

Registration of Same-sex Partnerships Bill

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A BILL

To

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

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Registration of Same-sex Partnerships Ordinance.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Constitutional and Mainland Affairs by notice published in the Gazette.

2. Interpretation

- (1) In this Ordinance—
prescribed fee (訂明費用), in relation to a matter specified in column 2 of Schedule 1, means the fee specified in column 3 of that Schedule opposite the matter;

Registrar (登記官) means—

- (a) the Registrar (Same-sex Partnerships) mentioned in section 4(1); or
- (b) a deputy registrar (same-sex partnerships) mentioned in section 4(2);

same-sex partnership registered outside Hong Kong (港外註冊同性伴侶關係) 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 2 persons of the same sex under the law of a place outside Hong Kong;

same-sex partnership (registration) application (同性伴侶關係(登記)申請) means the application mentioned in section 5;

same-sex partnership (registration) certificate (同性伴侶關係(登記)證書) means a certificate prepared under section 9(1);

same-sex partnership (revocation of registration) certificate (同性伴侶關係(撤銷登記)證書) means a certificate prepared under section 16(1);

Secretary (局長) means the Secretary for Constitutional and Mainland Affairs;

specified form (指明格式) means a form specified under section 27(1).

(2) In this Ordinance, in relation to a same-sex partnership (registration) application or same-sex partnership registration—

- (a) a reference to the parties is a reference to the 2 persons involved in the same-sex partnership; and

- (b) a reference to a party is a reference to either of the 2 persons.
- (3) For the purposes of this Ordinance, a same-sex partnership registered outside Hong Kong is terminated if it—
 - (a) is effectually dissolved; or
 - (b) becomes invalid,
under the law of any place.
- (4) To avoid doubt, for the purposes of this Ordinance—
 - (a) it does not matter whether the registration of a marriage, or of a civil partnership or civil union (or a relationship that is substantially the same as a civil partnership or civil union), is conducted in person or by remote means; and
 - (b) it does not matter whether a same-sex partnership registered outside Hong Kong is registered before the date on which this Ordinance comes into operation, or on or after that date.
- (5) A note located in the text of this Ordinance is provided for information only and has no legislative effect.

3. *Meaning of same-sex partnership registration and registered same-sex partner*

- (1) In this Ordinance or any other Ordinance—
same-sex partnership registration (同性伴侶關係登記) means a registration under section 5.

Registration of Same-sex Partnerships Bill

Part 1

Clause 3

C3779

- (2) For the purposes of this Ordinance or any other Ordinance, a person is a *registered same-sex partner* of another person if there is a valid same-sex partnership registration for the same-sex partnership of those 2 persons.
-

Part 2

Registrar

4. Appointment of Registrar etc.

- (1) There is to be a Registrar (Same-sex Partnerships) who is a public officer appointed or authorized, by name or office, by the Secretary as the Secretary considers appropriate.
 - (2) The Registrar (Same-sex Partnerships) mentioned in subsection (1) may appoint or authorize, by name or office, any public officer to be a deputy registrar (same-sex partnerships) as the Registrar (Same-sex Partnerships) considers appropriate.
 - (3) The Secretary may set up an office of the Registrar as required for the purposes of this Ordinance and may appoint an officer, to be known by a post title that the Secretary decides, to have charge of each such office.
-

Part 3

Regime for Registration of Same-sex Partnerships

Division 1—Registration of Same-sex Partnerships

Subdivision 1—Registration of Same-sex Partnerships on Application

- 5. Registration of same-sex partnership by Registrar on application**
- Subject to the other provisions of this Subdivision, the Registrar may, on application made by any 2 persons, register the same-sex partnership of those 2 persons so that the same-sex partnership is recognized in law.
- 6. Conditions for registration**
- A same-sex partnership registration is valid only if all the following conditions were met when the same-sex partnership (registration) application was made—
- (a) that the parties are of the same sex;
 - (b) that the parties have both reached 18 years of age;
 - (c) that the parties are each, or a party is, a resident of the Hong Kong Special Administrative Region under Article 24 of the Basic Law;
 - (d) that there is a valid same-sex partnership registered outside Hong Kong between the parties;
 - (e) that each of the parties—
 - (i) does not have a valid—
 - (A) marriage; or

- (B) civil partnership or civil union (or relationship that is substantially the same as a civil partnership or civil union), registered, under the law of any place, with a third party (whether of the opposite sex or same sex); and
- (ii) does not have a registered same-sex partner;
- (f) that there is not, between the parties, any specified relationship under Schedule 2.

