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Report of the Bills Committee on Registration of Same-sex Partnerships Bill

Purpose

This paper aims to report on the deliberations of the Bills Committee on Registration of Same-sex Partnerships Bill (“the Bills Committee”).

Background

2. On 5 September 2023, the Court of Final Appeal (“CFA”) in *Sham Tsz Kit v Secretary for Justice* (FACV 14 of 2022)¹ (“the Sham Tsz Kit Case”), by decision of a majority of three to two, granted a declaration that the Government of the Hong Kong Special Administrative Region (“Government”) is in violation of its positive obligation under Article 14 of the Hong Kong Bill of Rights (“BOR”) (“BOR14”),² namely the failure to establish an alternative framework for legal recognition of same-sex partnerships (such as registered civil partnerships or civil unions) and to provide for appropriate rights and obligations attendant on such recognition with a view to ensuring effective compliance with the aforesaid obligation. CFA directed that the operation of the said declaration

¹ In the absence of any Hong Kong law for same-sex marriages to be entered into or for such marriages contracted abroad to be recognized, the appellant who had entered into a same-sex marriage outside Hong Kong brought judicial review proceedings for the court’s determination on three questions, namely (i) whether he has a constitutional right to same-sex marriage under Article 25 of the Basic Law (“BL25”) and Article 22 of BOR (“BOR22”) (“Question 1”); (ii) alternatively, whether the absence of any alternative means of legal recognition of same-sex partnership constitutes a violation of BOR14 and/or BL25 and BOR22 (“Question 2”); and (iii) whether the non-recognition of foreign same-sex marriage constitutes a violation of BL25 and BOR22 (“Question 3”). The appellant’s appeal to CFA was unanimously dismissed on Questions 1 and 3, and was allowed on Question 2 by a majority. For the relevant judgment of CFA, see (2023) 26 HKCFAR 385, [\[2023\] HKCFA 28](#) (English version only).

² BOR14 (protection of privacy, family, home, correspondence, honour and reputation):
(1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
(2) Everyone has the right to the protection of the law against such interference or attacks.

be suspended for a period of two years from the date of the final order so that the Government can follow up on the fulfilment of its positive obligation under BOR14. The final order was subsequently made on 27 October 2023.³

3. According to paragraph 10 of the [Legislative Council Brief](#) issued by the Constitutional and Mainland Affairs Bureau on 9 July 2025 (File Ref: CMAB 253-002-022-P003), the Government has the responsibility to implement CFA's order by establishing through legislation an alternative framework for legal recognition of same-sex partnerships in order to ensure non-interference with privacy rights. The Registration of Same-sex Partnerships Bill ("the Bill") is thus introduced with a view to establishing such alternative framework for legal recognition of same-sex partnerships ("the proposed alternative framework"), and providing for appropriate rights and obligations attendant on such recognition.

Registration of Same-sex Partnerships Bill

4. The Bill was published in the Gazette on 11 July 2025 and received its First Reading at the Legislative Council ("LegCo") meeting of 16 July 2025. The Bill seeks to:

- (a) establish a regime for the registration of same-sex partnerships and provide for related matters; and
- (b) make related amendments to certain enactments.

The Bills Committee

5. At its meeting held on 18 July 2025, the House Committee agreed to form a Bills Committee to scrutinize the Bill. The membership list of the Bills Committee is in [Appendix](#). The Bills Committee has held four meetings with the Administration and invited written submissions on the Bill from the public. A total of 10 775 written submissions were received by the Bills Committee within the submission deadline.⁴ At the request of the Bills Committee, the Administration has provided a [consolidated response](#) (LC Paper No. CB(2)1626/2025(01)) to the written submissions.

³ For the final order of CFA, see (2023) 26 HKCFAR 478, [\[2023\] HKCFA 31](#) (English version only).

⁴ The submissions (except those restricted to members only) have been uploaded onto the [LegCo website](#).

Deliberations of the Bills Committee

6. The Bills Committee's views and concerns about the policy issues relating to the Bill and its individual clauses are summarized below.

Policy issues relating to the Bill

7. Members have expressed diverse views on the Administration's proposal to establish through legislation an alternative framework for legal recognition of same-sex partnerships. Some members support the necessity of the Government's legislation and its legal basis, while some members object to the legislative proposal and have expressed strong concerns about the potential social impacts and the potential challenges to the marriage system.

8. The Administration has advised that in formulating the proposal, it has thoroughly considered various factors, including the principle of the rule of law for the respect of court rulings, Hong Kong society's actual situations as well as family and traditional values, overall interests of society, and public expectations, in order to strive to achieve an appropriate balance. Upon careful consideration, the Government proposes that registration of same-sex partnerships, revocation of same-sex partnership registration, addressing medical-related matters and handling after-death arrangements would form the rights and obligations attendant on legal recognition of same-sex partnerships, which will be put in place through enactment of new legislation, amendments to existing legislation or implementation of administrative measures. The Government also considers that these rights have satisfied the court's requirement, i.e. meeting the basic social needs of the relevant persons.

