

LEGISLATIVE COUNCIL BRIEF

REGISTRATION OF SAME-SEX PARTNERSHIPS BILL

INTRODUCTION

A At the meeting of the Executive Council on 8 July 2025, the Council ADVISED and the Chief Executive ORDERED that the Registration of Same-sex Partnerships Bill (“the Bill”), at Annex A, should be introduced into the Legislative Council (“LegCo”).

2. The Bill aims to fulfil the positive obligation of the Government under Article 14¹ of the Hong Kong Bill of Rights (BOR14) as declared by the Court of Final Appeal (“CFA”) in the case of Sham Tsz Kit v Secretary for Justice (FACV 14/2022) (“Sham Tsz Kit Case”). We should establish an alternative framework through legislation for legal recognition of same-sex partnerships, while providing for appropriate rights and obligations attendant on such recognition.

JUSTIFICATIONS

The CFA’s Judgment and Order Made in Sham Tsz Kit Case

3. On 5 September 2023, the CFA delivered a judgment² in Sham Tsz Kit Case, ruling that in view of the privacy rights protected under BOR14, the Government has a positive obligation to establish an alternative framework for legal recognition of same-sex relationships and to provide for the appropriate rights and obligations attendant on such recognition. Thereafter on 27 October 2023, the CFA made the final order³

¹ BOR14: “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. Everyone has the right to the protection of the law against such interference or attacks.”

² Please see (2023) 26 HKCFAR 385, [2023] HKCFA 28.

³ Please see (2023) 26 HKCFAR 478, [2023] HKCFA 31.

which directed that the operation of the judgment be suspended for a period of two years from the date of the final order so that the Government can follow up on fulfilling its positive obligation under BOR14.

4. The Appellant of Sham Tsz Kit Case entered into a same-sex marriage with his partner in the United States in 2013. In the absence of any law in Hong Kong which recognises same-sex marriage or recognises same-sex marriage contracted abroad, the Appellant commenced judicial review proceedings in 2018 seeking 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 BOR22 (Question 1); (ii) alternatively, whether the absence of alternative means of legal recognition of same-sex relationship 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).

5. The Court of First Instance and the Court of Appeal ruled against the Appellant on the above-mentioned three Questions in September 2020 and August 2022 respectively. The Appellant then appealed to the CFA. The CFA handed down its judgment on 5 September 2023:

- (a) On Questions 1 and 3, the five judges unanimously dismissed the Appellant’s appeal, and pointed out that “the constitutional freedom of marriage guaranteed and protected” by BL37 and BOR19(2) “is confined to opposite-sex marriage and does not extend to same-sex marriage”⁴; and
- (b) On Question 2, the CFA, by a majority of three to two, allowed the Appellant’s appeal, and held that “the failure of the Government to fulfil its positive obligation to establish an alternative framework for legal recognition of same-sex relationships and to provide for appropriate rights and obligations

⁴ Paragraph 95 of the judgment: “It is clear, for these reasons, that the constitutional freedom of marriage guaranteed and protected by Article 37 of the Basic Law is confined to opposite-sex marriage and does not extend to same-sex marriage.”

attendant on such recognition violated the Appellant's BOR14 rights".

6. The CFA exercises the power of final adjudication in accordance with BL2, BL19 and BL82, and its judgments are final, conclusive, and binding on all parties to the proceedings (including the Government). The HKSAR Government has to make every endeavour to fulfil its positive obligation to establish an alternative framework for same-sex couples within the two-year suspension period (i.e. before 27 October 2025) in compliance with the requirements of BOR14.

7. The establishment of an alternative framework involves complicated issues and wide-ranging implications. During the two-year suspension period, the HKSAR Government has been conducting detailed research on developing the alternative framework, including conducting in-depth research on various policy and legal aspects and practices in different jurisdictions, etc.

