as a whole. As we often say, the marriage institution is the mother of all social institutions. Other social institutions, all those about housing, economic affairs and even education, must actually rest on the marriage institution. If not, it will not be possible to handle property ownership and management, nor will it be possible to deal with education and child custody right, that is the right to look after children.

I think if we are to discuss what the essence of our marriage institution should be, the seven minutes of speaking time and even the total time allotted to this debate today will not be enough. The topic should be raised for discussion once a year, because the marriage institution may impact all social institutions. From another angle, I can of course understand why there is such a strong reaction from the pro-establishment camp and Members who are more conservative or what we call "fundamentalists". The reason is that the discussion jabs right at the faith deep down their hearts.

Why do we need to discuss the marriage institution? Because the marriage institution itself is very mysterious. Society today perceives the marriage institution as something related to procreation and social development, and even to social functions, such as the function of men as breadwinners and women as homemakers so often stressed in the past. But such perceptions did

not come into being until society entered the modern era. In the final analysis, the marriage institution is actually based on convention, and this explains why I support the conduct of discussions.

So, Members should now grasp this basic concept and the significance of the marriage institution. Owing to the time constraint, I will discuss only one point, the core concept of the marriage institution—the right to marry. The right to marry is one aspect of human rights, but I must add that the right to marry is a conditional human right. What is meant by "conditional human right" then? When it comes to the right to marry, we will say that one must reach a specific age and meet certain conditions before one can exercise this right. We all know very well that in Hong Kong, one must reach the age of 18 or otherwise obtain the consent of one's guardian before one can get married. In ancient times, one might need to reach adulthood before one could get married. Adulthood in this context did not refer solely to the reaching of any specific age. It also implied the capability of raising a family. So, this was a kind of financial consideration. Anyway, all this can show that the right to marry has always been a conditional human right since the ancient times.

Let me raise one point about the right to marry in modern society. The exercise of the right to marry as a human right may not necessarily impact the very basis of the marriage institution. This morning, a number of pan-democratic Members mentioned homosexuals, cohabitants or even sexual minorities in their speeches, saying that such people might need to claim inheritance of estates or the dead bodies of their same-sex partners. Actually, all these things simply have nothing to do with the marriage institution. Rather, these things all involve what such people are entitled to within the realm of individual rights, or human rights, in other words. Some may well ask, "Should the exercise of human rights be free from any restriction?" No. What I mean is "conditional human rights", I must stress. What is meant by "conditional human rights"? Let us be a bit more sensible and ask ourselves, "If the acts of a person do not directly harm other people's right to marry, why should we bother at all?" A person may wish to claim the dead body of his partner, or even arrange with his partner ... Suppose I now suffer from a fatal disease. I may want to make some arrangements for my estate, so that my partner can live a life of stability in his old age. Now, no matter how I seek to make such arrangements, by a deed of cohabitation or by a civil union agreement, our relationship will not impact the marriage institution and others' marriages. Other people's right to marry will not be impaired either. That being the case, I simply cannot understand why Members should be so concerned about the court judgment on the QT case. What is their worry anyway?

I have just one minute left. Having spent a long time on concepts, I now want to raise a point about the reality. In the final analysis, some Members now stand on the top of the moral high ground and argue that the marriage institution must not be shaken. But Hong Kong today is not in peace and prosperity; rather, it is undergoing a most chaotic time. Government officials are lazy and incompetent, and the Government is not for the people. All principles and virtues are long forgotten. There is no discipline, nor any respect for order. In brief, Hong Kong is disintegrating. What homosexual couples are looking for is just a little bit of happiness in the midst of the chaotic times. And, what they want will not affect others. Why should others interfere with them? This is rather the most important question. Why should other people interfere with them? Why should other people interfere with them in their marriages, in what they do in their homes? Deputy President, my reasoning is so very simple.

Therefore, Members should stop discussing the marriage institution. If they want to discuss the right to marry, they should discuss it once a year in their four-year term of office. But I will support homosexual marriage contract.

Thank you, Deputy President.

MR JAMES TO (in Cantonese): Deputy President, a moment later, I will give a legal analysis of why I oppose Dr CHENG Chung-tai's earlier argument that same-sex marriage is a matter of individual liberty, and that they should be allowed to make their choices. Actually, this kind of relationship will affect other people because it as a relationship involves the legal aspect. Let me discuss the relevant scenarios.

The topic of same-sex marriage is fundamentally very contentious. In this motion now under discussion, Mr CHAN Chi-chuen explicitly asks for discussions on enabling homosexual couples to enter into a union. What he intends to do next is actually very obvious—urging us to fight for the recognition of same-sex marriage as a mainstream social value.

Let me put aside my religious faith for the time being and analyse the underlying social values and beliefs from the standpoints of social and public administration. There are many aspects to marriage. One is love, and in the case of homosexual union, there is the aspect of legal recognition or otherwise. I do not intend to explore whether love exists in this type of relationship. Yet, I would say legal recognition is actually central to any relationship people enter into. The marriage of two people actually signifies their choice of entering into

a relationship with each other, and their marital relationship will affect other relationships outside of their marriage. The social recognition of heterosexual marriage and disapproval of same-sex marriage actually show the fallback set by the law.

Let me begin with a discussion on the relationships involved in marriage. I will not be metaphysical or abstract. Let me illustrate my point, using my marriage with my wife as an example. What issues are involved in this marriage? Well, if our marriage goes wrong, I may have to pay alimony to her. If we have children under this marriage relationship, there will be the questions of whether our children were born in wedlock, and whether they have the right to inherit the assets of me and my wife in the future. When it comes to estate succession, if both of us do not make a will, then I, or my wife, will face the question of estate succession priority. In some circumstances, a spouse in a marriage may have a higher succession priority than even the parents or children of the deceased. This is based on various presumptions. If my employer provides medical care benefits, there will be the question of whether my wife and children are entitled to such benefits. The concessionary tickets offered by airlines are another example. If I am not legally married, then can my "children" enjoy the benefits under the definition of "children" set out in the contract entered into? Besides, can I and my wife as a spouse in the marriage and also our children enjoy certain welfare benefits provided by the Government? All this involves the question of whether there is any approval or consent in policies.

I am sorry that since I am a lawyer, once I talk about the marriage of two people, I will immediately think of many different kinds of relationships, and how a marriage may affect many relationships of others. Unlike what some Members have said, marriage as a relationship is not just about two persons.

Mr AU Nok-hin proposes to enable homosexual couples to "at least enjoy some of the rights available to married couples". And, Mr Gary FAN even sets out specifically what rights should be included. Let me explain the views of other people in society by referring to some cases.

Let me look at estate succession. In the case of accidental death insurance benefits, life insurance benefits or other types of insurance benefits, for example, the policyholder can designate anyone as the successor. The successor can be a charitable organization, or a girlfriend in cohabitation outside of his marriage. People in the insurance industry are very clear about this. My Member's office frequently assists people in making wills free of charge, and we have handled several thousand wills so far. I will not ask why one wants to will one's estate to

a specified person. But sometimes, clients themselves may tell me that the persons designated as heirs are illegitimate children or mistresses, so if they do not make a will now, the persons concerned will get nothing at all in the future. That is why they must do so in order to leave part of their estates for them. Or, people may say that their heirs are their same-sex partners, and since there is no way to register their relationship in Hong Kong, they must make a will.

(THE PRESIDENT resumed the Chair)

The problem now is that mainstream social values all rest on a set of assumptions, so if certain steps are not taken, things will be done in accordance with certain pre-set requirements. The claiming of cremated ashes is one example. Parents have priority to claim their children's cremated ashes. But a person may be on very bad terms with his parents and does not want them to claim his cremated ashes. In that case, he must resort to some other ways, probably including prior registration or notification, or even the drawing up of a legal instrument, in order to arrange for claiming of his cremated ashes according to his own wish rather than the priority of relationships prescribed by the law. This is the case with estate succession, the claiming of cremated ashes and also the making of medical decisions. Nowadays, the whole world upholds individualism. The Government should adjust the various systems as much as possible to facilitate the making of choices.

Ultimately, the original motion and the whole series of developments in the Western world all reflect a challenge to the mainstream values and the norm. How much time is needed for social discussions before mainstream values change to the extent of recognizing or consenting to a certain relationship in law is the issue I am discussing from the legal perspective. But of course, if the law is not involved, we can continue to discuss any such issues we like.

But the major question now is whether this so-called "human right" or "entitlement" can receive recognition at the end of the day, and whether other people will agree to this so-called "mainstream value" advocated by someone. From my standpoint, this is what this matter is all about. *(The buzzer sounded)*

PRESIDENT (in Cantonese): Mr TO, please stop speaking.

MS CLAUDIA MO (in Cantonese): President, as I am wearing a red earring on side and a green earring on the other, people with good intentions will definitely ask me if I am wearing the wrong pair of earrings because they are not symmetrical. It also happens that the stitches of a dress are sewn in reverse on the front side; it is a kind of design. Yet, some people with good intentions will ask me if I am wearing the dress in reverse. In their minds, they are all contrary to our tradition and norms. They have all contravened the so-called "norm" that we have heard just now. But is it necessary for us to adhere to tradition and norm? Why can we not do something different in our daily lives?

Just now Mr James TO says that the most important thing is to consider the relationship under the law. I understand him because in his capacity as a lawyer, he is prone to thinking in that way. Under the traditional marriage institution, both parties have to make a vow. It is also a monogamous marriage of one man and one woman. In the West, including Canada, if two people have been living together for three years, they will be deemed to have a formal and legal marriage relationship under the law even though the two parties do not have a formal marriage certificate. As to the requirements relating to alimony payment, estates, custody of children, or even fundamental social values, all of these are set down by human beings. The law is to serve the people, not to control the people. Of course, the Hong Kong Government has another issue to consider, but that is another story. Nevertheless, all rules are made by people, and they are decided by us.

In recent years, the best example in the international world is Ireland's prime minister, who is elected by the Irish people. He is not only a person of colour—President OBAMA of the United States is another person of colour—he also declares that he is a gay. In the meantime, over 90% of the Irish population are Roman Catholics. Therefore, the civilized human world is advancing and things will be changed.

When I first became a journalist, homosexuality was a taboo and it was not allowed to be mentioned. Homosexuality was impossible in Chinese communities, it simply did not exist. However, we are discussing the issue of equal rights today, and obviously the situation has changed. If we look at the history of human civilization, people first believed that the earth was flat. It was because what people saw was a flat surface, thus how could it be a round object? But the earth has been proven to be round. How could human beings fly? We do not have a pair of wings like a bird, and we cannot defy gravitational force and

fly. However, human beings invented planes. Nowadays, people are taking planes to travel all over the world. We can even go beyond the planet Earth. As early as the 1960s, human beings had landed on the Moon. Therefore, we should ponder on the question: What is tradition? What is norm? What is the so-called value of human beings? Are those rules so rigid that they cannot be changed at all?