Upholding the spirit of the rule of law

9. Many members have pointed out that, as Hong Kong is a society based on the rule of law, the Government should respect CFA's judgment in the Sham Tsz Kit Case. They are of the view that the Government's introduction of the Bill prior to the expiry of the two-year suspension period in order to fulfil the Government's positive obligation under BOR14 as declared by CFA aligns with the core spirit of the rule of law in Hong Kong and reflects the high regard Hong Kong society holds for the rule of law. Additionally, some members have expressed worries that failing to comply with the court's judgment could set a bad precedent, leading to external doubts about whether the Government or the Legislature respects the rule of law system. In the face of this highly controversial issue in society, the Government's approach of law-based administration and taking challenges head-on is worthy of recognition. However, members have also requested the Administration to clarify the potential consequences if the Bill is ultimately not passed by LegCo, as well as the Administration's follow-up plans.

10. The Administration has emphasized that the rule of law is a core value and the cornerstone of Hong Kong's success. CFA exercised its power of final adjudication in accordance with the Basic Law ("BL") in the Sham Tsz Kit Case, rendering a lawful and constitutional judgment. The judgment has legal effect and is binding on the Government. The Government must respect and comply with the judgments made under the judicial system and has a duty to fulfil the positive obligation declared by the court under BOR14. Therefore, the Government has strived to submit a legislative proposal for consideration by LegCo within the two-year suspension period set down by CFA.

11. The Administration has supplemented that regarding the judgment rendered by CFA in the Sham Tsz Kit Case, the court made a declaration stating that the Government has a positive obligation to propose an alternative framework to safeguard the rights of same-sex partners. Assuming that the Bill introduced by the Government is not passed by LegCo by the end of the suspension period, CFA's judgment remains valid in principle, and the Government still has a continuing legal duty to make every effort to fulfil this obligation. Regarding the relevant follow-up work, the Government will seek legal advice from the Department of Justice if necessary and make appropriate arrangements in light of actual circumstances.

Impact of the proposed alternative framework on the marriage system and traditional social values

12. Several members have opposed the Government's proposed alternative framework, expressing strong concerns about the potential impact it could have on Hong Kong's current "one husband, one wife; one man, one woman" marriage system. Some members have pointed out that while the Administration has emphasized that the registration regime for same-sex partnerships under the proposed alternative framework is not equivalent to same-sex marriage, it may be perceived by society as a de facto recognition of same-sex marriage. This could even trigger further demands from same-sex partners seeking marriage-related rights, thus having a profound impact on Hong Kong's current family values and social ethical system. Some members have also expressed worries that the proposed alternative framework could constitute a "quasi-marriage" arrangement, whose nature may conflict with the constitutional freedom of marriage guaranteed and protected under Article 37 of BL and Article 19(2) of BOR, which is confined to opposite-sex marriages, thereby leading to legal disputes.

13. Some members have pointed out that Hong Kong is an open, diverse and inclusive society that should respect the sexual orientation of all individuals. However, the Bill involves not only the enforcement of judicial decisions but also the balancing of multiple values, including the cornerstone of Hong Kong's rule of law, the concept of marital ethics, the overall interests of society and public expectations. Therefore, in addressing this issue, it is essential to strike a reasonable and appropriate balance between judicial decisions and social

traditions. Some members consider that the current discussion should not devolve into a binary opposition between support and opposition, as the Government, LegCo, and the entire Hong Kong society share the responsibility to collectively address the subsequent arrangements arising from CFA's judgment. Given that society has not yet reached a mainstream consensus on the proposed alternative framework, the only way is to seek the "greatest common denominator" under the principle of judicial decisions, striving to gain acceptance from all sectors of society as much as possible. This approach will enable Hong Kong to uphold the rule of law while accommodating the coexistence of diverse values and the integration of the overall interests of society.

14. The Administration has reiterated that CFA also explicitly stated in the Sham Tszy Kit Case that the constitutional freedom of marriage protected under the law of Hong Kong is confined to opposite-sex marriages and does not extend to same-sex marriages. The registration regime proposed in the Bill only recognizes 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 marriages 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. The Government will strictly adhere to BL by maintaining "one husband, one wife; one man, one woman" as the only legal marriage system in the Hong Kong Special Administrative Region ("HKSAR"), and the Bill will neither affect the traditional marriage system protected under BL nor impact family ethical relationships based on marriage.