7. **Mode of application**

- (1) A same-sex partnership (registration) application must be made by the parties by notice to the Registrar in the specified form.
- (2) A same-sex partnership (registration) application must be accompanied by—
 - (a) any document and information specified by the Registrar; and
 - (b) the prescribed fee.
- (3) The Registrar may issue a written direction to the applicants of a same-sex partnership (registration) application to require the applicants to provide any additional document or information in accordance with the direction.
- (4) Also, the Registrar may issue a written direction to the applicants—
 - (a) to require the applicants to, in accordance with the direction, produce any document for inspection (including producing the original or certified copy of any document for inspection); and

- (b) to require the applicants to, in accordance with the direction, each take an oath before the Registrar to the effect that the oath-taker believes that all the conditions mentioned in section 6 are met in respect of the same-sex partnership registration that the parties are applying for.

8. Completion of registration

The Registrar may effect a same-sex partnership registration for the parties in accordance with section 9(2) if the Registrar is satisfied that—

- (a) the requirements, and any directions issued, under section 7 are all complied with in relation to the same-sex partnership (registration) application;
- (b) any oath taken for the application in accordance with such a direction is in order; and
- (c) all the conditions mentioned in section 6 were met when the application was made.

Subdivision 2—Same-sex Partnership (Registration) Certificates

9. Preparation, issuing, filing and registration, etc. of same-sex partnership (registration) certificates

- (1) The Registrar may, for the purposes of Subdivision 1, prepare a certificate in the specified form in duplicate.
- (2) For effecting a same-sex partnership registration, the Registrar must—
 - (a) issue one same-sex partnership (registration) certificate to the parties to the same-sex partnership (registration) application; and
 - (b) file the other one in the Registrar's office.

- (3) The Registrar must register all same-sex partnership (registration) certificates filed in the Registrar's office in the order and manner that the Registrar considers best suited for easy reference to the certificates.
- (4) Without limiting subsection (3), the Registrar may record the same-sex partnership (registration) certificates in the form of a digital image.

10. Effect of same-sex partnership (registration) certificates or their certified copies

- (1) Any same-sex partnership (registration) certificate filed in the Registrar's office is admissible as evidence of the same-sex partnership registration to which the certificate relates—
 - (a) in any court; or
 - (b) before any person having, by law or by consent of parties to the relevant proceedings, authority to hear, receive and examine evidence.
- (2) If a copy of a same-sex partnership (registration) certificate filed in the Registrar's office (including any copy in the form of a printed copy of the digital image of a same-sex partnership (registration) certificate) is purported to be signed and certified as a true copy by the Registrar and to be sealed or stamped with the Registrar's official seal, the copy is admissible as evidence of the same-sex partnership registration to which the certificate relates—
 - (a) in any court; or
 - (b) before any person having, by law or by consent of parties to the relevant proceedings, authority to hear, receive and examine evidence.

11. Correction of errors in same-sex partnership (registration) certificates

The Registrar may correct any clerical error in any same-sex partnership (registration) certificate produced to, or kept by, the Registrar, but the Registrar must authenticate the correction by the Registrar's signature, or by marking the Registrar's initials, and must denote the date of making the correction.

Division 2—Revocation of Same-sex Partnership Registrations

Subdivision 1—Revocation of same-sex partnership registration on application or on own initiative

12. Revocation of same-sex partnership registration by Registrar on application at both parties' wish

- (1) The parties to a same-sex partnership registration may, by notice to the Registrar in the specified form, make an application for revoking the registration if—
 - (a) the same-sex partnership registered outside Hong Kong on which the registration relies has not been terminated; but
 - (b) the parties both wish to revoke the registration.
- (2) The application must be accompanied by—
 - (a) any document and information specified by the Registrar; and
 - (b) the prescribed fee.
- (3) The Registrar may issue a written direction to the applicants of an application made under subsection (1) to require the applicants to provide any additional document or information in accordance with the direction.