During the colonial era, I have done a series reports and interviews about the legalization of homosexuality. At that time, many people did not realize homosexuality was illegal and legislation was required for its legalization. Eventually, the relevant legislation was passed. Today, the motion moved by Mr CHAN Chi-chuen is "Studying the formulation of policies for homosexual couples to enter into a union". Nobody is trying to deny that there are controversies relating to values and legal provisions. Now he only proposes that we should study it, but even a study has been opposed. This is actually a denial of the forward-moving spirit of human civilization.

My knowledge about homosexuality came from the *Readers' Digest* that we read in our adolescence. In those days, homosexuality was a taboo and not allowed to be mentioned. The so-called *Digest* is a compilation of articles published in other magazines. There was an article from a medical journal that I had read through in great detail. According to that article, many people thought that homosexuality was an illness, or a kind of physical or mental disorder, and a medical condition which should be treated. In the past, a lot of therapeutic methods were introduced, including electrical shock, medication, or even psychological or psychiatric therapies. That 1970s' article concluded that most medical doctors and scientists considered homosexuality was something inherent. It was not a trend or a change in attitude arising from the distortion of one's thoughts. Homosexuality is absolutely 100% congenital. Thank you.

DR HELENA WONG (in Cantonese): President, first of all, I wish to thank Mr CHAN Chi-chuen for proposing the motion debate on "Studying the formulation of policies for homosexual couples to enter into a union". He has proposed this motion a long time ago but it has been holding over for some time. We finally have the opportunity to discuss the motion this morning.

With regards to this motion, I must point out that the election platform of the Democratic Party stated clearly that we support the enactment of anti-discrimination legislation and we support equal rights. Nevertheless, as to

the policy concerning same-sex marriage or the civil union of homosexual couples, we have not reached any consensus in our party. For this reason, we do not have a clearly defined position in this regards. However, with regards to this issue, the Democratic Party has a gender equality committee, and I am the chairperson of this committee. I am also the gender affairs coordinator of the Democratic Party. We have specifically discussed this motion. We propose that Members of the Democratic Party should vote for the original motion of Mr CHAN Chi-chuen, as well as the amendments of Mr AU Nok-hin and Mr Gary FAN, but we should vote against the amendment of Dr Priscilla LEUNG. Nonetheless, since our party does not have a clear policy in this respect, we allow our Members to cast their votes according to their religious beliefs or their understanding about the relevant policy. But I believe most Members of the Democratic Party will cast their votes according to the recommendation of the gender equality committee of the Democratic Party.

I will first speak on the original motion of Mr CHAN Chi-chuen. The original motion stated clearly that "this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples." I believe the focus is to ask the Government to study the policies. It is because no policies have been put in place for the time being, therefore we have to study them. I do not see why the Government needs not conduct a study on this issue. For this reason, we consider that we should support the motion. Certainly, the motion also involves legislation and government policies and so on in order to enable same-sex couple to enjoy equal rights as their heterosexual counterparts. I have to point out that studying the policies does not necessary mean immediate enactment of legislation. I believe that there should be room for public consultation and public debate. If the Government is not going to conduct a study, it will be difficult to gauge public expectations about this issue. For this reason, it is normal to initiate a debate calling for studying the issue, and the Government should also conduct an extensive consultation exercise.

With regards to the formulation of policies and legislation, what form should be adopted? There are different forms. It could be the legalization of same-sex marriage or civil union. Some countries adopt the form of domestic partnership. For that reason, we may adopt different legal forms to deal with the issue. With regards to equal rights, it can be the absolute equality between same-sex marriage and heterosexual marriage. That is, whatever rights heterosexual couples may enjoy, same-sex couples may also enjoy the same

rights. Nevertheless, we can also see that different countries may not adopt a strict equality of rights, as some countries may decide the conferral of certain rights to same-sex or homosexual couples according to the respective social values and public consensus. For this reason, it could be just partial equality. The so-called equality issue should be addressed, taking into account the trend of social values as well as public acceptance.

Mr AU Nok-hin's amendment stated that "so that they can at least enjoy some of the rights available to married couples", that is, we should at least give them some of the rights if not all of them. That is his intention. Therefore, we will accept his amendment. At this stage of consultation, we should gauge the level of public acceptance.

Mr Gary FAN's amendment is more specific, he proposes that same-sex partners should at least enjoy four kinds of the rights available to heterosexual couples, including the rights to collect their partners' dead bodies or cremated ashes, make important medical decisions on their partners' behalf, receive the compensation paid to their partners who died in accidents, and make decisions on living donation for their partners. He has chosen these four rights. Of course, Mr Gary FAN should explain to Members why he has chosen these four rights.

Actually, in various countries all over the world, there are different forms of civil union or domestic partnership, and the rights enjoyed by same-sex partners are not the same. For example, same-sex partners in some countries may adopt children, but in some other countries, they are not allowed to do so. For this reason, I consider the motion debate can give us the room to deal with the issue.

Before I conclude my speech, I wish Member will pay attention to one thing, that is, according to the tracking studies of the Centre for Comparative and Public Law at the Faculty of Law, the University of Hong Kong, from 2013 to 2017, more than half (50.4%) of Hong Kong people supported same-sex marriage in 2017, it was just 38% in 2013; (*The buzzer sounded*) therefore, our society is getting more and more open.

PRESIDENT (in Cantonese): Dr WONG, please stop delivering your speech.

MR CHU HOI-DICK (in Cantonese): President, usually I find Mr James TO's speech unequivocal, as he often makes careful and detailed analysis. But today, he has spoken for seven minutes and I do not really understand what he has tried to convey. What I have probably grasped is that the impact of the policy which allows homosexual couples to enter into civil union will not only change the monogamous relationship, its implications are far-reaching as it also involves the relationship between relatives, insurance, employment and so on.

Moreover, Mr James TO also mentioned another issue. That is, the issue regarding the bottom line of our society. I agree that if the Government is going to formulate specific policies for homosexual couples to enter into domestic partnership, the bottom line of our society must be changed, which will allow the partnership between two adult individuals who are mentally mature, in addition to that between one man and one woman. This does not mean that we have no bottom line, but the bottom line has changed. The change does not mean that a monogamous relationship will change to a polygamous one, we are not fighting for such a change but from the union of one man and one woman to that of two individuals regardless of their genders. I believe such change does not necessarily mean what Mr James TO has said, that is, the mainstream values in society will have to be changed. The mainstream values in society are still about the monogamous union between a man and a woman; these are the mainstream values in society. Even if the policies which allow homosexual couples to enter into civil union is formulated, the situation will not change. I hope Members should pay attention to this.

I think the objective of Mr CHAN Chi-chuen's motion this time around is to urge the Government to give comprehensive consideration to this issue because over the years, the courts have spent a lot of time and the Legislative Council has also spent a lot of its debate time on the issue about whether or not homosexual couples should enjoy the same rights as heterosexual couples. A lawsuit needs at least three to four years before it is heard in the Court of Final Appeal. If we continue to deal with this issue in a piecemeal way, it will waste us a lot of time, which means financial costs. For that reason, if we view the issue from this perspective, perhaps Mr CHAN Chi-chuen is helping our entire society, as the Government and law courts may save a lot of time on meaningless disputes or the cost of resolving the disputes.

We need a holistic set of policies. When a holistic set of policies is formulated, everyone should adhere to them. Legislation can be considered taking into account such policies. I agree with Mr CHAN Chi-chuen's original

motion. I do not only agree that the Government should conduct a study, I also consider that the Government should implement policies which allow homosexual couples to enter into domestic partnership. For this reason, I hesitate when I see the amendments of Mr AU Nok-hin and Mr Gary FAN, because they seem to compromise on this matter and want to get only some of the rights, or return to the piecemeal approach. As for how I will vote, I will seek Mr CHAN Chi-chuen's advice and try to see if he also agrees with the two amendments from the perspective of a homosexual rights fighter. I support the fight for full equal rights, instead of partial rights or a piecemeal approach.

With regards to Dr Priscilla LEUNG's amendment, I find them less hostile. For example, she says that "this Council urges the Government that in its policy studies on equal rights for people of different sexual orientations", at least she uses this as a prerequisite. This is, she considers the Government should conduct the studies, as it is alright to conduct the studies, or it is alright to formulate the policies for equal rights for people of different sexual orientations. The key of Dr Priscilla LEUNG's amendment is that "it should refrain from shaking the existing marriage institution". I consider that she has left room for flexibility. That is, Dr Priscilla LEUNG will not object to Mr Gary FAN's proposals, because her prerequisite is that we should refrain from shaking the existing marriage institution. I opine that the term "shaking" is flexible. It involves more or less a degree of subjectivity. As to whether or not civil union will shake the existing marriage institution, I believe we can debate that in the next stage of discussion.

I wish to emphasize that even if a holistic set of policies is formulated to allow homosexual couples to enter into domestic partnership, I am sure that the mainstream values in our society will adhere to the monogamous marriage between a man and a woman. This is the existing marriage institution and it will not disappear. From my perspective, our marriage institution has not been shaken at all.

Lastly, I have noticed that some people have little tolerance for the LGBT group. In fact, social values are intertwined. If people do not accept LGBT group, they will tend to consider the autocracy of the Chinese Communist Party no big deal at all. Sometimes, all the conservative values are bound together. Nevertheless, I believe Hong Kong is a free society. Therefore, when the Government studies the policies to allow homosexual couples to enter into

domestic partnership, I do not hope that our colleagues in this Council, including pro-establishment and pro-Beijing Members, will bind the two values in one and deal with certain social issues in an intolerant manner.

DR KWOK KA-KI (in Cantonese): President, I speak in support of Mr CHAN Chi-chuen's motion, and Mr Gary FAN's and Mr AU Nok-hin's amendments, and against Dr Priscilla LEUNG's amendment.

President, it is not that no efforts have been made in this year's Policy Address in this regard. The Policy Address mentioned: "The HKSAR Government has been committed to promoting equal opportunities for people of different sexual orientations and transgenders on the basis of upholding the existing institution of monogamy and heterosexual marriage. On public education and publicity, we have been proactively promoting the culture and values of inclusiveness, mutual respect ..." and "at present, over 300 organizations employing a total of more than 500 000 employees have adopted the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation". I would like to point out that these words give the impression that the Government finds the ongoing work sufficient. However, Carrie LAM has also blazed a new trail by saying that the Government is currently studying the experience of other places in implementing anti-discrimination measures through administrative and legislative initiatives. Hopefully, the findings will facilitate a more in-depth and rational discussion in the community on the issue of whether legislation should be introduced to protect people of different sexual orientations and transgenders against discrimination. President, this is the most important point.

It is nothing new to say that our debate touches on legislation related to different sexual orientations and discrimination on the ground of sexual orientation. In February two years ago, the Equal Opportunities Commission ("EOC") already submitted views and survey findings to this Council. Given the evidence of widespread discrimination against LGBT people, it was recommended at the time that the consultation focus on the scope and possible content of the legislation, rather than whether there should be legislation. That was February two years ago, i.e. two and a half years ago. In the recommendations submitted to this Council, EOC already clearly pointed out that we should decide the scope and content of the legislation, rather than, as the Government suggested by distorting the concept, discuss whether there should be

legislation. I am worried that the Government's current approach would only result in the legislation against discrimination on the ground of sexual orientation remaining a non-starter, with no date in sight as to when the bill will be submitted to and passed by the Legislative Council.