Feasibility of implementing the relevant judgment through administrative measures or authorization mechanisms

15. Some members have questioned whether it is necessary to establish through legislation a registration regime for same-sex partnerships. They have suggested that the Administration should consider addressing the core rights of same-sex partners through non-legislative means, such as having individual departments implement administrative measures or amend individual existing laws to address specific issues faced by same-sex partners, such as medical visits and handling of remains, so as to avoid systemic impacts. Some members have also suggested that parties could provide advance instructions or authorize designated individuals to handle their medical decisions or after-death arrangements, thereby potentially avoiding the need for legislation to establish a registration regime.

16. The Administration has responded that the key point of CFA's judgment is requiring the Government to 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, thereby fulfilling 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 authorization mechanisms is inadequate to establish a legally recognized and binding mechanism. Therefore, the Government must establish through legislation a regime for the registration of same-sex partnerships to meet the “basic social needs” of the relevant persons. This will protect the privacy rights of same-sex partners through a statutory mechanism, thereby fulfilling the Government’s positive obligation under BOR14.

Short title and commencement of the Bill

17. Some members have expressed concern that the use of the term “same-sex partnerships” in the short title and provisions of the Bill, with its Chinese equivalent being “同性伴侶”, may cause confusion with “same-sex marriage”. They have pointed out that the term “partner” is often confused with the term “spouse”, which could lead some members of the public to misunderstand the Bill’s proposal as being equivalent to recognizing same-sex marriage. Additionally, they have asked whether the terms “partners” and “partnerships” will cause confusion with existing legal concepts in other legislation. Members considers that the Administration should clarify the distinction between the registration regime established by the Bill and the existing marriage system to avoid confusion both at the legal level and in terms of public perception.

18. The Administration has responded that the term “same-sex partnerships”(“同性伴侶”) was used by CFA in its judgment in the Sham Tsz Kit Case. It was ruled in the judgment that the Government has a positive obligation to establish an alternative framework for legal recognition of “same-sex partnerships” and to provide for the appropriate rights and obligations. The term “partnership” is likely more used in Hong Kong’s existing legislation to describe commercial partnerships and is rarely applied to describe intimate relationships between two persons. Same-sex partnerships are a new concept under the law of Hong Kong, and in considering the wording used in the Bill, efforts have been made to avoid confusing the public into mistakenly believing that the Bill equates partners of a same-sex marriage with spouses of an opposite-sex marriage. The Administration believes that the current wording is appropriate. Additionally, the term “parties” used in the Bill solely refers to both parties without any implication that the two parties have entered into a marriage.

19. Members have noted that, pursuant to clause 1(2) of the Bill, if the Bill is passed by LegCo, the Ordinance will come into operation on a day to be appointed by the Secretary for Constitutional and Mainland Affairs (“the Secretary”) by notice published in the Gazette. Given that the two-year suspension period following the final order of CFA will expire on 27 October 2025, and time is pressing, members have asked why the Bill is not to take effect immediately. The Administration has responded that, following the passage of the Bill, it will still

have to complete various administrative preparatory tasks, including establishing a registration office, appointing the Registrar, developing an information technology system, formulating forms and application guidelines, and providing training for frontline staff. Therefore, the commencement will only be designated by Gazette notice once the relevant preparatory work is completed, so as to ensure the orderly implementation of the new regime. The Administration will strive to take forth the relevant administrative preparatory work as soon as possible after the passage of the Bill.

Regime for registration of same-sex partnerships

20. Members have noted that when developing the proposed alternative framework, the Government conducted research on practices in different jurisdictions, including the forms of legal recognition of same-sex partnerships, the conditions for registration and revocation of registration of relevant partnerships, and the rights and obligations attendant on such recognition. However, these jurisdictions developed the relevant regimes based on their own circumstances, including laws and regulations, traditions and social values. Therefore, their regimes may not be entirely applicable to Hong Kong's social situations.

21. In addition, it has been made clear in CFA's judgment that the Government and the Legislature have a flexible margin of discretion in determining the legal recognition mechanism as well as the rights and obligations attendant on such recognition. CFA also stated in the judgment that the Government has a positive obligation to provide, through a regime of an appropriate form, an alternative framework for legal recognition of committed and stable same-sex partnerships (see paragraph 196 of the judgment⁵). This will recognize a same-sex relationship and define the core rights necessary to meet the same-sex partners' basic social needs, with a view to providing effective legal protection to that relationship.

