

**Subcommittee on Census and Statistics
(2016 Population Census) Order**

**List of follow-up actions arising from the discussion
at the meeting on 17 November 2015**

Options available under the data topic "marital status"

1. For the 2016 population by-census, respondents are required to report their "marital status" among the answer options "never married", "now married", "widow", "divorced" and "separated". Some members have expressed concern about the legal liability of respondents who have registered their same sex marriage in other jurisdictions in choosing the options. The Administration is requested to provide information on:

- (a) how such respondents should answer the question;
- (b) the legal liability of these respondents if they choose the option "never married", in particular if they would contravene section 16 of the Census and Statistics Ordinance (Cap. 316) as they know that the information they provide is false or they do not believe to be true; and
- (c) the legal liability of these respondents if, to the best of their knowledge and belief, they choose the option "now married".

2. Some members are of the view that respondents who have registered their same sex marriage in other jurisdictions would be willing to disclose their same sex relationship status. The Administration is requested to explain the reasons for not providing answer options like "same sex relationship" and "same sex co-habitation" under the data topic of "marital status" for these respondents. The Administration is also requested to consider including an answer option "partners (伴侶)" under the data topic of "marital status" or allowing respondents with registered same sex marriage to report their relationship as "spouse (配偶)".

Options available under the data topic "sex"

3. The Administration is requested to provide supplementary information to address some members' concern as:

- (a) how respondents can report their "sex" if they are holding a foreign passport with a third sex other than male or female given that it may be infeasible for or disrespectful to a person having a third sex (e.g. transgender/transsexual person) to report his/her "sex" as either male or female; and
- (b) the legal liability of these respondents if they refuse to report their "sex" as an appropriate answer option is not available in the questionnaire.

Council Business Division 1
Legislative Council Secretariat
23 November 2015