- (4) Also, the Registrar may issue a written direction to the applicants—
 - (a) to require the applicants to, in accordance with the direction, produce any document for inspection (including producing the original or certified copy of any document for inspection); and
 - (b) to require the applicants to, in accordance with the direction, each take an oath before the Registrar to the effect that the oath-taker wishes to revoke the registration.
- (5) The Registrar may revoke a same-sex partnership registration in accordance with section 16(2) if the Registrar is satisfied that—
 - (a) the requirements, and any directions issued, under this section are all complied with in relation to the application under subsection (1);
 - (b) any oath taken for the application in accordance with such a direction is in order; and
 - (c) the parties to the same-sex partnership registration both wish to revoke the registration.

13. Revocation of same-sex partnership registration by Registrar on application where same-sex partnership has been terminated

- (1) If the same-sex partnership registered outside Hong Kong on which a same-sex partnership registration relies has been terminated, the parties or a party to the registration (each party or the party being an *applicant*) may, by notice to the Registrar in the specified form, make an application for revoking the registration.
- (2) The application must be accompanied by—

- (a) any document and information specified by the Registrar; and
 - (b) the prescribed fee.
- (3) The Registrar may issue a written direction to the applicant of an application made under subsection (1) to require the applicant to provide any additional document or information in accordance with the direction.
- (4) Also, the Registrar may issue a written direction to the applicant—
 - (a) to require the applicant to, in accordance with the direction, produce any document for inspection (including producing the original or certified copy of any document for inspection); and
 - (b) to require the applicant to, in accordance with the direction, take an oath before the Registrar to the effect that the applicant believes that the same-sex partnership registered outside Hong Kong on which the same-sex partnership registration relies has been terminated.
- (5) The Registrar may revoke a same-sex partnership registration in accordance with section 16(2) if the Registrar is satisfied that—
 - (a) the requirements, and any directions issued, under this section are all complied with in relation to the application under subsection (1);
 - (b) any oath taken for the application in accordance with such a direction is in order; and
 - (c) the same-sex partnership registered outside Hong Kong on which the registration relies has been terminated.

14. Revocation of same-sex partnership registration by Registrar on own initiative where same-sex partnership has been terminated

The Registrar may, on the Registrar's own initiative, revoke a same-sex partnership registration in accordance with section 16(2) if, subsequent to the registration, the Registrar is satisfied, based on any information (regardless of how it is obtained), that the same-sex partnership registered outside Hong Kong on which the registration relies has been terminated.

15. Date on which revocation of same-sex partnership registration takes effect

- (1) If the Registrar revokes a same-sex partnership registration under section 12(5), the date specified in the same-sex partnership (revocation of registration) certificate is the date on which the revocation takes effect.
- (2) If the Registrar revokes a same-sex partnership registration under section 13(5) or 14, the earlier of the following is the date on which the revocation takes effect—
 - (a) the date specified in the same-sex partnership (revocation of registration) certificate;
 - (b) the last date of the 6-month period immediately after the date on which the same-sex partnership registered outside Hong Kong on which the registration relies is terminated.

Subdivision 2—Same-sex Partnership (Revocation of Registration) Certificate

16. Preparation, issuing, filing and registration, etc. of same-sex partnership (revocation of registration) certificates

- (1) The Registrar may, for the purposes of Subdivision 1, prepare a certificate in the specified form in triplicate.
- (2) For revoking a same-sex partnership registration under section 12(5), 13(5) or 14, the Registrar must—
 - (a) issue one same-sex partnership (revocation of registration) certificate to each of the parties to the registration; and
 - (b) file the remaining one in the Registrar's office.
- (3) The Registrar must register all same-sex partnership (revocation of registration) certificates filed in the Registrar's office in the order and manner that the Registrar considers best suited for easy reference to the certificates.
- (4) Without limiting subsection (3), the Registrar may record the same-sex partnership (revocation of registration) certificates in the form of a digital image.