"Same-sex partnership registered outside Hong Kong"

22. Members have noted that, under clause 6 of the Bill, a same-sex partnership registration is valid only if all the conditions set out in clauses 6(a) to (f) were met when the same-sex partnership (registration) application was made. In particular, the condition set out in clause 6(d) is "that there is a valid same-sex partnership registered outside Hong Kong between the parties". In this connection, members have requested the Administration to clarify whether the reference to "registered outside Hong Kong" in the Bill includes same-sex marriage registrations or same-

⁵ Original text: "Accordingly, in our view, the respondent has failed to make out a case justifying the failure to provide an alternative framework for legal recognition of same-sex couples in committed and stable relationships by institution of an appropriate form of same-sex union."

sex civil union registrations completed in foreign consulates in Hong Kong under the laws of the relevant countries.

23. The Administration has responded that, as the legal recognition conferred by the registration regime should be based on committed and stable same-sex relationships, the Bill proposes using a valid registration outside Hong Kong as a more objective, clear and easily verifiable criterion. Moreover, pursuant to clause 2(1) of the Bill, “same-sex partnership registered outside Hong Kong” means (a) a marriage; or (b) a civil partnership or civil union (or a relationship that is substantially the same as a civil partnership or civil union), registered between two persons of the same sex under the law of a place outside Hong Kong. In simple terms, the relevant condition is that same-sex partners must have a valid registration under the law of the relevant jurisdiction outside HKSAR. A jurisdiction outside HKSAR means a jurisdiction that is outside the geographical scope of HKSAR. Only heterosexual marriage is recognized and protected by law in any place within the geographical scope of HKSAR. In this regard, the legal adviser to the Bills Committee has noted that it appears that the proposed definition of “same-sex partnership registered outside Hong Kong” under clause 2(1) of the Bill is based on the law of the place outside Hong Kong, but not the geographical location. The legal adviser to the Bills Committee has sought further clarification from the Administration on, from the drafting perspective, whether the Bill (including clause 6(d) and the proposed definition in clause 2(1)), as currently drafted, could clearly reflect the policy intent of the Administration. The Administration has replied that the current Bill and the actual operation after its passage will already reflect the policy intent as set out in the above response. Upon passage of the Bill, the Administration will provide clear guidelines and relevant information for the public.

24. Members have noted that the legal adviser to the Bills Committee has sought clarification from the Administration on how it would be determined that a relationship is “substantially the same as a civil partnership or civil union”, and whether the factors to be considered would be provided expressly in the Bill. The Administration has advised that, at present, many jurisdictions recognize same-sex partnerships through various forms or systems. In general, civil partnerships and civil unions are the two models more commonly adopted by countries. There may be some differences in civil partnerships or civil unions across different jurisdictions, or different names are used with different languages. As such, the phrase “substantially the same” is used in the draft provisions to cover legally recognized relationships that are substantially the same as civil partnerships or civil unions.

25. The Administration has added that the Registrar will consider a series of factors on a case-by-case basis when determining whether a relationship registered outside Hong Kong is substantially the same as a civil partnership or civil union, including the legal basis of the relationship, the rights and obligations attendant on the relationship, and the conditions for registration and revocation of

registration of the relationship. As the recognition or establishment of same-sex partnerships in different jurisdictions may change over time, it may not be practicable to enumerate all relevant factors in the Bill. Upon passage of the Bill, the Administration will provide clear application guidelines and relevant information for the public.

26. Members have expressed concern that in the course of assessment and approval, how the Registrar would determine whether the same-sex partnership registration concerned has met all the conditions for registration set out in clause 6 of the Bill. Moreover, members have noted that the legal adviser to the Bills Committee has sought clarification from the Administration on whether any decision made by the Registrar under the Bill (e.g. the decision not to effect a same-sex partnership registration under clause 8, revocation of a registration on the Registrar's own initiative under clause 14 or recognition of a registration as null on the Registrar's own initiative under clause 19) would be subject to review or appeal.

27. The Administration has responded that in assessing whether the applicants meet the six conditions for registration set out in clause 6 of the Bill, the Registrar considers primarily the supporting documents and information submitted by the applicants (for instance, whether the information is issued by official institutions and must be established through an oath-taking procedure). The Administration stresses that the criteria for assessment and approval are based on objective facts. The Registrar's decision to approve or reject a registration is primarily based on the supporting documents and information submitted by the applicants and the oaths taken by them. As these matters are mainly objective facts, it is believed that the possibility of disputes arising is minimal. Therefore, the Administration considers it unnecessary to establish an appeal mechanism under the Bill.