8. Given that the issue is highly complex and controversial and there are diverse views in society, the Government, when formulating the alternative framework, must be prudent in its consideration and strike an appropriate balance to avoid creating social division and affecting social harmony. In addition, we have also taken into account the actual situations in Hong Kong, including Hong Kong's existing social system, family and traditional values, etc. When establishing the alternative framework, the Government should also consider setting appropriate conditions for registration, so as to address the actual situations and social expectations, while protecting the rights and interests of the registrants and preventing abuse of the registration mechanism.

UPHOLDING EXISTING MARRIAGE SYSTEM

9. The HKSAR Government firmly upholds the monogamous and heterosexual marriage system which is clearly stated in the law of Hong Kong. As stipulated in section 40 of the Marriage Ordinance (Cap. 181) in Hong Kong, every marriage under the Ordinance "shall be a Christian marriage or the civil equivalent of a Christian marriage", which implies "a

formal ceremony recognised by the law as involving the voluntary union for life of one man and one woman to the exclusion of all others”. In Sham Tsz Kit Case, the CFA’s judgment also affirms that Hong Kong residents’ constitutional freedom of marriage guaranteed and protected under BL37 and BOR19(2) is confined to opposite-sex marriage to the exclusion of same-sex marriage. Therefore, when establishing an alternative framework for legal recognition of same-sex partnerships, the HKSAR Government should avoid causing any impact on Hong Kong’s marriage system and traditional social values and must make it clear that same-sex partnerships registered under the alternative framework are not equivalent to marriages⁵.

ESTABLISHING AN ALTERNATIVE FRAMEWORK

10. The HKSAR Government has the responsibility to implement the CFA’s order on Sham Tsz Kit Case by establishing through legislation an alternative framework for legal recognition of same-sex partnerships in order to ensure non-interference with privacy rights. Meanwhile, the court clearly pointed out that the Government enjoyed a flexible margin of discretion in deciding the form of legal recognition. In developing the alternative framework, we should establish an alternative framework for legal recognition of same-sex partnerships, while providing for appropriate rights and obligations attendant on such recognition to meet their basic social needs.

THE BILL

11. The Bill aims to establish a registration system for same-sex partnerships, so that same-sex partners can apply for registration of their same-sex partnerships. The key areas are as follows.

12. Part 1 of the Bill contains preliminary provisions aimed at setting out the commencement date and interpreting the key words in the Bill.

⁵ Paragraph 194 of the judgment: “*The alternative scheme for recognition sought does not involve conferment of rights and obligations mirroring those of a marriage.*”

(I) To Set Up the Post of Registrar and a Registry

13. Part 2 of the Bill aims to set up the post of Registrar (Same-sex Partnerships) to be filled by a public officer appointed by the Secretary for Constitutional and Mainland Affairs (“the Secretary”) as the Secretary considers appropriate. Meanwhile, the Secretary may also set up an office of the Registrar (**Clause 4**).

(II) Conditions for Registration of Same-sex Partnerships

14. Clause 6 of Part 3 of the Bill stipulates the conditions for registration by same-sex couples. The registration is valid only if all the conditions for registration are met at the time the application for registration is made (**Clause 6**). The conditions for registration include:

- (a) the parties are of the same sex;
- (b) the parties have both reached 18 years of age;
- (c) the parties are each, or a party is, a Hong Kong resident⁶;
- (d) the parties have registered a valid same-sex partnership outside Hong Kong (as defined in **Clause 2(1)**: a same-sex marriage registered under the law of a place outside Hong Kong; or a same-sex civil partnership or same-sex civil union (or a relationship that is substantially the same as either one));
- (e) each of the parties -
 - (i) does not have any valid -
 - (A) marriage; or
 - (B) civil partnership or civil union (or relationship that is substantially the same as a civil partnership or civil union) that is registered with a third party (whether of the same sex or opposite sex) under the law of any place; and
 - (ii) does not have any valid local same-sex partnership registration; and
- (f) there is not, between the parties, any relationship specified in **Schedule 2** of the Bill (i.e. the relevant

⁶ A Hong Kong resident is a resident of the Hong Kong Special Administrative Region under BL24.

prohibited degrees of relationship).