17. Effect of same-sex partnership (revocation of registration) certificates or their certified copies

- (1) Any same-sex partnership (revocation of registration) certificate filed in the Registrar's office is admissible as evidence of the revocation of the same-sex partnership registration to which the certificate relates—
 - (a) in any court; or

- (b) before any person having, by law or by consent of parties to the relevant proceedings, authority to hear, receive and examine evidence.
- (2) If a copy of a same-sex partnership (revocation of registration) certificate filed in the Registrar's office (including any copy in the form of a printed copy of the digital image of a same-sex partnership (revocation of registration) certificate) is purported to be signed and certified as a true copy by the Registrar and to be sealed or stamped with the Registrar's official seal, the copy is admissible as evidence of the revocation of the same-sex partnership registration to which the certificate relates—
 - (a) in any court; or
 - (b) before any person having, by law or by consent of parties to the relevant proceedings, authority to hear, receive and examine evidence.

18. Correction of errors in same-sex partnership (revocation of registration) certificates

The Registrar may correct any clerical error in any same-sex partnership (revocation of registration) certificate produced to, or kept by, the Registrar, but the Registrar must authenticate the correction by the Registrar's signature, or by marking the Registrar's initials, and must denote the date of making the correction.

Division 3—Nullity of Same-sex Partnership Registrations

19. Recognition of nullity of same-sex partnership registration by Registrar

- (1) The Registrar may, on the Registrar's own initiative, recognize a same-sex partnership registration as null if,

subsequent to the registration, the Registrar is satisfied, based on any information (regardless of how it is obtained), that one or more than one of the conditions mentioned in section 6 were actually not met when the same-sex partnership (registration) application was made.

- (2) If the Registrar recognizes a same-sex partnership registration as null under subsection (1), the Registrar must issue a written notice of the nullity of the registration to each of the parties to the registration.
 - (3) To avoid doubt, a same-sex partnership registration recognized as null by the Registrar under subsection (1) is void from the beginning.
-

Part 4

Offences and Penalty

20. Tampering with records

- (1) A person who wilfully removes or alters any document kept or filed (regardless of the form in which it is kept or filed) by the Registrar under, or for the purposes of, this Ordinance commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.
- (2) A prosecution for an offence under subsection (1) may only be started before the end of 6 months beginning on the date on which the offence is discovered by, or comes to the notice of, the Registrar.

Note—

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

21. Duty to notify termination of same-sex partnership registered outside Hong Kong

- (1) If the same-sex partnership registered outside Hong Kong on which a same-sex partnership registration relies has been terminated, the parties or a party to the registration must notify the Registrar in writing of that circumstance (regardless of whether the notification is made by way of an application under section 13(1)) within 6 months after the date on which it arose.
- (2) If subsection (1) is contravened, the parties to the same-sex partnership registration each commit an offence and are liable on conviction to a fine at level 3.

- (3) It is a defence for a person charged with an offence under subsection (2) to establish that, at the time of the alleged offence, the person had reasonable excuse for the contravention of subsection (1).
 - (4) A person is taken to have established a matter that needs to be established for a defence under subsection (3) if—
 - (a) there is sufficient evidence to raise an issue with respect to the matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
-

Part 5

Miscellaneous Provisions

22. Power to allow searches and give certified copies, etc.

- (1) The Registrar—
 - (a) may allow searches to be made amongst instruments in the Registrar's possession for the purposes of this Ordinance;
 - (b) may give a certified copy of any entry in those instruments; and
 - (c) may issue a certificate to the effect that there is no record of any same-sex partnership registration of a person named.
- (2) The Registrar may charge a prescribed fee for a matter mentioned in subsection (1).

23. Disposal of documents recorded in form of digital image

The Registrar may in a manner that the Registrar considers appropriate, destroy or otherwise dispose of any document that has been recorded in the form of a digital image under this Ordinance.