28. Furthermore, regarding the reasons for the Bill not proposing to make it an offence for any person who provides any false information in relation to the proposed registration regime, the Administration has explained that a same-sex partner, when making an application to the Registrar for registration of their same-sex partnership, is required to provide relevant documents and information to the Registrar and to take oaths before the Registrar. Offences related to making false statements are already covered by other existing laws. For example, under section 32 of the Crimes Ordinance (Cap. 200), if a same-sex partner being sworn makes a false statement, he shall be guilty of an offence and shall be liable on conviction to imprisonment for up to seven years; and under section 36 of the ordinance, any same-sex partner who knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, such statement being in a statutory declaration, or in any oral declaration or oral answer, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for two years and to a fine. If applicants carry out acts related to false instruments in the registration process, they may contravene section 73 (i.e. "the offence of using a false instrument") of Cap. 200, and are liable on conviction to imprisonment for

a maximum of 14 years. As the existing laws can adequately address the situation where same-sex partners provide false information and documents related to the proposed registration regime under the Bill, the Administration considers it unnecessary to provide for similar offences in the Bill.

29. As a condition set out in clause 6(a) of the Bill is that the parties are of the same sex, some members have enquired if one party reassigns one's sex after completing a same-sex partnership registration, so that the parties are of the opposite sex, whether the registration would automatically become invalid, and whether the parties could marry under the Marriage Ordinance (Cap. 181), thus creating a loophole in the regime. The Administration has pointed out that if, after registering, one party reassigns one's sex and thus causes the same-sex partnership originally registered outside Hong Kong to become void, it may trigger the procedures for revocation of local registration. The Registrar will handle it on a case-by-case basis in accordance with the requirements under the Bill. The Administration has added that as a number of litigation cases involving transgender persons are still underway, the Administration has to assess the issue carefully to decide how this should be handled under the regime for registration of same-sex partnerships.

Proposal for accepting marriage registration conducted in person or by remote means

30. Members have noted that, pursuant to clause 2(4)(a) of the Bill, a valid same-sex partnership registered outside Hong Kong under clause 6(d) of the Bill can include any same-sex marriage or any civil partnership or civil union (or a relationship that is substantially the same as a civil partnership or civil union) registered in person or by remote means under the law of a place outside Hong Kong. In other words, according to the clauses concerned, even if the parties are present in Hong Kong, they can still conduct overseas marriage registration via video communication and apply for same-sex partnership registration in Hong Kong, which is, in perception, no difference from getting married in Hong Kong, and may even lead to a general belief that same-sex marriage is recognized in Hong Kong. On the other hand, some members have also considered that there is a practical need to accept marriage registration conducted by remote means. For example, in special circumstances such as epidemics, when the parties may not be able to travel overseas in person to register, or when they are unable to travel abroad due to health issues, such as terminally ill patients who wish to complete the ceremony before the end of their lives, remote registration can provide the necessary convenience.

31. The Administration has responded that the Bill allows the acceptance of a same-sex partnership registered under the law of a jurisdiction by remote means as proof mainly considering whether the relevant registration for the same-sex partnership concerned is made under the law of the relevant jurisdiction. The Administration reiterates that, if such an arrangement is permitted under the law

of the jurisdiction, the Bill proposes that such forms be accepted, but this is not equivalent to registering same-sex marriages in Hong Kong.

32. Some members have enquired if the Administration would set out the jurisdictions where registration for same-sex partnerships outside Hong Kong can be made in a schedule to the Bill and update it periodically in the future based on actual circumstances. Members have also requested the Administration to clarify if the legal recognition of same-sex partnerships are revoked by a jurisdiction, the relevant registrations in Hong Kong will automatically become void.

33. The Administration has advised that, given that relevant regimes in various jurisdictions may change over time, setting out the relevant jurisdictions in a schedule to the Bill may not be the most effective approach. The Administration will provide the relevant information through a dedicated website which will be updated continuously. Regarding whether same-sex partnerships whose registrations have been completed in Hong Kong would automatically become void if a jurisdiction revokes its previously-given legal recognition of the same-sex partnerships, the Administration believes that this would depend on individual circumstances and cannot be generalized.

Meaning of “specified relationships”

34. Pursuant to clause 6(f) of the Bill, one of the conditions for registration of same-sex partnerships is that there is not, between the parties, any “specified relationship” under Schedule 2 to the Bill. Members have noted that, pursuant to section 4 of Schedule 2, for the purposes of clause 6(f) of the Bill, a relationship set out in Division 2 of Part 3 of Schedule 2 is also a “specified relationship” unless the younger party between the applicants has not at any time before reaching 18 years of age been a “child of the family” in relation to the other party. Members have sought clarification from the Administration on how to define the relationship of a “child of the family”.

35. The Administration has clarified that the relevant provisions have taken into account the actual situations in Hong Kong, as well as traditional ethics and values, etc., in order to maintain the ethical boundaries and social acceptability of the regime. Section 1 of Schedule 2 to the Bill defines “child of the family” as, in relation to a person, a child who has lived in the same household as the person and been treated by the person as a child of his or her family. Whether a child is treated as a “child of the family” is a question of fact which is determined based on objective criteria and consideration of all the circumstances of the case. For example, consideration may be given to the nature and duration of the relationship between the child and the related person, including whether the child is a dependant of that person.