Many Members have quoted the survey report released by the University of Hong Kong in July 2018 as saying that 70% of the respondents agreed to legislation against sexual discrimination. This is a very clear and strong message that the Government should hear. Compared to many years ago, the majority of the public now have made significant progress in cognition. They do not discriminate against people of different sexual orientations or homosexuals, but instead agree to legislation in relevant respects in the general direction. On the contrary, it is the Government that is not willing to make it happen.

Another obvious oddity is, of course, that President actually gave Dr Priscilla LEUNG permission to propose her amendment. Her amendment has not just thoroughly modified Mr CHAN Chi-chuen's original motion, but literally taken the opposite tack and reversed everything, because it respects the marriage institution based on "one man and one woman" and "one husband and one wife", and seeks to uphold the stability of the marriage institution and protect the relevant rights and interests under the existing institution, among others. All in all, her entire amendment aims to negate the original motion. This approach has gone too far, indeed. If Dr Priscilla LEUNG is interested, she might as well propose a separate motion in her own wording.

Nevertheless, there is one point I strongly disagree with. Mr CHAN Chi-chuen's original motion aims to consider enacting legislation and study the formulation of policies so that homosexual couples can enjoy equal rights as heterosexual couples. This is clearly a direction, but once amended by Dr Priscilla LEUNG, it tells society that if the Government legislates to grant equal rights to homosexual couples, it will shake the marriage institution based on "one man and one woman" and "one husband and one wife". In other words, it becomes a binary opposition. I think this is an appalling approach. Moreover, very often I see that it borders on ... it has already incorporated discrimination and aggression and taken an antagonistic stance on this subject, though not explicit on the surface.

To state the obvious, the mainstream society, of course, upholds an institution of monogamy and heterosexual marriage, but it is precisely for this reason that the equal rights for non-mainstream people of different sexual orientations are not protected by law in today's society. This is the most important point. How would it be possible for the mainstream to be shaken because non-mainstream people in society have obtained reasonable and due rights to legal protection? It will not. The institution of monogamy and heterosexual marriage is still the mainstream in many societies, including Hong Kong society, but we should not make use of this mainstream to exploit or even discriminate against the minorities. This is the most important spirit.

Several days ago, I attended this year's Hong Kong Pride Parade, and I noticed that many Christians who have joined fellowships, even churches or Bible study organizations, are minorities, namely homosexuals participating in church gatherings. Although I am not a Christian, I see that in the *Bible* and all the records of Jesus Christ, he would only stand with the most vulnerable people in society and never discriminate against them. I do not understand why so many people, under the disguise of religious issues, or those with religious backgrounds, would attack homosexuals. This is not the proper attitude to take. I so submit.

DR FERNANDO CHEUNG (in Cantonese): President, first of all, I would like to make clear the stance that the Labour Party and I take. For one, the Labour Party supports legislating as soon as possible to prohibit discrimination on the ground of sexual orientation. Secondly, we support same-sex marriage. We hold that Hong Kong should, in the long run, legislate to legalize same-sex marriage. At the present stage, we must admit that same-sex marriage is controversial, so we believe the so-called progressive approach is necessary. Nowadays, many countries in the world have already enacted relevant legislation, but it does not mean that this matter is not controversial. As we are aware of the controversy, we have to face it. However, overall speaking, we will start off from the perspective of equal rights.

First off, we have to acknowledge the existence of a long-term relationship in homosexual couples. It is consistent with that between man and woman. We cannot close our eyes and say that this relationship does not exist. It is impossible to say so. The problem is that, upon seeing some minorities' practices different from ours, some people in society immediately consider them non-compliant with our requirements.

As far as law is concerned, we may say that same-sex marriage is illegal, but what makes things worse is that, I think, many people who currently go into overdrive to oppose homosexuality, homosexual partnership or same-sex marriage consider the issues mainly from a moral perspective. In other words, they think that such relationships are fundamentally immoral. Why are they immoral? Some reasons may be related to their religious backgrounds. It is also very likely that they find such relationships immoral because of perceived violation of common sense and the natural propensities of human beings. The problem is that they are not aware of the multifaceted nature and the diversity of human beings, and they cannot explain what makes same-sex marriage immoral. One may ask: what is the very nature of marriage? Marriage is the relationship between two individuals which is so intimate that they can have sexual relations. They are partners bonded by friendship, and there is love between them. Very often, they communicate and talk to each other. They feel happy together, and have a responsibility to care for each other. Moreover, they may give birth to and raise children. These are various aspects of marriage.

However, can the many aspects I mentioned just now exist only between man and woman? We all know that it can actually exist between individuals of the same sex. This is an objective fact. The problem is that when we talk about same-sex marriage, it becomes immoral. Very strangely, when it comes to contraction of marriage in the legal sense, no consideration is taken of the moral background of either party. If someone is a thief and has committed crimes, do we disallow him to get married? If he has had sexual relations with many females, or had sex with prostitutes, do we disallow him to get married? Furthermore, in the various aspects of marriage that I mentioned just now, if two individuals are unable to have sexual relations at all, or they may be utterly unable to talk to each other, does it mean that we should, by legal means, disallow them to marry each other? We will not do so. Our legislation does not view either party to a marriage from a moral perspective. Although we have a moral propensity, and marriage itself has moral values in society, when this moral value is used to ostracize or discriminate against minorities, I think, on the contrary, that this is immoral. Therefore, I believe it is improper to consider the issue of same-sex marriage from a moral perspective.

After all, we are actually discussing equal rights. Of course, at this stage, certain rights have been granted under the legal framework of marriage, including taxation, inheritance of estate, insurance, right of entry and exit, right to adoption/rehoming, custody, making medical or property decisions on behalf of the other party, etc.

However, more importantly, marriage itself is actually a kind of explicit relationship, which may be opposed by many people now. Such explicit declaration is actually a recognition of and respect for the relationship between the couple. Arguably, it also gives them a kind of dignity. I think this right to explicit declaration is also important. We will not deprive a couple of this right just because they are of the same sex.

Former Member Cyd HO worked very hard in the past to promote equal rights for people of different sexual orientations, and now Mr CHAN Chi-chuen continues to push for them. We understand that this matter is controversial and still needs to be pressed forward. In fact, public opinion has been changing. Many colleagues have talked about some specific numbers earlier on. I do not repeat them here. Our society and the world are changing. I hope that those who hold high the banner of morality will broaden their horizons. If they really value morality, they should not discriminate against some minorities, but instead let people of different sexual orientations enjoy equal rights. The minorities have not violated the rights of others (*The buzzer sounded*), nor will they destroy the institution of heterosexual marriage.

PRESIDENT (in Cantonese): Dr CHEUNG, please stop speaking.

MR WU CHI-WAI (in Cantonese): President, the subject under discussion today is very clear, and that is, to study the formulation of policies for homosexual couples to enter into a union.

Many fellow colleagues who spoke just now were concerned that based on past experiences in other countries, the formulation of policies on same-sex marriage would lead to a lot of problems, such as reverse discrimination, and they have cited many different examples to illustrate their points. However, it is exactly because of the after-effects arising during the course of legislation in other countries, we should conduct a study in this respect as early as possible to ensure that the legislation concerned will not give rise to reverse discrimination in view of a common belief that we should build a society which is inclusive and free from discrimination. This is a very important principle, which can resolve a lot of conflicts and bring both parties closer to each other. In my opinion, as far

as the formulation of policies is concerned, it is not proper to conclude that it is not suitable for the Hong Kong society to move forward in this area on the grounds of what has happened in other countries. This is the first point.

Secondly, the objective attitudes towards same-sex marriage and equal rights for homosexuals have changed in our society, as reflected from the results of many different opinion surveys, which is a normal change. As far as the concepts of both marriage and family are concerned, there bound to be different views together with social development and the passage of time. I consider that under such circumstances, it is even more necessary for us to, as suggested by Mr CHAN Chi-chuen, commence a study on the issue on a reasonable platform, absorb different views expressed in the community and examine what position we should adopt, so that every person may exercise his/her free will through his/her own choice of marriage.

Thirdly, we can deal with the concept of marriage at various levels. In some countries, apart from entering into marriage in a formal manner, other arrangements and systems such as civil union or civil partnership are also available. This shows that under the premise of upholding traditional family values, it is also acceptable for everyone to choose his/her own mode of marriage according to his/her free will. When talking about equal rights for homosexuals, our discussion will of course involve issues concerning different groups of sexual minorities, but I hope that when expressing support for equal rights for homosexuals, people will understand that there will in fact be changes in social acceptance of the marriage of certain sexual minorities with the passage of time.

When we talk about equal rights for homosexuals today, people may find it easier to understand and accept same-sex marriage on the basis of mutual respect. However, with regard to the choices of other groups of sexual minorities, there may still be some other queries for the time being. Therefore, we can clear up all these doubts by commencing a study on policies for homosexual couples to enter into a union. We should not cover up the problems by sweeping them under the carpet and refuse to face up squarely to them, which, I think, will be of no help to resolving such problems.

Although I have not placed a rainbow flag on my table today like other fellow colleagues, I personally consider the proposal of commencing a study on the subject matter worth supporting, even though I still have queries about the direction and details of the entire discussion, and have not yet taken a position on the issue. It is because I genuinely believe that truth does not fear contention.

As a matter of fact, I concur that the free will of any adult should to a certain extent be respected and safeguarded if it does not harmed the interests of other people. When we can actually draw reference from other cases and the experience of other countries, why should we adopt such a conservative approach in dealing with the matter? Why not commence a study on the issue and try to achieve social consensus in this respect? Should we leave the problem unresolved, so that many of the issues involved cannot be tackled openly?

For example, with regard to the problem of reverse discrimination, if we do not face up squarely to the problem through effective discussion during the legislative process, we will never be able to bring both parties closer to each other. Some activists for equal rights for homosexuals may have also adopted an inappropriate approach when they made reference only to the existing legislation on anti-discrimination against persons with disabilities at the outset, and submitted for discussion a draft of the proposed bill in which only the relevant critical term was replaced.

It is because the subject matter itself is so controversial that we should have rational discussion and debate in a calm and peaceful manner, so as to create a space and platform in order to effectively tackle the problem. When society is slowly moving towards the acceptance of equal rights for homosexuals, it is impossible for us to cover up the problems, and avoid facing up to them and addressing them. I think this will be of no help to the formulation of policies to show respect for the free will of people of different sexual orientations in an inclusive manner so that they can enter into a union in, while safeguarding the monogamous marriage institution.

Therefore, I support the direction proposed by Mr CHAN Chi-chuen, and hope to resolve the disputes concerned by conducting a study on the subject matter, so as to build a truly inclusive society in which different choices and personal free will are respected (*The buzzer sounded*) ...