24. Issuing certificates or notices by post

- (1) If—
 - (a) the Registrar is required to issue a same-sex partnership (registration) certificate or a same-sex partnership (revocation of registration) certificate to a person; and

- (b) the Registrar is satisfied that it is not reasonably practicable to issue the certificate to the person by a means that is more effective than that mentioned in this subsection,

the Registrar may, for issuing the certificate under this Ordinance, send the certificate to the person by post addressed to the person's last known address.

- (2) If—

- (a) the Registrar is required to issue a notice to a person under section 19(2); and
- (b) the Registrar is satisfied that it is not reasonably practicable to issue the notice to the person by a means that is more effective than that mentioned in this subsection,

the Registrar may, for issuing the notice under that section, send the notice to the person by post addressed to the person's last known address.

25. Amendment of Schedule 1

The Chief Executive in Council may amend Schedule 1 by notice published in the Gazette.

26. Secretary may make regulations

The Secretary may make regulations for the better carrying out of this Ordinance.

27. Secretary may specify form of documents

- (1) The Secretary may specify the form of a document required for the purposes of this Ordinance.

- (2) In specifying the form of a document under subsection (1), the Secretary may specify more than one form of the document, whether as alternatives or for use in different circumstances.
- (3) A form specified under subsection (1) is to be completed in accordance with the directions specified in the form.

28. Related amendments to certain enactments

The enactments specified in Schedule 3 are amended as set out in that Schedule.

Schedule 1

[ss. 2 & 23]

Prescribed Fees

Column 1	Column 2	Column 3
Item	Matter	Fee
1.	Making of a same-sex partnership (registration) application	\$260
2.	Making of an application for revoking a same-sex partnership registration under section 12(1) or 13(1)	\$200
3.	Search under section 22(1)(a)— (a) made during any number of successive hours not exceeding 6, without the object of the search being specified (b) for a specified entry whether the search is made by the applicant or by the Registrar on the applicant’s behalf	\$550 \$110
4.	Certified copy of any entry given under section 22(1)(b)	\$220

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Schedule 1

C3817

Column 1	Column 2	Column 3
Item	Matter	Fee
	and in addition where the application is by post from outside Hong Kong	\$55 together with, where the applicant requests the copy to be sent by airmail, a sum equivalent to the airmail postage at the normal rate.
	(A search fee is also payable unless the certified copy is being given at the same time as the original is issued or made. Where more than one certified copy of the same entry is applied for at the same time, only one search fee is payable.)	
5.	Certificate under section 22(1)(c) of absence of any record of same-sex partnership registration	\$545

Registration of Same-sex Partnerships Bill

Schedule 1

C3819

Column 1	Column 2	Column 3
Item	Matter	Fee
	and in addition where the application is by post from outside Hong Kong	\$55 together with, where the applicant requests the copy to be sent by airmail, a sum equivalent to the airmail postage at the normal rate.
	(A search fee is also payable.)	

Schedule 2

[s. 6]

Specified Relationships

Part 1

Interpretation

1. In this Schedule—
brother (兄弟) includes a brother of the half blood;
child of the family (家庭子女), in relation to a person, means 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;
marriage (婚姻) means a marriage recognized by the law of Hong Kong or the law of any place outside Hong Kong;
sister (姊妹) includes a sister of the half blood.
2. In this Schedule, a reference to a person's legal partner is a reference to—
 - (a) the person's husband or wife in a marriage; or
 - (b) the person's partner in a same-sex partnership registered outside Hong Kong.

Part 2

Relationships Specified for Section 6(f)

3. For the purposes of section 6(f), a relationship set out in Division 1 of Part 3 of this Schedule is a specified relationship.
4. For the purposes of section 6(f), a relationship set out in Division 2 of Part 3 of this Schedule is also a specified relationship unless the younger party to the same-sex partnership (registration) application has not at any time before reaching 18 years of age been a child of the family in relation to the other party.
5. For the purposes of section 6(f), a relationship set out in Division 3 of Part 3 of this Schedule is also a specified relationship unless at the time the same-sex partnership (registration) application is made—
 - (a) where the application is made by a man and the father of his former legal partner—both the former legal partner and the mother of the former legal partner have died;
 - (b) where the application is made by a man and the former legal partner of his child—both the child and the mother of the child have died;
 - (c) where the application is made by a woman and the mother of her former legal partner—both the former legal partner and the father of the former legal partner have died; or
 - (d) where the application is made by a woman and the former legal partner of her child—both the child and the father of the child have died.

