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CONSTITUTIONAL AND MAINLAND AFFAIRS BUREAU  
GOVERNMENT SECRETARIAT

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HONG KONG

By email

15 August 2025

Ms Doris LO  
Chief Council Secretary (2)1  
Council Business Division  
Legislative Council Secretariat

Dear Ms LO,

**Bills Committee on Registration of Same-sex Partnerships Bill**  
**Response to Written Submissions from Members of the Public**

The Bureau has taken note of the written submissions from members of the public received by the Bills Committee on Registration of Same-sex Partnerships Bill (“Bill”) as forwarded by the Secretariat.

**Analysis of written submissions**

2. The Bureau has received a total of 10 775 public submissions, among which 2 081 submissions (19.3%) indicate support for the Bill, including 705 standardised signed electronic forms without further specific opinions or suggestions, while 8 694 submissions (80.7%) express opposition.

3. Those in favour of the Bill are unanimous that the Government should respect the court’s judgment and the spirit of the rule of law, among which around 80% point out that the Government should provide legal protection for same-sex partners, and over 60% opine that the Bill could demonstrate Hong Kong as a diverse and inclusive society, enhance its

international image, and generate economic benefits and attract talent for Hong Kong.

4. At the same time, those indicating support put forward two suggestions for improvement. First, the Government should allow same-sex partners to register in Hong Kong without prior registration of their partnerships outside Hong Kong. Second, the rights conferred on registered same-sex partners under the Bill should cover the rights involving the Government in the past judicial reviews related to same-sex partners, and the right to visit persons in custody (“PICs”) as well as other rights.

5. Regarding the submissions expressing opposition, the vast majority are concerned that the Bill would affect the traditional marriage system, family values, ethical relationships, or even procreation; around half of those submissions worry that the Bill would be equivalent to recognising same-sex marriage; about 37% point out that society lacks a broad consensus on the Bill; 25% are from various religious groups and individuals who raise opposition based on religious beliefs; and around 17% consider that the Bill fails to protect traditional marriage and family relationships etc., violating Article 49 of the Constitution of the country. Furthermore, about 13% of the submissions suggest that the Government could address the issue through administrative measures or authorisation mechanisms; and a few are concerned that same-sex partners would further seek other rights or the Bill would contravene the Safeguarding National Security Ordinance.

### **Government’s response**

6. The Government’s consolidated response to the major views raised in the submissions is set out below.

#### Respecting the spirit of the rule of law

7. As we have all along emphasised, the rule of law is a core value of Hong Kong and an important cornerstone of Hong Kong’s success. Therefore, we must safeguard the rule of law and strictly abide by the judicial



decision. The Court of Final Appeal (“CFA”) ruled that the Government has a positive obligation under Article 14 of the Hong Kong Bill of Rights (BOR14) to establish an alternative framework for legal recognition of same-sex partnerships, and the Government’s introduction of the Bill is to fulfil this positive obligation, under which an alternative framework should be established through legislation to give legal recognition to same-sex partnerships and define the core rights necessary for such partnerships to ensure non-interference with their privacy rights, while providing for rights and obligations attendant on the recognition of same-sex partnerships. This indeed fully manifests the Government’s absolute commitment to the rule of law and respect for the CFA’s judgment.

#### Requirement for having registration outside Hong Kong

8. Regarding the suggestion to allow same-sex partners to register without prior registration of their partnerships outside Hong Kong, as always stressed by the Government, the CFA has made it clear that committed and stable relationships of same-sex partners should receive legal recognition, and the Government enjoys a flexible margin of discretion in formulating the relevant recognition framework. When registering same-sex partnerships, the Government needs to verify that their relationships are committed and stable. Requiring applicants to have legal registration outside Hong Kong provides a clearer, more objective and verifiable criterion, which is also more feasible in implementation; and for applicants, this could minimise possible inconvenience during the verification process. Therefore, we consider the relevant requirement appropriate. Same-sex partnership registrations under the law of any jurisdiction outside Hong Kong (whether conducted in person or by remote means) will be accepted as proof.

#### Scope of rights conferred

9. As for the suggestion to include in the Bill same-sex partners’ rights involved in other judicial reviews, the fact is that relevant government departments have made appropriate arrangements according to the respective

rulings. It is thus unnecessary to collectively address these rights in the Bill. Regarding the right to visit PICs, the fact is that individuals can visit same-sex partners in custody both before and after the amendments to the Prison Rules, and hence there is no need to make relevant provisions in the Bill.