PRESIDENT (in Cantonese): Mr WU, please stop speaking.

MR DENNIS KWOK (in Cantonese): President, as I recall, there was a discussion over this issue when I first became a Legislative Council Member. As far as I can remember, back then ... because I am a Christian and, though I

seldom profess my religious belief, some people in Hong Kong—not many, of course—also know it, some Christian organizations approached me, telling me that anti-discrimination legislation should not be enacted. When I enquired about the reasons, they replied that enacting such legislation was tantamount to allowing some people to force churches or religious organizations to do something contrary to what they regard as cardinal principles. Thus, I asked them, "Anti-discrimination legislation merely imposes statutory requirements in areas such as recruitment and job opportunities to forbid discrimination against anyone because of his or her homosexual orientation. What is wrong with that?" And I further asked them, "Why can't we accept same-sex marriage or civil union in law?" In reply, they said, "Because this will destroy the institution of marriage known to us". I then pressed on and asked, "If marriage is considered as a kind of contract, what is the most detrimental thing to marriage?"

At present, the number of marriage break-ups in Hong Kong is on the rise, and there are numerous cases of family break-ups. So, what are the factors leading to family and marriage break-ups? The pressure of work, bad habits or other kinds of stress. They result in the break-ups of many families in Hong Kong, causing many children to witness the divorce of their parents. These various problems are the very key factors undermining the institution of marriage in Hong Kong. Why then do we ignore them and leave them unresolved, but make so much effort to oppose same-sex marriage? When two individuals—regardless of their sexes—are together and express their wish to spend their lifetime together, to take care of and to love each other, how is this going to undermine the institution of marriage? Is this not precisely a testament to the institution of marriage, and a recognition of the contract of marriage? I do not understand.

Though I am a Christian and concurrently a Legislative Council Member, it does not mean that I can legislate on morality or legislate according to my personal moral position. As a Christian Member in the Legislative Council, I have to consider what is the fairest, the most widely accepted and the most appropriate way to deal with the issue of same-sex marriage in our society nowadays. If we look at some opinion polls, the percentage of public support for same-sex marriage has moved up from 38% in 2013 to over 50% in 2017. More than half of the respondents (69%) considered it necessary to legislate against discrimination on the ground of sexual orientation. Yet, we are still unable to take this step forward.

Looking at the development in this area around the world, we will find that Hong Kong is very much lagging behind. Currently, there are a few relevant court cases. Since these cases may be appealed to the Court of Final Appeal ("CFA"), I will not discuss them lest the judicial proceedings of CFA be affected. But I do wish to talk about certain cases which have been heard by the court. Currently, even if some foreigners come from countries where a same-sex marriage or civil union system has been established, given that this kind of relationship is still not recognized in Hong Kong, their partners will not be granted a dependant visa to come to Hong Kong. The court has ruled that the handling of these cases was erroneous, it will repeatedly be subjected to judicial review and constantly be challenged. Should a responsible Government behave this way? Or should we begin to explore whether it is the right time to make legislative amendments now? Is the Government willing to take this step? Secretary, while we always claim that Hong Kong is an international city, do we really have a global outlook and mindset in dealing with these policy issues? At the moment, I do not think so. The Government has been dragging its feet on conducting public consultation about legislation against discrimination. I do not know what it is afraid of. Secretary, would you please give us an explanation? As we can see the data from the opinion polls and the development across the world, I think the way forward is clear enough.

Former South African Archbishop and Nobel laureate, Desmond TUTU, once described opposition to homosexuality as a crime against humanity. I do not know if it is proper for him to say so, but as I observe, the situation in Hong Kong is way behind the trend. Those who oppose homosexuality or even anti-discrimination legislation actually cannot find any strong evidence to prove that Hong Kong should not even introduce anti-discrimination legislation for the time being. Nor can they find any evidence to establish that the institution of marriage in countries recognizing same-sex marriage has been undermined. I do not see such a case and no one has ever given me any substantive justification to show that the existence of same-sex marriage will affect the marriage contracts of other people.

For these reasons, I am grateful to Mr CHAN Chi-chuen for proposing this motion for our discussion. We, this Council, must face up to this issue. I will support Mr CHAN Chi-chuen's motion. Thank you, President.

MS STARRY LEE (in Cantonese): President, once again, this Council has a discussion over the issue of equal rights for LGBT people. Actually, every time when this issue is brought up for discussion, considerable controversy always arises. This time round, just as before, the motion is also proposed by Mr CHAN Chi-chuen. I appreciate that those striving hard for LGBT equality really take this issue seriously. In fact, what Mr CHAN Chi-chuen has done is an illustrative example. Being a Member, he uses ... these days, we, Members, rarely have a chance to propose our own motions, and almost every one of his motions is about LGBT equality. Since he was allocated a debate slot to move this motion, actually—we have talked outside the Chamber many times—he has been waiting for this debate very attentively, lest he may miss the time. Indeed, I do understand that for those striving for LGBT equality, this issue is all the world to them.

Anyway, I very much wish to tell Members that we, people who seek to uphold family core values, or those who will vote in favour of Dr Priscilla LEUNG's amendment later, are absolutely against any kind of discrimination and completely understand the difficulties faced by homosexuals. Just now, many Members made sweeping generalizations, saying that a lot of Christians are anti-homosexuals "carrying big sticks". Sorry, this is not the truth but a smear. I have a lot of Christian friends who serve this group of homosexuals with love and hope to change them with love. This kind of service is genuine and persistent. Of course, I understand that some homosexuals may not buy it and our discussion today is not about it either. Still, I hope that Members who accept same-sex marriage will not brand those who oppose it as people discriminating against homosexuals or someone "wielding a big stick" regardless of the sufferings of others.

Actually, I wish to tell Members who these supporters of family core values are. Apart from those who have a religious belief, the group also consists of members of parents' organizations. Why do you people depict them as if they were—in your words—"Taliban moralists"? I hope you people will stop pinning labels on them. Honestly, they understand that society is constantly changing and moving forward. They can also see that the fight for LGBT equality is, in fact, a movement which has swept across the globe. Today, our discussion may be merely about homosexual couples entering into a union, but we understand that in essence, the ultimate goal concerns a range of issues such as the fight for legalization of same-sex marriage, enactment of legislation against

discrimination on the ground of sexual orientations and legislation for gender recognition. After all, the movement for equal rights for LGBT people has actually emerged in various places in the Western world.

I would like to tell Members the actual concerns of this group of people. They are, indeed, not holding prejudice against homosexuals. As far as I know, many of them in this alliance are offering help to the homosexuals around them. So, what are their concerns? As a matter of fact, some Western countries have enacted a number of legislation in the relevant area, and I have recently received some video clips, one of which tells a story about a place where legislation on gender recognition has been implemented. At a school there, a male student had his gender identity judged to be female and thereafter, he could use female restrooms. This ended up causing the female students to get into a panic, and the same happened again on a camp site as that male student could live on the camp site for female students under the legislation on gender recognition. Maybe Mr CHAN Chi-chuen will say that I have digressed too far and that it is not what our discussion is about.

Nevertheless, as I just shared with Members, this group of people actually can see that this is a trend and it is gradually gaining ground. What they worry about—understandably, it may be rather extreme—is that in the future, children will be taught in school that their marital partners can be male or female; or that those who have a religious belief can no longer openly discuss the marriage institution they uphold later on, thus reversing the situation and turning them into the ones being discriminated against instead. In fact, their worries are not imaginary. In reality, these cases really occur in many of those countries which have implemented this kind of legislation. LGBT movement began comparatively late in Hong Kong, but yet it is developing rapidly. Since these cases do occur in countries where this kind of legislation has been enacted, in my opinion, we should look at this issue from a realistic perspective. I do understand that homosexuals are eager to seek equal rights in daily life and various aspects. Nonetheless, if we fail to appreciate the concerns of this group of defenders of family core values, and to give good thought to the solutions to these issues, our debate will probably end with the same result each time.

Just now, Mr Holden CHOW already articulated the position of the Democratic Alliance for the Betterment and Progress of Hong Kong that we will support Dr Priscilla LEUNG's amendment. Though we consider it necessary to oppose any kind of discrimination against homosexuals, there must be, as I just

explained, holistic consideration as to how a balance between defending marital values and moving ahead with times can be maintained in the formulation of policies.

It is my hope that we will have time to further discuss this issue with Mr CHAN Chi-chuen or others later. I think some practical issues, such as the handling of estate or the claiming of cremated ashes which was mentioned before, can now be resolved through other legal means. However, I know some homosexuals want to address not only these issues but also the ultimate issue of marital relationship. Regarding this part, further detailed studies may be required, but if we can resolve the issues one by one, I think, it may help to bring about more concrete progress.

President, I so submit.

MR VINCENT CHENG (in Cantonese): President, today, I rise to speak in response to the motion proposed by Mr CHAN Chi-chuen. The motion requests the Government "to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples." I know Mr CHAN has made every effort to lobby Members these few days, but, Mr CHAN, I am really sorry that I cannot support the original motion.

It has long been a consensus in Hong Kong society that marriage refers to the voluntary union between one man and one woman and it is also the position which the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") has clung to over the years. Being the former chairperson of the Family Affairs Committee of DAB, I do not approve of any move that will change or affect the existing institution of marriage or family. Same-sex marriage or civil union, in the legal sense, is actually the same as any marriage. Recognizing homosexual partnership or the previously mentioned civil union through legislation is a prelude to permitting same-sex marriage and is likely to change or challenge our entire institution of marriage in the end.

There is an opinion out there that the formulation of policies for homosexual partnership or the promotion of civil union is only about granting homosexual couples the relevant rights, and has nothing much to do with the religious concepts, traditional values and cultural mentality associated with marriage. Regarding such opinion, I beg to differ. Perhaps, I should make it more plain. Once the issue of legal rights is involved, it will necessarily cause a

ripple effect. Anything pertinent to the conferment of legal rights will require legislative confirmation. At present, many ordinances in Hong Kong involve the definition of "relative", and the definition of "couple" only covers the spousal relationship between a man and a woman. One example is the Inland Revenue (Amendment) (No. 4) Bill 2018 ("the Bill") which has recently been passed. For the premiums taxpayers paid under a Voluntary Health Insurance Scheme ("VHIS") policy in which the taxpayers themselves or their specified relatives are the insured persons, taxpayers are allowed to deduct the qualifying premiums paid from their assessable incomes in the relevant year of assessment. The ceiling on such tax deduction is set at \$8,000 per year. I noted that the definition of "relative" was touched upon during the debate about the Bill back then. Some egalitarians demanded that people who have entered into same-sex partnerships outside Hong Kong in accordance with the local laws be regarded as relatives. However, as pointed out by the Government, the relationships covered by the new legislation has to be consistent with the familial relationships or "dependent" generally covered and defined in the Inland Revenue Ordinance, and therefore, the relevant demand was left unattended in the end. I think the underlying reason is that the recognition of homosexual partnerships will be incompatible with various chapters of the laws of Hong Kong which are based on the marriage institution of monogamy between one man and one woman, and for this reason, caution must be exercised.