Part 3

Relationships Mentioned in Part 2 of this Schedule

Division 1—Relationships Mentioned in Section 3 of this Schedule

For men	For women
Father	Mother
Adoptive father or former adoptive father	Adoptive mother or former adoptive mother
Son	Daughter
Adoptive son or former adoptive son	Adoptive daughter or former adoptive daughter
Parent's father	Parent's mother
Child's son	Child's daughter
Brother	Sister
Parent's brother	Parent's sister
Brother's son	Brother's daughter
Sister's son	Sister's daughter

Division 2—Relationships Mentioned in Section 4 of this Schedule

For men	For women
Former legal partner's son	Former legal partner's daughter
Parent's former legal partner	Parent's former legal partner
Former legal partner of parent's parent	Former legal partner of parent's parent

For men

For women

Son of former legal partner's child

Daughter of former legal
partner's child

**Division 3—Relationships Mentioned in Section 5 of this
Schedule**

For men

For women

Former legal partner's father

Former legal partner's mother

Child's former legal partner

Child's former legal partner

Schedule 3

[s. 28]

Related Amendments to Certain Enactments

Part 1

Interpretation and General Clauses Ordinance (Cap. 1)

1. Section 3 amended (interpretation of words and expressions)

Section 3—

Add in alphabetical order

“registered same-sex partner (經登記同性伴侶)—see section 3 of the Registration of Same-sex Partnerships Ordinance (of 2025);

same-sex partnership registration (同性伴侶關係登記)—see section 3 of the Registration of Same-sex Partnerships Ordinance (of 2025);”.

Part 2

Cremation and Gardens of Remembrance Regulation (Cap. 132 sub. leg. M)

2. Section 4 amended (application for cremation permit)

Section 4(1)(b), after “relative”—

Add

“(including a registered same-sex partner)”.

Part 3

Medical (Therapy, Education and Research) Ordinance (Cap. 278)

- 3. Section 3 amended (removal of parts of body where no request and deceased dies in hospital)**

Section 3(1)(b)(ii)—

Repeal

“spouse”

Substitute

“spouse, the surviving registered same-sex partner”.

Part 4

Human Organ Transplant Ordinance (Cap. 465)

- 4. Section 5A amended (organ transplants between spouses or genetically related persons)**

- (1) Section 5A, heading, after “spouses”—

Add

“etc.”.

- (2) Section 5A(1)(a)(i)—

Repeal

“or”.

- (3) Section 5A(1)(a)(ii)—

Repeal

“years; and”

Substitute

“years; or”.

- (4) After section 5A(1)(a)(ii)—

Add

“(iii) is, at the time of the transplant, the registered same-sex partner of the donor and their same-sex partnership registration has subsisted for not less than 3 years; and”.

- (5) Section 5A—

Repeal subsection (4)

Substitute

“(4) For the purposes of this section—

- (a) 2 persons are not regarded as spouses whose marriage has subsisted for not less than 3 years unless the fact of that relationship has been established by a means prescribed by the board by regulation; and
- (b) 2 persons are not regarded as registered same-sex partners whose same-sex partnership registration has subsisted for not less than 3 years unless the fact of that relationship has been established by a means prescribed by the board by regulation.”.

Part 5

Human Organ Transplant Regulation (Cap. 465 sub. leg. A)

5. Section 2B added

After section 2A—

Add

“2B. Establishment of same-sex partnership registration that has subsisted for not less than 3 years

(1) For the purposes of section 5A of the Ordinance, where a medical practitioner is—

(a) to remove an organ from a living person with the intention of it being transplanted into another person who is, at the time of the transplant, the registered same-sex partner of the person from whom the organ is to be removed and the same-sex partnership registration has subsisted for not less than 3 years; or

(b) to transplant the organ referred to in paragraph (a) into the registered same-sex partner of the same-sex partnership registration,

the fact of the relationship must be established by the documents specified in subsection (2).