(III) Mode of Application for Registration and Application for Revocation of Registration

Mode of Application

15. **Clauses 7-9** of Part 3 of the Bill stipulate the mode and procedures of application for registration, including requirements for the applicants to complete the forms, provide any document in accordance with the direction of the Registrar, pay the prescribed fees, and take an oath before the Registrar so as to confirm they believe that they have met all registration conditions. If the Registrar is satisfied that such application complies with all the requirements, he/she may register the same-sex partnership of the applicants and issue a same-sex partnership (registration) certificate, so as to legally recognise their same-sex partnership.

16. The same-sex partnership (registration) certificate has legal effects and can serve as an evidence that the same-sex partnership has been registered (**Clause 10**).

Revocation of Registration

17. **Clauses 12-14** of Part 3 of the Bill stipulate that the Registrar may revoke the same-sex partnership registration on application by the registered same-sex partners. Also, the Registrar may, on the Registrar's own initiative, revoke a same-sex partnership registration without any application. If the same-sex partnership registered outside Hong Kong on which a same-sex partnership registration relies has effectually been dissolved or become void under the law of relevant place, an application may be submitted to the Registrar by either or both parties for revoking the same-sex partnership. If the same-sex partnership registered outside Hong Kong on which the same-sex partnership registration relies is still valid, an application for revoking the same-sex partnership can only be made when both parties agree to revoke the registration. The application procedures for revocation and those for registration mentioned above are largely the same. If the Registrar is satisfied that such application complies with all the requirements, the Registrar may

revoke the same-sex partnership registration by the issue of a same-sex partnership (revocation of registration) certificate to each of the parties.

18. If the Registrar is satisfied on the basis of any information that the same-sex partnership registered outside Hong Kong on which a same-sex partnership registration relies has effectually been dissolved or become void under the law of relevant place, the Registrar may, on the Registrar's initiative, revoke the same-sex partnership registration without any application and issue a same-sex partnership (revocation of registration) certificate to each of the parties.

Nullification of Registration

19. **Clause 19** of Part 3 of the Bill stipulates that, for a successfully registered same-sex partnership, if the Registrar is satisfied on the basis of any information that one or more of the conditions for registration were actually not fulfilled when the application was made, the Registrar may, on the Registrar's own initiative, recognise a same-sex partnership registration as null.

(IV) Stipulation of Relevant Offences and Penalty

20. Part 4 of the Bill stipulates offences and penalty in relation to the registration mechanism, including the offence of tampering with records (**Clause 20**) and the offence of contravening the requirement to notify the termination of same-sex partnership registered outside Hong Kong (**Clause 21**).

(V) Miscellaneous Provisions and Schedules

21. Part 5 of the Bill sets out the miscellaneous provisions, including: the Registrar's power to allow searches to be made amongst the instruments in his/her possession and give certified copies etc. (**Clause 22**); disposal of documents recorded in form of digital image (**Clause 23**); and issuing certificates or notices by post (**Clause 24**). The Chief Executive in Council may, by notice published in the Gazette, amend the prescribed fees stipulated in Schedule 1 of the Bill (**Clause 25**); the Secretary may make regulations for the better carrying out of the Bill

(**Clause 26**); and the Secretary may specify the form of a document required for the purposes of the Bill (**Clause 27**).

22. The prescribed fees for various matters under the Bill are listed in **Schedule 1** of the Bill, and the prohibited degrees of relationship referred to in **Clause 6(f)** are listed in **Schedule 2**.

(VI) Amendments to Rights Relating to Enactments

23. **Clause 28** and **Schedule 3** of the Bill amend the relevant enactments in order to amend related provisions in those enactments. The enactments to be amended involve the Interpretation and General Clauses Ordinance (Cap. 1), the Cremation and Gardens of Remembrance Regulation (Cap. 132M), the Medical (Therapy, Education and Research) Ordinance (Cap. 278), the Human Organ Transplant Ordinance (Cap. 465), the Human Organ Transplant Regulation (Cap. 465A) and the Personal Data (Privacy) Ordinance (Cap. 486). The existing provisions to be amended are at Annex B. Other rights and obligations attendant on the framework can be implemented through the existing legislation and existing policies or measures.