President, I wish to talk about a recent case. A Senior Immigration Officer who had registered for marriage with his expatriate partner outside the territory applied for judicial review because the Civil Service Bureau of Hong Kong denied his partner the benefits for family members or spouse of a civil servant, and the Inland Revenue Department rejected their application for joint assessment. The Court of First Instance had ruled against the Government for failing to provide the relevant benefits, then the Civil Service Bureau filed an appeal which was subsequently allowed. At present, the person concerned has been granted leave to appeal to the Court of Final Appeal. Throughout the case, the view expressed by the judges of the Court of Appeal has caught my particular attention. Their views have further confirmed heterosexual marriage as the form of marriage accepted by the majority of Hong Kong people. In the judgment handed down by the judges then, it has also highlighted that the existing laws of Hong Kong only recognizes heterosexual marriage and that the institution of marriage being an essential constituent of family and society warrants full protection by the law. Also, as the judges also mentioned, the most important point is that protecting the status of marriage in light of the prevailing views of the community is an obligation of the authorities; and using marital status to

differentiate the treatments for different persons is a rational approach. The conclusion drawn by the judges is that the community's prevailing views remain that heterosexual marriage is the only acceptable form of marriage. Certainly, upon hearing the judgment, some people may find such view conservative. Anyway, afterwards, the Court of Appeal granted the person concerned leave to file his ultimate appeal, but the appeal should only focus on whether the aim of the authorities' policy of recognizing only heterosexual marriage can sufficiently justify its refusal to grant spousal benefits to his same-sex partner. As the judges emphasized, it is common ground of both parties that protecting the institution of marriage recognized by the mainstream society is a legitimate aim of the policy.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Deputy President, I agree that we should never treat people of different sexual orientations with hostility as all of us are members of society. We need to promote the culture and values of inclusiveness, mutual respect, and non-discrimination so that everyone can enjoy equal rights in workplace and various areas. While the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation has been in place for many years, disrespect and discrimination remain prevalent. It is thus necessary for the Government to take one step further by promoting anti-discrimination measures for people of different sexual orientations. However, policy-wise, the Government should absolutely not recognize homosexual partnerships or civil unions, otherwise, it will change the existing institution of marriage. The community should adopt an inclusive attitude and accept sexual minorities. Unless there is a general consensus or majority support in society, it is not advisable for the Government to change its policy stance towards civil unions or homosexual partnerships easily.

Be it the formulation of policies for homosexual couples to enter into a union or the enactment of legislation to recognize same-sex marriage, there needs to be a general consensus in society before it can be carried out. I, however, have yet seen any such consensus on this subject in the Hong Kong society at the moment.

I so submit. Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

DR JUNIUS HO (in Cantonese): Deputy President, the original motion moved by Mr CHAN Chi-chuen urges "the Government to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples".

This kind of study seems harmless, but I do not support conducting this kind of study for two reasons: First, it is a golden rule that no study should be conducted for a cause which is obviously wrong. And we can also draw reference from history or look at the development of countries around us to get the answer, that is, the outcomes of the study can be foreseen by so doing. In fact, such information can be obtained for reference with a little bit of effort made.

At present, same-sex marriage is recognized by 26 countries among the 249 countries around the globe. And of the current world population of 7.2 billion, 900 million people are covered by the legalization of same-sex marriage, accounting for 12.5% of the world population. At first glance, it is a global trend and the pendulum also swings in this direction as if we, too, have to follow the trend. However, Deputy President, we can see from these countries that the legalization of same-sex marriage has been criticized for poisoning society by causing social chaos. A social awareness of anti-discrimination against homosexual rights emerged following the legalization of same-sex marriage, leading to the establishment of certain systems that have harmed many people. For example, the baker mentioned just now was sued only because of her refusal to make wedding cakes for same-sex couples.

It is true that everyone has his own belief. Yet, the sustainability of mankind is made possible only because people on earth have been upholding the faith in heterosexual marriage which enables childbearing to happen to generations to come since the beginning of mankind. Such faith, however, is now being adversely affected by a new concept: I will sue you if you do not respect me as a homosexual. This has indeed crossed the line as in a case in Germany where a teacher taught students of the new generation to address their parents as "Dad and Mom", but this was regarded as a form of discrimination which has ignored the rights of homosexual people. They questioned why not "Dad and Dad" or "Mom and Mom" and why must it be "Dad and Mom"? I am

really upset on hearing this and feel like using profanity to reply. It is precisely due to the influence of such perverse acts and thoughts which distort traditional concepts that our next generations are in a state of confusing good with bad and right with wrong.

How should sexuality education be conducted under the pseudo proposition of "equal rights for people of different sexual orientations"? Should it centre around the union of man and woman, man and man, or woman and woman? As for sexual behaviour, which form should be taken as correct? Children are placed under such huge pressure before they get a grasp of basic knowledge, what do these people actually want to achieve, may I ask? The purpose of education is to teach students to take the right path in life, to engage in good deeds and keep improving instead of moving towards a gloomy and messy world. A judge once said: Children brought up in a family of normal marriage (i.e. family formed with a marriage between one man and one woman) are usually better than those brought up in a family of same-sex marriage. What will become of our society if such remarks are also deemed discriminatory?

Fortunately, the European Court of Human Rights ruled in 2016 regarding a case involving same-sex marriage that same-sex marriage is not human rights. Hence, I definitely do not concur with Ms Claudia MO who said that homosexuality is 100% congenital for it is too arbitrary to say so. From a practical point of view, she might not have been living in this world today if homosexuality is truly 100% congenital. Evidently, this particular group of people are different from the rest of the world but they regard themselves as the majority today and that their sexual orientations are the world trend. In their mind, any person who discriminates against them is guilty. Yet, regrettably, I think it is perfectly fine for a person to be discriminatory. I myself discriminate against unrighteous and unjust person, and even despicable things, things that have blurred the line between right and wrong as well as people's perverse acts. But I will not discriminate against people on the grounds of skin colour and religious belief. And so, any discrimination founded on the basis of upholding the distinction between right and wrong is just fine. In fact, not being able to tell right from wrong and think rationally is the most terrible because this will have adverse impacts on one's own offspring as well as others.

Deputy President, I oppose the original motion.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR KWONG CHUN-YU (in Cantonese): Deputy President, what a wonderful speech by Dr Junius HO! He has just said that instead of discriminating against homosexuals, he discriminates against despicable acts and injustice! Well, Dr HO, I happen to be just like you.

What is the big deal here anyway? Why do they have to classify homosexuals as the atypical or the minorities? What we are debating today is the motion moved by Mr CHAN Chi-chuen, entitled "Studying the formulation of policies for homosexual couples to enter into a union". It is just a mere study that we are talking about. Are they thus going to tie homosexuals to some wooden poles and burn them to death? What is wrong with Dr HO? It is now 2018, no longer the time of the Qing Dynasty. What actually is going on here? It is okay to argue over any policy issues here in this Chamber. Members are protected by the Legislative Council (Powers and Privileges) Ordinance, and they are thus free to say anything they like.

Yet, the point I am driving at is: Who is he to define "normal" and "abnormal", and "the minorities" and the "atypical"? What does he mean by "those people"? Can't he see that "those people" are exactly the very ones who are ostracized by society? In the past, they dared not make known their different sexual orientations. Now, they are merely coming forward to fight for their own rights, and they only hope that they can receive social respect for their rights. Yet, they are subjected to some people's discrimination. Such people even seek to rationalize their discrimination, saying that it is right for them to discriminate against homosexuals. What are they talking about anyway? I can see "Slow Beat" is frowning. Yes, all this is indeed exasperating.

Members can all see that the motion today only asks for a study. In particular, this topic is actually about a world trend, and it seeks to enable homosexuals to make known their sexual orientations freely, without the need for concealment and fear of any unjustified discrimination in society. We are simply talking about the conduct of a study to formulate a policy that can enable homosexuals and sexual minorities to at least hold their heads high and frankly admit their sexual orientations. Rather than insisting on the immediate introduction of any system, we are just asking for a study, a mere study on how best to make society achieve gradual progress. Yet, Dr Junius HO has simply

blown the whole thing out of proportion, using all sorts of irresponsible sophistry. What kind of arguments are these, really? Can Dr Junius HO say something else of a higher quality? I have in fact prepared a scripted speech. But after listening to his speech, I simply cannot hold my temper. There are all these people working so hard in the hope of gradually gaining everybody's approval, but they have ended up being described by him as demons. It is lucky that he has stopped short of performing any exorcism. What is wrong with him anyway?

Deputy President, our society has been progressing actually. An opinion poll conducted by the University of Hong Kong shows that the latest percentage of Hong Kong people supporting homosexuals has risen drastically to 50%, an increase over the percentage in 2013. And, 70% of the respondents even agree that legislation should be enacted to prohibit discrimination against sexual orientations. We are moving forward step by step, because we respect every individual and the skin colour every individual was born with, regardless of whether they are unjust, whether they are despicable, whether they are perverse, and whether they can distinguish right from wrong. So, Dr HO, too, has my respect.

Let me now return to the debate topic. What homosexual people now ask for is only a mere study on how best to enable them and their same-sex partners to at least enter into a legally recognized union with the same rights as heterosexual marriage in a society based predominantly on heterosexual marriage. All is so simple. They are neither the minorities nor the atypical. Society simply should not stigmatize them in this way. After all, they only want to be honest with their true selves and frankly admit their sexual orientations. This is also a kind of liberty they are entitled to.

There is a film called *Dear Ex*. It will be screened this year, probably also in Hong Kong. There is quite an interesting line in this film: Strangers under the law. Two people are in fact very intimate, but sorry, since the laws in different cities and places do not recognize their relationship, they just cannot take that very step forward and can only live together furtively. They may even need to disguise themselves as singletons and dare not make known their sexual orientation. So, should the Hong Kong today still be so proud of itself? In this metropolis called Hong Kong, we now discuss the conduct of a study on formulating a policy enabling homosexual couples to enter into a union. Mind you, we are just talking about the conduct of a study. But in the course of the debate, we hear all sorts of discriminatory opinions. I am not criticizing any

Members who spoke just now, nor am I suggesting that any opinions for or against the motion are invariably discriminatory. This is because doing so will lead us to the topic of reverse discrimination. Reverse discrimination is not my intention. Members should look again at the whole debate. The word "study" is in fact very moderate, and Mr CHAN Chi-chuen is also very humble. The wording of his motion is also very simple. His only hope is to take just a half-step forward. Taking a half-step forward is already good enough for him.