(2) The documents are—

(a) a document issued under the Registration of Same-sex Partnerships Ordinance (of 2025) showing that the 2 persons are the parties to a same-sex partnership registration; and

- (b) a statutory declaration by either of the 2 persons to the effect that the same-sex partnership registration has subsisted for not less than 3 years.”.

6. Schedule amended (forms)

- (1) The Schedule, Form 1, Part I, after paragraph (a)(ii)—

Add

- “(iia) ☐ The donor and the recipient are a couple of registered same-sex partners. Their same-sex partnership registration has subsisted for not less than 3 years and a copy of proof is enclosed. I am satisfied that—

- * all the requirements in section 5D of the Human Organ Transplant Ordinance have been complied with.

[OR]

- * all the requirements in section 5D of the Human Organ Transplant Ordinance have been complied with except that the requirement in section 5D(1)(d) has been waived in accordance with section 5E of that Ordinance.”.

- (2) The Schedule, Form 1, Part I, paragraph (a)(iii)—

Repeal

- “are neither genetically related nor a married couple whose marriage has subsisted for not less than 3 years”

Substitute

“are not genetically related, are not a married couple whose marriage has subsisted for not less than 3 years and are not a couple of registered same-sex partners whose same-sex partnership registration has subsisted for not less than 3 years”.

- (3) The Schedule, Form 2, Part III, after paragraph (a)(ii)—

Add

“(ia) ☐ The donor and the recipient are a couple of registered same-sex partners. Their same-sex partnership registration has subsisted for not less than 3 years and—

- * a copy of proof has been enclosed with Form 1 submitted to the Human Organ Transplant Board on / / in respect of the
Day Month Year
removal of organ(s).

[OR]

- * a copy of the proof is enclosed.

AND I am satisfied that—

- * all the requirements in section 5D of the Human Organ Transplant Ordinance have been complied with.

[OR]

- * all the requirements in section 5D of the Human Organ Transplant Ordinance have been complied with except that the requirement in section 5D(1)(d) has been waived in accordance with section 5E of that Ordinance (copies of the certificates and medical report referred to in section 5E(1)(a), (b) and (c) are enclosed).”.

- (4) The Schedule, Form 2, Part III, paragraph (a)(iii)—

Repeal

“are neither genetically related nor a married couple whose marriage has subsisted for not less than 3 years”

Substitute

“are not genetically related, are not a married couple whose marriage has subsisted for not less than 3 years and are not a couple of registered same-sex partners whose same-sex partnership registration has subsisted for not less than 3 years”.

Part 6

Personal Data (Privacy) Ordinance (Cap. 486)

7. **Section 63C amended (emergency situations)**

Section 63C(1)(b), after “members”—

Add

“(or registered same-sex partner)”.

Explanatory Memorandum

The objects of this Bill are to establish a regime for the registration of same-sex partnerships and provide for related matters, and to make related amendments to certain enactments.

2. The Bill contains 5 Parts and 3 Schedules.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.
4. Clause 2 contains the definitions for the interpretation of the Bill. The main definitions include *Registrar*, *same-sex partnership registered outside Hong Kong*, *same-sex partnership (registration) application*, *same-sex partnership (registration) certificate* and *same-sex partnership (revocation of registration) certificate*.
5. Clause 2 also explains what a reference to a same-sex partnership registered outside Hong Kong that is terminated means and, in relation to a same-sex partnership (registration) application or same-sex partnership registration, what a reference to the parties or a party means in the Bill.
6. Clause 3 explains what the expressions *registered same-sex partner* and *same-sex partnership registration* mean in the Bill or any other Ordinance.

Part 2—Registrar

7. Clause 4 empowers the Secretary for Constitutional and Mainland Affairs (*Secretary*) to appoint the Registrar and set up the Registrar's office.

