

**Information Paper for Legislative Council Panel on Home Affairs**

**Subcommittee to Study Discrimination  
on the Ground of Sexual Orientation**

**Sexual Orientation Concerns on the Area of Housing**

**Purpose**

This paper sets out the Administration's position on sexual orientation concerns associated with public housing applications..

**Background**

2. Some groups have expressed concerns that although a homosexual couple cannot produce a marriage certificate to prove their marital status, the "de facto spouse" relationship of a homosexual couple should be recognized for the purpose of public housing applications.

**Current Policy**

3. Under existing policy, a person can apply for public housing schemes either on his own, or with his family members such as spouse, parents, children and siblings in recognition of the stronger ties of a family and hence a stronger need of family members living together. Family applicants for public housing are required to produce relevant documentary proofs on the family relationships among household members such as marriage certificate, birth certificate or other legal documents. These procedures assist the Housing Department to allocate flats of the right size to accommodate members of the applicant's family

who will live together. To prevent claims which cannot readily and objectively be verified, de facto marriage and cohabitation are not accepted for public housing application purpose.

### **Application for Public Housing by Homosexual Couples**

4. The current public housing policies do not take into account applicants' sexual orientation and such information is not required during application. However, as homosexual couples cannot produce a marriage certificate to prove their marital relationship, the Housing Department will not accord them with family status for provision of public housing. This arrangement applies to all applicants who cannot prove their marital status or claimed family relationship.

5. The requirement for legal documentation of family relationship was recently revisited by the Housing Authority. In view of possible difficulty in proving the relationship of "de facto spouses", including homosexual couples, the Authority considered it necessary to stick with the current policy of not accepting "de facto spouses" who are unable to produce legal documentary proofs of their relationship for public housing applications.

6. The existing public housing policy is consistent with the Government's marriage policy which reflects the consensus of the community regarding monogamous marriage and which does not up to now recognise or certify homosexual "marriages" as valid.