Yet, some Members have sought to blow the whole thing out of proportion right from the beginning. This makes me think that whenever we discuss this topic, we will inevitably hit the nerves of some people in society, Mr Holden CHOW included. Members know that Mr Holden CHOW is also an expert on this. "Two fathers and two mothers" was his campaign slogan. He will tell us that things will not work out that way, and such things all run counter to human nature. He will also say that although we are just talking about a study now, we will end up ruining the entire social system at the end of the day. This is mere exaggeration, isn't it? They even go so far as to argue that this is not a matter which involves only two people, but is something that will produce ripple effects on the entire social system. Well, they may be right, in the sense that the existing social system will thus see improvements, thereby enabling the oppressed and the disadvantaged to at least stand up and get the respect they deserve. But then, this is not yet possible in Hong Kong.

That is precisely why Mr CHAN Chi-chuen has chosen to move this motion today. We should therefore thank Mr CHAN Chi-chuen for his courage. We all hope that whatever the case will be, we can at least take a half-step forward. But in this debate today, we see that the entire society may ... I initially thought that no one would say anything like this, the resistance would not be so fierce, and there should not be any verbal abuse. But all is just the opposite. I have heard various verbal abuses, and I am very angry.

Deputy President, in the debate today, our focus is to express the hope that the Government can take a half-step forward, that society can make preparations, and that the whole world can gradually increase its care and concern for different categories of disadvantaged people. We should approach this topic with a humble mind, rather than (*The buzzer sounded*) panicking like we have run into some sort of demons. I ...

DEPUTY PRESIDENT (in Cantonese): Mr KWONG, your speaking time is up.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR PAUL TSE (in Cantonese): Deputy President, the key of today's motion lies in consultation, as with the motion moved by Ms Cyd HO, former Legislative Council Member, on 7 November 2012, I also agreed that the Government should conduct a consultation at that time, this is an inevitable process in social progress. Nevertheless, the amendments moved by some other Members are somewhat superfluous. Just as we discussed about the reclamation project of the "Lantau Tomorrow Vision", some Members kept on adding prerequisites to the motion and said that no construction works should be carried in various locations. Eventually, we could not identify a suitable site for the project. I consider that we should not gild the lily. A consultation is a consultation, it should be an inclusive and extensive consultation exercise and this is the correct way to achieve the purpose of a consultation.

Certainly, Members from different camps will criticize each other. However, I have noted that in this morning's debate, even colleagues have criticized Members from the same camp, but their attitude was quite positive. For example, just now Mr CHU Hoi-dick criticized Mr James TO's speech, while Mrs Regina IP criticized Dr Priscilla LEUNG's amendment. Fortunately, all of them were quality, healthy and well-intentioned comments. They were acceptable. Nevertheless, I wish to point out that perhaps Mrs Regina IP has misunderstood the wordings of Dr Priscilla LEUNG, because she said that "respects the family values which Chinese societies cherish" was a clause, while the ensuing "marriage institution based on one man and one woman ..." was another sentence; therefore the English version of the amendment was clearer. For that reason, what Dr Priscilla LEUNG meant was not that the marriage institution in all Chinese societies was based on one man and one woman and monogamy. Perhaps Dr Priscilla LEUNG will clarify that point later on. I just happen to make a casual comment in this regard.

Nonetheless, other Members have made some negative comments. In particular, Mr Jeremy TAM has unduly overplayed a word in my speech which I delivered two weeks ago. At that time, I was the last Member to rise to speak, and I just wanted to help Members to relax by cracking a gag. I did not mean to

criticize, discriminate against or being hostile towards same-sex relationship or homosexual marriage. Of course, I know that some people would do that on purpose. Perhaps they have the political need, but I am not going to speculate their motives. Perhaps he thought that I made a malicious comment, or perhaps he casually criticized me and unduly overplayed my comment because he did not understand my background and stance at all. With regards to myself, I will not assert categorically that a person does not know Chinese if he was criticized for his diction or mispronouncing the word "瞻(zim 1)" in "馬首是瞻" as 馬首是"膽(daam 2)", because he may have just mispronounced the word hastily. For that reason, I hope Mr Jeremy TAM will get to know the background that I grew up in, my way of presenting speeches and my personal stance first before criticizing me.

By the way, I also declare that I have been a Catholic since I was a small boy. I have also been an altar server for many years. Some people even suggested that I should become a clergy—of course, I was not chosen in the end—but as early as 1980s, I have become the chairperson and executive member of AIDS Concern. I have also served the Equal Opportunities Commission for six years. Accordingly, I adopt a more open-minded stance towards today's issue.

Today, a number of Members mentioned some songs and movies relevant to the subject. I wish to point out that my favourite writer, Oscar WILDE, was unfortunately born in an era where people would be prosecuted and sent to jail for being homosexual. I really feel sorry for him. As to the movie *Priest*, I consider it one of the most touching and impressive movies that I have ever seen. I mentioned all of these to express my stance and view. I hope Mr Jeremy TAM will not keep on mispronouncing 馬首是"膽(daam 2)".

Deputy President, I should return to today's question. Actually, any significant change in social values should take place in a gradual and orderly manner. Just now I have heard Dr Fernando CHEUNG talk about a gradual and orderly manner, I consider him very right. Therefore, I hope Members belonging to the non-establishment camp will adopt a pragmatic attitude and a step-by-step approach to fight for equal rights for homosexual people. It is just the same as the fight for the constitutional reform; things should be done in a gradual and orderly manner. Homosexuality has undergone a gradual and orderly process in Hong Kong. At first, it was a criminal offence. Afterwards, it was decriminalized and the Government subsequently partly prohibited

discrimination against it. Later on, it was permissible by law. If we take a few more steps forward, it is possible that civil union and same-sex marriage will be recognized under Hong Kong laws. This is exactly a gradual and orderly process.

Besides same-sex relationship, our society has also undergone a gradual and orderly process in its acceptance of different forms of marriage. A number of years ago, Ms Pamela PECK advised people to divorce, and she was regarded as an outcast and a heretic. But after 20 or 30 years, who will criticize others for getting divorced? In the past, a lot of values concerning sex, including contraception, pre-marital sex or even the more serious issue of abortion, have been changing. At the right time, these changes will be accepted by our society. At which stage is Hong Kong now? I am afraid that we are not ready to make a giant leap. We are still struggling about whether to accept civil union or same-sex marriage. Therefore, I hope the Government will conduct more consultation and listen to more voices. We should decide what to do after rational discussion involving all strata of society, such as when it should be implemented and how the line should be drawn, this is very important. Other values, such as the decriminalization of marijuana, the legalization of euthanasia which were recently discussed in other countries, may be potential problems that we have to face in future. As the social values are constantly changing, we should make rational judgments.

Let us take a look as the situation in England. After leafing through the information, I found a rather interesting fact. That is, in England, the entire process was genuinely completed after 50 years of fighting. In 1967—I will have to stop my speech soon—in the era of Oscar WILDE which I have mentioned earlier, even the person involved was a male at the age of 21 or above, all homosexual acts were criminal offences. Later on, homosexual acts involving males at the age of 18 or above were subsequently allowed in England, Scotland and Ireland, the British armforces started to accept gay people. Eventually, civil partnership and same-sex marriage were recognized by law. It took 50 years to complete the whole process. I am afraid that in a more conservative society like Hong Kong, the process will need a longer time. Nonetheless, I consider that at this stage, we should keep an open-minded attitude to deal with the values concerning sexual minorities, moreover, we should not prevent the Government from conducting the consultation.

Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR LAM CHEUK-TING (in Cantonese): Deputy President, I have been attending the church since my teenage years, but I seldom speak in public about my religion, because I do not want to make others think that I want to mix religion with politics. Everyone knows that the teachings of the church have been changing over the years, and the changes are actually moving towards liberalization. I remember that when I was young, homosexuality was an unpardonable act to the church, it was a sin. At that time, premarital sex and extra marital affair were serious sins; they were tantamount to adultery from the perspective of the church. Churchgoers committing the sin would be expelled by the church. Perhaps some churches still adopt this practice in these days.

However, we can see that the doctrines of both the Catholic Church or the Christian Church are moving towards liberalization. There were dark days in the history of churches, especially those of the Catholic Church. Over the years, the Catholic Church not only discriminated against the minorities—be they sexual minorities, people suffering from certain illnesses or historical figures having different scientific beliefs—but also persecuted them. In the old days, a scientist said the earth was round, but the Church deemed that the earth was flat, therefore anyone who advocated a round earth was regarded as a heretic and would be burnt to death. Actually, how many mistakes have the Church committed over a period of several thousand years? Not to mention what Prof CHAN Kin-man has said recently about how the Church was aiding HITLER during the times of Nazi Germany, or the fact that the Church was trying to cover up cases concerning children and churchgoers who had been sexually abused by priests.

The older I grow up, the more I discover that this world is more complicated than what I imaged in my teenage years. The backgrounds of individual persons and the cultures of different places are also very different. These things have been changing over the years. Some said that in the traditional Chinese society, homosexuality simply did not exist. Actually they do not know a Chinese idiom of "cutting the sleeve and sharing the peach". It originated from two stories, the first one was about a homosexual man, who was about to get out of bed but found his sleeve stuck with his male partner who was still in his sleep, out of fear of waking him up, he had to cut off the sleeve. Another story was about a homosexual man sharing a peach with his male partner as they loved each other so much. These two stories are written down in the history of China. It is not true that China did not have homosexuality, different cultures and countries have historical records of homosexuality.

Some said that homosexuality was wrong and it should be discriminated against, because it was a sin. Such dogma was imparted to me when I was young. But as I grow older, I can see that human beings have made a lot of mistakes in the course of time. Those were serious and irreparable mistakes. During the Second World War, Alan TURING, the father of modern computer science had made tremendous contributions to the fight against Nazi Germany. But because he was a homosexualist, he was forced to receive some therapies and he eventually killed himself. We human beings keep on making mistakes such as persecuting and discriminating against minorities and these are serious mistakes.

I am 41 years old now, and I consider that we should not keep on making such mistakes. We should treat different people in a liberal and tolerant mind. Even these people are different from us, or they hold a very different view, we should be as liberal and tolerant as possible—as long as what they do will not pose a danger to society or harm our fundamental core values and principles.

Certainly, I understand that Dr Junius HO or some other Members may have their own religious beliefs and views. It is alright, they can maintain their own views. The most important question is whether or not their views will hinder the views and orientations of some minority groups in society who do not have much voice. No matter whether a person is a natural-born gay or not; it is a matter of his own. Just as you and I, I like women, I am a heterosexual person; it has nothing to do with other people as it is my own business. I consider that we should not regard homosexuality as great scourge. If we look back at the historical development of mankind, death by drowning used to be the punishment for people who had committed the crime of premarital sex, but now this drowning punishment is abolished. In the old days, death by drowning was also the punishment for adultery, now it is abolished and the man and wife involved may apply for divorce. In fact, there are numerous reasons for people committing adultery, how do we know in what way does his/her spouse treat him/her? Matters between two people are too complicated, not even a good judge can settle family troubles. Therefore, I think we should not impose our subjective will on the bedroom matters of others. Matters in other people's bedroom are their own affairs, not our affairs, and they are not matters the Government should intervene.

I so submit.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not, Mr CHAN Chi-chuen, you may now speak on the amendments. The time limit is five minutes.