Part 3—Regime for Registration of Same-sex Partnerships

Division 1—Registration of Same-sex Partnerships

8. Clause 5 provides that the Registrar may, on application, register the same-sex partnership of any 2 persons so that it is recognized in law.
9. Clause 6 provides that a same-sex partnership registration is valid only if all the conditions for registration were met when the relevant application for registration was made. The conditions for registration include that the parties to the application are each, or a party to the application is, a Hong Kong resident, that there is a valid same-sex partnership registered outside Hong Kong between the parties, and that there is not, between the parties, any relationship under Schedule 2.
10. Clause 7 provides for the mode of making same-sex partnership (registration) applications.
11. Clause 8 provides for how the Registrar may complete same-sex partnership registrations.
12. Clauses 9 to 11 provide for the following matters in respect of same-sex partnership (registration) certificates—
 - (a) preparation, issuing, filing and registration, etc. of the certificates;

- (b) effect of the certificates or their certified copies; and
- (c) correction of errors in the certificates.

Division 2—Revocation of Same-sex Partnership Registrations

13. Clause 12 provides that if the parties to a same-sex partnership registration both wish to revoke the registration, the parties may apply for revoking the registration. That clause also provides for the mode of making the applications.
14. Clause 13 provides that if the same-sex partnership registered outside Hong Kong on which a same-sex partnership registration relies has been terminated, the parties or a party to the registration may apply for revoking the registration. That clause also provides for the mode of making the applications.
15. Clause 14 provides that if the same-sex partnership registered outside Hong Kong on which a same-sex partnership registration relies has been terminated, the Registrar may also, on the Registrar's own initiative, revoke the registration.
16. Clause 15 provides for the date on which the revocation of a same-sex partnership registration takes effect.
17. Clauses 16 to 18 provide for the following matters in respect of same-sex partnership (revocation of registration) certificates—
 - (a) preparation, issuing, filing and registration, etc. of the certificates;
 - (b) effect of the certificates or their certified copies; and
 - (c) correction of errors in the certificates.

Division 3—Nullity of Same-sex Partnership Registrations

18. Clause 19 provides that the Registrar may, on the Registrar's own initiative, recognize a same-sex partnership registration as null if the Registrar is satisfied that, in relation to the registration, one or more than one of the conditions for registration were actually not met.

Part 4—Offences and Penalty

19. Clause 20 provides for the offence of tampering with records.
20. Clause 21 provides that if the same-sex partnership registered outside Hong Kong on which a same-sex partnership registration relies has been terminated, the parties or a party to the registration must notify the Registrar of that circumstance. That clause also provides for the offence of contravening that requirement and provides that reasonable excuse is a defence for that offence.

Part 5—Miscellaneous Provisions

21. Clause 22 empowers the Registrar to allow searches amongst instruments and give certified copies, etc.
22. Clause 23 provides for how the Registrar may dispose of documents recorded in the form of a digital image.
23. Clause 24 provides that the Registrar may, under certain circumstances, issue a same-sex partnership (registration) certificate or a same-sex partnership (revocation of registration) certificate, or a notice of nullity of a same-sex partnership registration, by post.

24. Clause 25 empowers the Chief Executive in Council to amend Schedule 1. That Schedule prescribes the fees in relation to matters under the Bill.
25. Clauses 26 and 27 empower the Secretary to make regulations and specify the form of documents for the purposes of the Bill respectively.
26. Clause 28 provides that the related amendments contained in Schedule 3 are to be made to the following enactments—
 - (a) the Interpretation and General Clauses Ordinance (Cap. 1);
 - (b) the Cremation and Gardens of Remembrance Regulation (Cap. 132 sub. leg. M);
 - (c) the Medical (Therapy, Education and Research) Ordinance (Cap. 278);
 - (d) the Human Organ Transplant Ordinance (Cap. 465);
 - (e) the Human Organ Transplant Regulation (Cap. 465 sub. leg. A); and
 - (f) the Personal Data (Privacy) Ordinance (Cap. 486).