Proposals for registration of same-sex partnerships and revocation of registrations

36. Members have noted that the Registrar could require an applicant to take an oath pursuant to clauses 7(4), 12(4) or 13(4) of the Bill, as the case may be. In this regard, members have sought clarification from the Administration on the details in relation to the taking of the oath (such as the means of taking the oath and whether the oath would be in a prescribed form), and whether such details would be provided for in the Bill. Members have also enquired about the consequences of declining or neglecting to take an oath, or making any statement, during oath-taking, which is false or which the oath-taker does not believe to be true.

37. The Administration has explained that the oaths referred to in clauses 7(4), 12(4) and 13(4) of the Bill should be taken pursuant to the Oaths and Declarations Ordinance (Cap. 11) (“ODO”). The manner and procedure of oath-taking, the form of oath and so forth are clearly set out in ODO. The Registrar would only accept oaths taken in accordance with the relevant requirements under ODO. Upon passage of the Bill, the Government will provide clear application guidelines and relevant information for the public. The Administration has further added that, in case an applicant declines or neglects to take an oath, the applicant will be unable to meet the oath-taking requirements under ODO. Consequently, the applicant will not be issued with the relevant registration certificate or revocation of registration certificate. If an applicant, during oath-taking, makes a statement which is material and which he knows to be false or does not believe to be true, he may commit an offence under section 32 of Cap. 200 (i.e. “false statements on oath made otherwise than in a judicial proceeding”), and is liable on conviction to imprisonment for seven years and to a fine.

38. As regards the arrangements for revocation of registration, members have noted that, under clause 15(2) of the Bill, in the case that a same-sex partnership registration is revoked on application by the parties or a party to the registration made under clause 13(1) or on the Registrar’s own initiative where the same-sex partnership registered outside Hong Kong has been terminated, the earlier of the following would be the effective date of the revocation: (a) the date specified in the same-sex partnership (revocation of registration) certificate; (b) the last date of the six-month period immediately after the date on which the same-sex partnership registered outside Hong Kong on which the registration relies is terminated. Members have expressed concern about whether the parties concerned would continuously be entitled to the relevant rights related to same-sex partnership registration if they have terminated their same-sex marriage overseas without notifying the Hong Kong authority, and why it will take six months to officially revoke the relevant registration. Members have also enquired if the parties concerned have the duty to notify the Registrar, and if the registration concerned is revoked on the Registrar’s own initiative, whether the parties to the registration would be notified.

39. The Administration has pointed out that, pursuant to clauses 21(1) and (2) of the Bill, if a same-sex partnership registered outside Hong Kong has been terminated, the parties or a party to the same-sex partnership registration concerned must notify the Registrar of the relevant situations in writing within six months, otherwise the parties to the same-sex partnership registration each commit an offence and are liable on conviction to a fine at level 3. The Administration has explained that, in prescribing the six-month notification period, the consideration is that the parties need reasonable time to process relevant documents following the termination of their relationship, and the actual time needed for handling the termination of same-sex partnerships varies amongst different jurisdictions. Upon receiving relevant notification and information about the termination of a partnership outside Hong Kong, the Registrar will promptly review and handle the case with a view to issuing a certificate for revocation of registration. Moreover, pursuant to clause 19(2) of the Bill, if recognizing a same-sex partnership registration as null, the Registrar will issue a written notice respectively to the parties to the registration. The notice will clearly state that the relevant registration has become null. Although the relevant certificate needs not to be returned, the parties concerned can no longer use it as a legal document to prove their same-sex partnership.

40. As regards the reasons why the Bill provides that the parties only have the duty to notify the Registrar of the termination but not a duty to make an application for the revocation of the registration, the Administration further explains that, following the receipt of notification by the parties, the Registrar may, on his own initiative, revoke the registration under clause 14 of the Bill. Even if a same-sex partner has not notified the Registrar of the termination of the relevant same-sex partnership registered outside Hong Kong, the Registrar may also, on his own initiative, revoke the registration under clause 14 of the Bill and having examined any relevant information (regardless of how it is obtained). Hence, given the requirement of giving notification under clause 21 and the Registrar's power to revoke registration on his own initiative under clause 14, the Administration considers that there are adequate measures to keep the registration regime intact, and to prevent same-sex partners from continuing to enjoy the legal recognition based on the same-sex partnerships registered outside Hong Kong which has been terminated. It is thus unnecessary to impose another legal obligation regarding the making of revocation applications nor to make the related criminal provisions.