MR CHAN CHI-CHUEN (in Cantonese): Deputy President, first of all, I would like to thank the 26 Members who spoke on my original motion and the amendments today. I wish to say a word of thanks no matter how different, or even opposing, our views are. As I said in the beginning, this motion that I moved today seeks not only to ask Members to make their stands clear with their votes, but also to render me a chance to listen to Members' views, their concerns and worries, so as to trigger a discussion.

I should also thank the three amendment movers, despite their different directions. But I absolutely cannot thank Dr Priscilla LEUNG for her amendment. My original motion wordings are "That this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples". It is made up of 30 words. After her amendment, only the words "That this Council urges the Government" in my motion remain. The number of remaining words does not matter, nor does it matter that her amendment turns my original motion into the opposite meaning, as some Members pointed out. There are times in this Council that the amendments and the original motion are opposite in meaning.

The biggest problem with Dr Priscilla LEUNG's amendment is that she has deleted the subject of my motion. The subject of my motion, if Members look at the motion title, is "Studying the formulation of policies for homosexual couples to enter into a union". She has completely deleted it. Hence, when I first saw this amendment, I wondered whether I needed to withdraw this motion. If Dr Priscilla LEUNG's amendment is passed, not only will the amended motion become opposite in meaning to my original motion, it will also conceal my original motion. Many Members agreed with my viewpoint at that time. It is because before the by-election, the ratio between the democratic camp and the pro-establishment camp is 16:17. We are one vote less. It is possible that we

will lose in the voting. Luckily, the democratic camp and the pro-establishment camp are not dichotomous on this matter. We noticed just now that both Mrs Regina IP and Mr Paul TSE shared their different views on this matter.

Here, I wish to point out the biggest problem with this amendment. Take the Motion of Thanks as an example. The motion is meant to thank the Chief Executive for delivering a policy address. We certainly cannot amend the motion to the effect that Members do not thank the Chief Executive, or amend the word "Thanks" into "Condemnations". But now, what Dr Priscilla LEUNG has done is that she has deleted the words "Policy Address". In particular, I wish to say two things about Dr Priscilla LEUNG's amendment. This is also the reason why many relatively neutral Members cannot accept her amendment after reading it.

First, regarding the part "ensuring children's healthy development", I cannot understand why formulating policies for homosexual couples to enter into a union will prevent children from healthy development. Would her children become homosexuals because of such policies? Would they enter into a homosexual union because of the policies? Would the policies prevent her son from marrying a female? And then she asked how we should teach our children. She should teach her children that most people marry a person of the opposite sex, but some people in society may wish to marry a person of the same sex. It is that simple.

Another part, which I find even more unacceptable, is "to ensure social and family stability". The reason that homosexual people wish to enter into a union, or even get married, is that they want stability. Does Dr Priscilla LEUNG want me to sleep with different people every night? Or, does she want me to enter into a union for life with a person whom I truly love and want to be responsible to and establish a relationship with? The answer is obvious. Homosexual couples wish to enter into a union because they want to be responsible to each other and establish a stable relationship. If there is such marriage institution in society, it can better ensure social and family stability.

Of course, in their hearts, homosexual couples do not have the right to establish a family because according to their definition, a family is based on a man and a woman, not love, not responsibility or stability. As long as there are a man and a woman in the family, it is fine even though they are not faithful to

each other. To them, divorce will not undermine family values. To them, if one more door is opened in the present system and one more opportunity is given to other people to get married, it will ruin marriage and family values.

We are not asking for homosexual couples to become the mainstream relationship. We do not want to change society. We are not fighting for homosexuality or same-sex marriage to become the mainstream. Heterosexual marriage will always be the mainstream. But the mainstream views are starting to change. So, I hope that even if Members cannot support my original motion, they will veto Dr Priscilla LEUNG's amendment. I so submit.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, today, I wish to thank Members for the wide array of views they expressed on this motion titled "Studying the formulation of policies for homosexual couples to enter into a union". I have listened carefully to the views of 27 Members. As observed, Members not only put forward their views on the subject proposed by Mr CHAN Chi-chuen in his motion today, but also raised a number of issues in various aspects.

To sum up, the discussion today reveals issues in three aspects. The first one concerns legislating for same-sex marriage; the second one is about allowing same-sex couples to enjoy all or some of the rights under the institution of marriage through the system of civil union; and third one relates to the handling of discrimination faced by sexual minorities and the aspiration to conduct consultation on legislation against discrimination. Members centred their speeches on these three aspects and put forward many different views. Some have expressed support and some have voiced opposition. As I noted, some Members think relevant efforts made in this regard, including the legislative work, should be promoted from the perspective of striving for equal rights, while some Members are concerned about the difficulties and problems that sexual minorities may actually face in their daily living, or the problems which need to be addressed through legislation during the process of eliminating discrimination and promoting equal opportunities. Meanwhile, as I noticed, some Members who rose to speak worry that policy formulation or enactment of legislation as proposed by this motion will perhaps open a gap for same-sex marriage. It is also their worry that the enactment of such legislation will bring an impact on various areas such as social values and ethics, and give rise to some problems

thereafter, including reverse discrimination and problems concerning such areas as adoption and education. The views that Members expressed from different perspectives and different stances are all conducive to our discussion on this subject.

Deputy President, the SAR Government endeavours to eliminate discrimination against people of different sexual orientations and has always been working through all sorts of forms and channels to advocate the values of anti-discrimination. The elimination of discrimination requires the joint efforts of the community at large. In the process, various stakeholders need to show mutual understanding, respect and tolerance, and adopt a pragmatic attitude in promoting equal opportunities for same-sex couples. Among the speeches made just now, those given by Members opposing the original motion all make reference to the fact that the existing institution of marriage in Hong Kong is based on monogamy between one man and one woman. The said marriage institution has the protection of the laws of Hong Kong and should be respected. As a matter of fact, marriage is the foundation for family formation. Upon marriage, both parties share the responsibilities for bringing up the family, including taking care of one another, producing, educating and raising offspring. Cherishing family is one of the core values of the Government. All along, we have attached importance to promoting the well-being of family members by supporting and strengthening families.

(THE PRESIDENT resumed the Chair)

As the Family Status Discrimination Ordinance stands at the moment, "immediate family member", in relation to a person, means someone who is related to the person concerned by blood, marriage, adoption or affinity. A marriage contracted under the Marriage Ordinance (Cap. 181) refers to the voluntary union for life of one man and one woman. Same-sex marriage, civil union or any other same-sex relationship is not recognized in law. Just now, some Members, including Mrs Regina IP, spoke about the historical background of the existing Marriage Ordinance with reference to the concept and origin of the Christian or the Holy Catholic Church's marriage institution. Be that as it may, I can also see that in today's world, many places sharing such origin, background, concept and institution have actually translated these into the relevant legislation

in their societies, and these places are not limited to those with a strong religious background. A number of Members, for example, Dr Priscilla LEUNG, Mr James TO, Dr CHENG Chung-tai, Mr Vincent CHENG, etc., remarked that this motion involved the mainstream values of society, concerned the institution of marriage, and would affect the entire system of society. With these issues involved, any change will thus have significant and profound implications on society and will, unavoidably, impact on the existing institutions of marriage and family. For this reason, unless there is a clear consensus in society regarding the direction in which this subject should be addressed, we cannot and should not make any change to our system easily.

Hong Kong is a free, open and pluralistic society. We are respectful of and inclusive to different views, stances and personal preference. We appreciate that our society has adopted a more open attitude towards homosexuality as compared with the past, but still, there are clearly divergent views on whether same-sex couples entering into legally recognized partnership is acceptable. Such divergence is evident in the opinions expressed by Members today. We need to consider the fact that the general public in Hong Kong base their concepts of family or marriage on our history, traditions, culture, fundamental values and belief. Also, some of them are concerned about the impact that a change in the marriage institution may bring on the social system and the allocation of social resources. With this in mind, we cannot simply copy the approach adopted by another jurisdiction and apply it in Hong Kong. In fact, globally, there are only around 30 places recognizing civil unions at present. In Asia, Taiwan area of China and some areas in Japan are among these places.

Concerning today's original motion and the viewpoint about "some of the rights" which the amendments touched on, it is the position of the Government that the basic right to marriage is based on the marriage institution of monogamy between one man and one woman. Without prejudice to this basic principle, just as I highlighted in my opening speech, some are of the view that the Government can offer support to sexual minorities in relation to the practical difficulties they face by revising its policy or providing resources. In fact, the Administration has always tried to make relevant arrangements in individual aspects wherever practicable. For example, homosexual cohabitants subject to violence can apply to the court for injunction orders under the Domestic and Cohabitation Relationships Violence Ordinance, so that they can avoid molestation by their

cohabitation partners. In respect of the claiming back of ashes, the definition of "prescribed claimant" under the Private Columbaria Ordinance also includes "related person", that is a person who was living with the deceased person in the same household immediately before the date of the death of the deceased person; and had been living with the deceased person in the same household for at least two years before that date. A same-sex friend, if able to meet the above definition about capacity, can lodge a claim for the return of ashes, and such capacity does not require the claimant to have any connection with the deceased by blood or marriage. As regards the claim for the body of a deceased partner, in the hospitals under the Hospital Authority, the medical and health care workers in wards will ask the person close to the deceased, such as a family member, a friend, the carer or the spouse of the deceased to claim back the body of the deceased. Public hospitals will provide appropriate assistance to those who are close to the deceased to help them with matters about claiming back the body.

As for the choice of substitute decision maker of a health care recipient in the case of same-sex couples, under the Electronic Health Record Sharing System Ordinance, if a health care recipient is aged 16 or above but incapable of giving a joining consent, the application concerned must be made by a substitute decision maker of the health care recipient. It is also stated in the ordinance that for a health care recipient aged 16 or above, persons eligible to be his or her substitute decision makers include family members, or persons residing with him or her, who accompany him or her at the relevant time. When it comes to cadaveric donation, under the relevant ordinance, people who wish to donate their organs after death can register their wish on the Centralised Organ Donation Register, and apart from that—well, I would like to do a little promotion here—they should inform their families about their wish for organ donation, because even if they have done the registration, public hospitals will still consult the persons close to the deceased (e.g. a relative or carer), and will respect their ultimate decision. Organ donation surgeries will only be performed with the agreement of the persons close to the deceased. So far as living organ donations are concerned, the Human Organ Transplant Ordinance prohibits commercial dealings in human organs intended for transplanting, and restricts the transplanting of human organs between living persons and the transplanting of imported human organs. Hence, the relevant decisions must be made by the donors themselves.