#### Registration mechanism not equivalent to recognising same-sex marriage

10. Most of those opposing the Bill are concerned that implementing the registration mechanism is equivalent to recognising same-sex marriage in Hong Kong, and consequently impacts on the traditional marriage system and social values. As repeatedly emphasised by the Government, the CFA has unanimously ruled and affirmed that Hong Kong residents' constitutional freedom of marriage guaranteed and protected under the Basic Law and the BOR is confined to opposite-sex marriage to the exclusion of same-sex marriage. The currently proposed registration mechanism only recognises same-sex partnerships under the law of Hong Kong based on eligible applicants' registration of such partnerships outside Hong Kong, and provided that other conditions are met. This in no way means that such same-sex partnerships have the same legal status as marriage in Hong Kong. In addition, the rights enjoyed by registered same-sex partners differ from those of persons who have entered into marriage locally under the law of Hong Kong. These differences are very clear and well-defined.

11. The Government is firmly committed to upholding the traditional marriage system. The Bill will neither affect the definition of traditional marriage nor impact on family ethical relationships based on marriage. As always, we will continue to strictly adhere to the Basic Law by maintaining "one husband, one wife; one man, one woman" as the only legal marriage system in the HKSAR, and ensure that no policy or policy objective will deviate from this system.

#### Lack of social consensus

12. There are views that the Bill should not be proposed before a broad social consensus exists on the issues concerning same-sex partnerships.



As a responsible government, we must respect the CFA's judgment and strive to complete the legislative work on establishing the alternative framework within the two-year suspension period, in order to fulfil its positive obligation. Given the diverse views in society on the related issue, the Government had conducted in-depth, professional and objective analysis and research before introducing the Bill. Also, the Government has struck an appropriate balance in line with the actual circumstances and overall interests of Hong Kong, formulating a proposal that represents the "greatest common denominator" acceptable to the general public.

### Religious beliefs

13. Regarding objections raised by religious groups and individuals based on religious beliefs, the Basic Law fully protects Hong Kong residents' freedom of religious belief, and the Government respects every individual's religious beliefs. The Bill does not affect citizens' choice of lifestyle suitable for themselves based on their religious beliefs.

### The Constitution of the country

14. A small number of individuals opine that the Bill contravenes Article 49 of the Constitution on the protection of marriage. As mentioned by the Government in paragraph 11 above, the Bill will neither affect the definition of traditional marriage nor impact on family ethical relationships based on marriage.

### Administrative measures or authorisation mechanisms

15. Regarding the suggestion that the Government could provide the rights to same-sex partners through administrative measures or authorisation mechanisms, the Government must point out that under the CFA's judgment, the Government should establish an alternative framework for "legal recognition" of same-sex partnerships and provide for appropriate rights and obligations attendant on such recognition, so as to legally protect same-sex

partners from interference with their privacy rights, and thus fulfil its positive obligation under BOR14. “Legal recognition” means same-sex partnerships receive formal recognition and protection under the law. Solely relying on administrative measures or authorisation mechanisms is inadequate to establish a legally recognised and binding mechanism, failing to fulfil the positive obligation under BOR14. Therefore, the Government must establish the alternative framework through legislation. Moreover, the content of the Bill includes arrangements for registration and revocation of registration of same-sex partnerships, as well as offences and penalty, which can only be put in place through legislation.

16. A small number of individuals against the proposal are concerned that the passage of the Bill would lead to same-sex partners further seeking other rights. The Government reiterates that the Bill is only intended to fulfil the Government’s positive obligation under BOR14, conferring the core rights on same-sex partners to meet their “basic social needs”. The Bill does not include any other rights beyond the core rights.

### **Summing-up**

17. The Government is most grateful to various sectors of society for actively offering valuable views on the Bill. Upon passage of the Bill, the Government will immediately commence preparatory work, and make appropriate arrangements in light of suitable and viable opinions from the public, so as to ensure smooth and effective implementation of the relevant mechanism.

Yours sincerely,



( Freddy CHIK )

for Secretary for Constitutional and Mainland Affairs