41. Furthermore, clause 21(3) of the Bill provides that it is a defence for a person charged with the above offence to establish that, at the time of the alleged offence, the person had reasonable excuse for the contravention of clause 21(1) of the Bill. Members have noted that the legal adviser to the Bills Committee has sought clarification from the Administration on whether it is the legislative intent that the common law defence of "honest and reasonable mistaken belief" would not be available to the person charged with the offence. In response, the Administration has advised that it considers the statutory defence of "reasonable

excuse” in clause 21(3) of the Bill wider than the common law defence of honest and reasonable mistaken belief, such that the common law defence is unlikely to co-exist with the statutory defence. On such basis, the common law defence of honest and reasonable mistaken belief will not be available to a person charged with the offence.

42. Regarding questions relating to copies and replacement of same-sex partnership (registration) certificates and same-sex partnership (revocation of registration) certificates, the Administration has advised that its intention is that, upon the Registrar’s approval of the relevant applications for searches, the Registrar will only issue certified copies of the relevant certificates under clause 22 of the Bill, and replacement certificates will not be issued. The legal adviser to the Bills Committee has further enquired how the Administration would handle some situations (such as the document is damaged or lost) in which a certified copy may be needed. In response, the Administration has reiterated that a fee of \$260 is payable by the applicants upon initial application for registration. If they are eligible and the application is approved, the Administration will then issue the original copy of the certificate. As the Administration will only issue one original copy, in case the applicants would also like to obtain a copy, they may make a request to the Registrar. Upon consideration and approval, the Registrar may exercise the power conferred in clause 22(1)(b) to give a certified copy at a prescribed fee (i.e. \$220) under item 4 of Schedule 1 to the Bill. Applicants do not have to additionally pay a search fee if they have made such request when making the initial application, otherwise the Registry will need to make a search, and thus a search fee is payable by the applicants in order to apply for the issuance of the relevant certified copy. Regarding the “certified copy of any entry” referred to under clause 22(1)(b) of the Bill, the Administration has also explained that this should not be limited to the certified copy of a certificate only, as the relevant process may involve other documents the certified copies of which the applicants may wish to obtain. Therefore, the items included will be relatively broader.

43. Members have expressed concern about the arrangements for searches made amongst registration instruments under clause 22 of the Bill. Some members have enquired whether members of the general public or authorized persons could access the same-sex partnership (registration) certificates filed by the Registrar under clause 9(3). Some members have expressed worries that while clause 22 of the Bill authorizes the Registrar to allow searches to be made amongst instruments in the Registrar’s possession, it does not expressly limit the identities of those who make the searches, which may give rise to the risk of judicial review. Therefore, members have suggested stipulating in the provisions that only the parties concerned or authorized persons can access the instruments, rather than solely defining this through administrative guidelines.

44. The Administration has responded that clause 22 of the Bill authorizes the Registrar to allow searches to be made amongst registration instruments in his

possession. In practice, the main purpose is to allow the parties concerned or their authorized representatives to access previously submitted forms or supporting documents. The Administration emphasizes that such data involve a significant amount of personal privacy, and therefore, at present, only the parties concerned or authorized third parties are allowed access under the policy, except in special circumstances, such as those involving public interest or court proceedings, in which case it must be handled in accordance with the law. Given the sensitivity of the data, after the implementation of the regime for registration of same-sex partnerships, detailed access arrangements will be outlined through guidelines.

45. Members have enquired about the arrangements for correction of clerical errors in same-sex partnership (registration)/(revocation of registration) certificates under clauses 11 and 18 of the Bill. The Administration has responded that, upon discovery of an error, regardless of whether it is discovered by the Registrar or through persons who are registered or whose registration has been revoked, the Registrar may correct the clerical error in the certificate concerned in accordance with the above provisions. Pursuant to clauses 11 and 18 of the Bill, the Registrar must authenticate the correction by his signature, or by marking his initials, and must denote the date of making the correction. Other relevant detailed procedures would be provided in clear guidelines to be issued when the mechanism is officially implemented upon passage of the Bill.

Specified form and specified documents and information

46. Members have noted that, under clauses 7, 12, and 13 of the Bill, an application for a same-sex partnership registration, or revocation of such registration, must be made in the “specified form”. Moreover, under clauses 9 and 16 of the Bill, a certificate issued by the Registrar for such registration or revocation would also be issued in the “specified form”. Under clause 27 of the Bill, the Secretary would be empowered to specify the form of such documents. In this connection, members and the legal adviser to the Bills Committee have asked the Administration to clarify the rationale for proposing such an approach, instead of providing that such documents be in prescribed forms set out in a schedule to the Bill so that they would be subject to scrutiny by LegCo.