President, the SAR Government will continue to promote the elimination of discrimination against people of different sexual orientations in society through various measures, which include:

- stepping up publicity work and public education to promote with every effort the culture and values of inclusiveness, mutual respect, and non-discrimination, including the broadcast of promotional clips on the public transportation network, in various government premises, and on the Internet and other media. The Government has also allocated additional resources to the Equal Opportunities (Sexual Orientation) Funding Scheme to provide funding support to relevant community projects for the promotion of equal opportunities on the ground of sexual orientation or gender identity, or the provision of support services for the sexual minorities;
- as regards the support for sexual minorities, subsidizing "Pride Line", a 24-hour hotline for supporting sexual minorities operated by the Tung Wah Group of Hospitals, to provide easily accessible support, counselling and referral services for sexual minorities and their families, helping them to relieve their difficulties and stress in daily life. Since its establishment in January this year, the hotline has served over 1 600 persons seeking assistance and regularly organizes support groups and interest classes for different sexual minorities;
- encouraging employers to provide equal opportunities to people of different sexual orientations by continuously taking active steps to appeal to employers for the adoption of the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation ("the CoP"). Currently, over 300 organizations have undertaken to adopt the CoP, involving more than 500 000 employees;
- setting about the preparation of training resources for professionals in specific fields (including medical and health care professionals, human resources professionals, social workers and teachers) to enhance their knowledge of and sensitivity towards sexual minorities. Later this year, we will launch training resources targeting medical and health care professionals; and

- drawing up a charter on non-discrimination of sexual minorities covering various areas for voluntary adoption by service providers to promote the acceptance of sexual minorities.

Some Members proposed that the Government should start a consultation on the legislation against discrimination against different sexual orientations as soon as possible. As the Chief Executive stated in her Policy Address, "We are currently studying the experience of other places in implementing anti-discrimination measures through administrative and legislative initiatives. The study is expected to be completed by the first half of next year. The findings will provide more information to facilitate a more in-depth and rational discussion in the community on the issue of whether legislation should be introduced to protect people of different sexual orientations and transgenders against discrimination."

President, considering the interests of the entire community and people of different sexual orientations, we think it is of paramount importance to safeguard equal opportunities for people of different sexual orientations and foster the elimination of discrimination on the ground of sexual orientation through appropriate measures. Under the circumstances that the community remains greatly divided on the issue, if we set about a study on the formulation of policies for homosexual couples to enter into a legally recognized partnership, it will inevitably arouse controversy in society, thus bringing about counterproductive effects on the efforts made to safeguard equal opportunities for people of different sexual orientations. The SAR Government will continue to maintain communication with Members and stakeholders with regard to this subject which is complex, controversial and significant to the social system and the mainstream values of society.

President, I so submit.

PRESIDENT (in Cantonese): I now call upon Dr Priscilla LEUNG to move her amendment.

DR PRISCILLA LEUNG (in Cantonese): President, originally I thought that my amendment ...

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, you may only move your amendment but not make a speech beyond that.

DR PRISCILLA LEUNG (in Cantonese): I know, but I have to make a clarification, because just now ...

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, you may not make any clarification. Please move your amendment.

DR PRISCILLA LEUNG (in Cantonese): Never mind. I wish to point out that Mainland China, a place with a population of 1.3 billion, also practises monogamy. I hope Mrs Regina IP is aware of this.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, do you wish to move your amendment?

DR PRISCILLA LEUNG (in Cantonese): I hope she will go back to have a look at the current institution of marriage in China.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, will you please move your amendment.

DR PRISCILLA LEUNG (in Cantonese): I now formally move my amendment. I hope Members will support my amendment because it proposes, on the existing basis, that ...

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, please stop speaking.

The amendment moved by Dr Priscilla LEUNG (See the marked-up version at Annex 4)

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Dr Priscilla LEUNG be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr CHAN Chi-chuen rose to claim a division.

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen has claimed a division. The division bell will ring for five minutes.

(While the division bell was ringing, Mr AU Nok-hin stood up)

PRESIDENT (in Cantonese): Mr AU Nok-hin, what is your point?

MR AU NOK-HIN (in Cantonese): A point of order. Just now I did not hear Dr Priscilla LEUNG say that she moved the amendment to Mr CHAN Chi-chuen's motion.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG has already moved her amendment. Please sit down.

PRESIDENT (in Cantonese): Will Members please proceed to vote. Dr CHIANG Lai-wan, Mr Abraham SHEK, do you wish to cast your votes?

(Dr CHIANG Lai-wan and Mr Abraham SHEK cast their votes)

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Ms Starry LEE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Tony TSE voted for the amendment.

Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen and Mr KWONG Chun-yu voted against the amendment.

Mr James TO, Mr CHAN Kin-por, Mr Martin LIAO, Mr POON Siu-ping and Mr CHAN Chun-ying abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted for the amendment.

Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted against the amendment.

Mrs Regina IP, Mr Paul TSE and Ms YUNG Hoi-yan abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, 17 were in favour of the amendment, 7 against it and 5 abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 12 were in favour of the amendment, 14 against it and 3 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

MS STARRY LEE (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Studying the formulation of policies for homosexual couples to enter into a union" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Starry LEE be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion on "Studying the formulation of policies for homosexual couples to enter into a union" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr AU Nok-hin, you may move your amendment.

MR AU NOK-HIN (in Cantonese): President, I move that Mr CHAN Chi-chuen's motion be amended.

The amendment moved by Mr AU Nok-hin (See the marked-up version at Annex 5)

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr AU Nok-hin be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr AU Nok-hin rose to claim a division.

PRESIDENT (in Cantonese): Mr AU Nok-hin has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK and Mr KWONG Chun-yu voted for the amendment.

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Ms Starry LEE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Christopher CHEUNG, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr LUK Chung-hung and Mr LAU Kwok-fan voted against the amendment.

Mr James TO, Mr CHAN Kin-por, Mr MA Fung-kwok, Mr IP Kin-yuen, Mr Martin LIAO, Mr POON Siu-ping, Mr CHAN Chun-ying and Mr Tony TSE abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mrs Regina IP, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms YUNG Hoi-yan, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted for the amendment.

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted against the amendment.

Mr Paul TSE and Mr Michael TIEN abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, 6 were in favour of the amendment, 15 against it and 8 abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 16 were in favour of the amendment, 11 against it and 2 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

PRESIDENT (in Cantonese): Mr Gary FAN, you may move your amendment.

MR GARY FAN (in Cantonese): President, I move that Mr CHAN Chi-chuen's motion be amended.

The amendment moved by Mr Gary FAN (See the marked-up version at Annex 6)

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr Gary FAN be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Gary FAN rose to claim a division.

PRESIDENT (in Cantonese): Mr Gary FAN has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote. Mr CHAN Hak-kan, are you going to cast your vote?

(Mr CHAN Hak-kan cast his vote)

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen and Mr KWONG Chun-yu voted for the amendment.

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Ms Starry LEE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Christopher CHEUNG, Ir Dr LO Wai-kiwok, Mr CHUNG Kwok-pan, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr LUK Chung-hung and Mr LAU Kwok-fan voted against the amendment.

Mr James TO, Mr CHAN Kin-por, Mr MA Fung-kiwok, Mr Martin LIAO, Mr POON Siu-ping, Mr CHAN Chun-ying and Mr Tony TSE abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mrs Regina IP, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms YUNG Hoi-yan, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted for the amendment.

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted against the amendment.

Mr Paul TSE and Mr Michael TIEN abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, 7 were in favour of the amendment, 15 against it and 7 abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 16 were in favour of the amendment, 11 against it and 2 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, you still have 58 seconds to reply. Then, the debate will come to a close.

MR CHAN CHI-CHUEN (in Cantonese): President, yesterday, our friend, who is well known to Hong Kong people, made the following remarks which I would like to use to conclude this motion debate: "Showing respect for oneself and others, is it not a positive human value that we should establish? May all homosexual couples in love be able to get married." These remarks were made by Josephine SIAO.

With these remarks, Madam Fong-fong expressed support for the nine-in-one elections to be held in Taiwan on Saturday, because the elections will include a referendum against same-sex marriage. I hope all Taiwanese people who support equal rights for homosexuals and agree that same-sex couples should have the rights to enter into a union will come out to cast their votes and say no in the referendum against same-sex marriage.

However, we in Hong Kong today have not yet gone this far, and we are still debating on the subject of urging "the Government to study the formulation of policies for homosexual couples to enter into a union". (*The buzzer sounded*) I hope Members will support the motion.

PRESIDENT (in Cantonese): Mr CHAN, please stop speaking.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr CHAN Chi-chuen be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr Priscilla LEUNG rose to claim a division.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen and Mr KWONG Chun-yu voted for the motion.

Mr James TO, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Ms Starry LEE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr Christopher CHEUNG, Ir Dr LO Wai-ki, Mr CHUNG Kwok-pan, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai and Mr LUK Chung-hung voted against the motion.

Mr CHAN Kin-por, Mr MA Fung-ki, Mr Martin LIAO, Mr POON Siu-ping, Mr CHAN Chun-ying and Mr Tony TSE abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mrs Regina IP, Mr Paul TSE, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms YUNG Hoi-yan, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted for the motion.

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted against the motion.

THE PRESIDENT announced that among the Members returned by functional constituencies, 29 were present, 7 were in favour of the motion, 15 against it and 6 abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 17 were in favour of the motion and 12 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the meeting until 11:00 am on Wednesday, 28 November 2018.

Adjourned accordingly at 1:05 pm.

Annex 4

**The marked-up version of the amendment moved by Dr Priscilla LEUNG
(Translation)**

That this Council *supports social inclusion, and respects the family values which Chinese societies cherish and Hong Kong's existing marriage institution based on 'one man and one woman' and 'one husband and one wife'; in this connection, for upholding the stability of the marriage institution and protecting the relevant rights and interests under the existing institution, this Council* urges the Government ~~to study the formulation of policies for homosexual couples to enter into a union so that they can enjoy equal rights as heterosexual couples~~ *that in its policy studies on equal rights for people of different sexual orientations, it should refrain from shaking the existing marriage institution as a show of respect for the mainstream values in Hong Kong society, and should, on the premise of ensuring children's healthy development, uphold the marriage institution based on 'one man and one woman' and 'one husband and one wife' to ensure social and family stability.*

Note: Dr Priscilla LEUNG's amendment is marked in *bold and italic type* or with deletion line.

Annex 5

**The marked-up version of the amendment moved by Mr AU Nok-hin
(Translation)**

That this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union ***and a civil union policy*** so that they can ~~enjoy equal rights as heterosexual couples~~ ***at least enjoy some of the rights available to married couples.***

Note: Mr AU Nok-hin's amendment is marked in ***bold and italic type*** or with deletion line.

Annex 6

**The marked-up version of the amendment moved by Mr Gary FAN
(Translation)**

That this Council urges the Government to study the formulation of policies for homosexual couples to enter into a union so that they can ~~enjoy equal rights as heterosexual couples~~ *at least enjoy some of the rights available to heterosexual couples, including the rights to collect their partners' dead bodies or cremated ashes, make important medical decisions on their partners' behalf, receive the compensation paid to their partners who died in accidents, and make decisions on living donation for their partners.*

Note: Mr Gary FAN's amendment is marked in *bold and italic type* or with deletion line.