47. The Administration has responded that, under clause 27(1) of the Bill, the Secretary may specify the form of a document required for the purposes of this Ordinance. As the documents involved, which are mainly related to application for registration and revocation of registration, are administrative in nature and non-controversial, the Administration considers it unnecessary to set out the form and content of the form in the Bill. Upon passage of the Bill, the form will be made available as well as clear application guidelines and relevant information will be provided for the public through the dedicated website. The Administration has pointed out that it is a common and practicable way. For example, similar arrangements are also found in the existing section 23 (Registrar may specify form) of the Companies Ordinance (Cap. 622).

48. In addition, members and the legal adviser to the Bills Committee have asked the Administration to clarify that, in respect of any document and information specified by the Registrar which must accompany an application for a same-sex partnership registration, or revocation of such registration, pursuant to clauses 7(2), 12(2) and 13(2) of the Bill, whether it would be more appropriate to specify these documents and information in subsidiary legislation so that they would be subject to scrutiny by LegCo. The Administration has responded that, in considering and deciding what constitutes specified documents and information, the Registrar needs to ensure that such specified documents and information are consistent with and relevant to the objectives concerned. The Registrar must exercise the relevant power reasonably in accordance with the law. The types and nature of the specified documents and information depend on the specific circumstances of a particular application and the documents and information for the Registrar's consideration will vary according to circumstances. The Administration has further responded that, upon passage of the Bill, clear application guidelines and relevant information will be provided for the public. Therefore, the Administration considers it more appropriate for the Registrar to determine the specified documents and information having regard to actual circumstances, which better aligns with the practical operation of the regime for the registration of same-sex partnerships.

Arrangements for making of regulations and amendments of Schedules

49. Members note that clause 26 of the Bill proposes that the Secretary could make regulations for "the better carrying out of this Ordinance". However, the matters that such regulations could provide for have not been set out in the Bill. The Administration has pointed out that the Bill aims to establish a regime for the registration of same-sex partnerships and provide for related matters, and to make related amendments to certain legislation. The content mainly includes specifying conditions for registration, grounds for revocation of registration, grounds for nullification of registration, the offence of tampering with records, the offence of failing to notify termination of same-sex partnerships registered outside Hong Kong, and making amendments to certain legislation and regulations. The Administration is of the view that the above matters are not complicated in terms of operation and do not involve a lot of procedural specifics, and considers it unnecessary at this stage to explicitly set out in the Bill the matters that would be provided for by the regulations. Yet, the Administration considers it necessary to empower the Secretary to make regulations for the better carrying out of the Ordinance, having regard to the actual operation of the registration regime after it is established.

50. Furthermore, clause 25 of the Bill provides only that amendments to Schedule 1 shall be handled by notice published in the Gazette by the Chief Executive in Council, whereas such arrangement does not apply to Schedule 2. The Administration has explained that Schedule 2 to the Bill pertains to specified

relationships, which are one of the conditions for registration, as well as the basis for legal recognition of registrations in Hong Kong. Amendment of Schedule 2 is less likely, for social and ethical relationships are at play. Amendments, if indeed warranted, have to be made to the principal ordinance as well.

Proposed amendments to the Bill

51. In response to the recommendations of the legal adviser to the Bills Committee, the Administration will propose two textual amendments to Schedule 1 to the Bill. The Bills Committee supports the amendments proposed by the Administration and will not propose any amendments to the Bill.

Resumption of Second Reading debate on the Bill

52. The Bills Committee has completed the scrutiny of the Bill. The Administration has indicated its intention to resume the Second Reading debate on the Bill at the LegCo meeting of 10 September 2025. The Bills Committee has no objection to that.

Consultation with the House Committee

53. The Bills Committee reported its deliberations to the House Committee on 29 August 2025.

Council Business Divisions
Legislative Council Secretariat
4 September 2025

Bills Committee on Registration of Same-sex Partnerships Bill

Membership list

Chairman	Hon CHAN Yung, SBS, JP
Deputy Chairman	Hon Jimmy NG Wing-ka, SBS, JP
Members	<p>Hon Mrs Regina IP LAU Suk-yee, GBM, GBS, JP Ir Dr Hon LO Wai-kwok, GBS, MH, JP Hon Holden CHOW Ho-ding, JP Hon SHIU Ka-fai, BBS, JP Hon Vincent CHENG Wing-shun, BBS, MH, JP Dr Hon Hoey Simon LEE, MH, JP Hon Nixie LAM Lam Hon Kenneth LEUNG Yuk-wai, MH, JP Hon Edmund WONG Chun-sek Hon Kingsley WONG Kwok, BBS, JP Hon TANG Fei, MH Dr Hon SO Cheung-wing, SBS, JP Hon Erik YIM Kong, JP</p> <p>(Total: 15 members)</p>
Clerk	Ms Doris LO
Legal Advisers	<p>Miss Rachel DAI Miss Emily MOK</p>