B

RIGHTS AND OBLIGATIONS ATTENDANT ON THE RECOGNITION OF SAME-SEX PARTNERSHIPS

24. As the CFA indicated that legal recognition of same-sex partnerships is required to “meet same-sex partners’ basic social needs”, we suggest that the following rights and obligations be conferred on the legally recognised same-sex partners:

- (a) Right to register same-sex partnerships: With this right, same-sex couples who meet the registration conditions can register their partnerships and obtain legal recognition for their same-sex partnerships under the alternative framework. Eligible applicants may submit their applications to the same-sex partnership registry for registering their same-sex partnerships. Upon completing the relevant application procedures, and if the Registrar is

satisfied that such application complies with all the requirements, a same-sex partnership (registration) certificate will be issued to register the applicants' same-sex partnership for legal recognition of their relationship;

- (b) Right to revoke same-sex partnership registration: With this right, same-sex couples who have successfully registered their same-sex partnerships with the registry may apply to revoke the registration. If both parties intend to revoke the relevant registration, or in the event that the relevant same-sex partnership registered overseas has effectually been dissolved or become void, either or both parties may submit an application for revocation to the registry. Additionally, for any registered same-sex partners, if their same-sex partnerships registered overseas have effectually been dissolved or become void, they have the responsibility to notify the Registrar so that the registration would be revoked;
- (c) Dealing with medical-related matters of same-sex partners: Same-sex couples will be entitled/will continue to be entitled to the rights related to medical matters of their same-sex partners, including:
 - (i) Visit in-patient partners: This involves visits during regular visiting hours specified by the hospitals, as well as visits in emergencies and intensive care units with the consent of responsible medical personnel;
 - (ii) Obtain medical information and participate in medical decisions: A party to a same-sex partnership may give consent for the other party to access his/her medical information and participate in his/her medical decisions. As for mentally incapacitated adult patients, their same-sex partners can act as a guardian to participate in their medical decisions;

- (iii) When a party to a registered same-sex partnership is in a life-threatening situation, his/her personal data can be exempt from the restrictions of the data protection principles under the Personal Data (Privacy) Ordinance (Cap. 486), so that the other party can be informed of the situation in a timely manner; and
 - (iv) Organ transplant: Under the Human Organ Transplant Ordinance (Cap. 465) and the Human Organ Transplant Regulation (Cap. 465A), a registered same-sex partner is allowed to donate living organ(s) to his/her partner for transplantation;
- (d) Right to handle after-death arrangements for the deceased same-sex partner: Same-sex couples will be entitled/will continue to be entitled to the right to handle after-death arrangements for the deceased same-sex partners, including:
- (i) Identifying the body at a public mortuary;
 - (ii) Applying for a “death-related certificate”;
 - (iii) Body claiming: Upon obtaining a “death-related certificate”, a same-sex partner can claim the body of the deceased partner and make funeral arrangements;
 - (iv) Under the Cremation and Gardens of Remembrance Regulation (Cap. 132M), a same-sex partner can apply to the Department of Health for a cremation permit to cremate the human remains of the deceased partner;
 - (v) Using cemeteries, crematoria and columbaria under the Food and Environmental Hygiene Department (FEHD): A same-sex partner can apply for burial, cremation and ash-keeping services for the deceased partner at the cemeteries, crematoria and columbaria under the FEHD; and

- (vi) Under the Medical (Therapy, Education and Research) Ordinance (Cap. 278), a registered same-sex partner can decide whether the body of the deceased partner is to be used for purposes of therapy, medical education or research.

25. The rights and obligations mentioned in paragraph 24 above can be put in place through existing legislation, legislative amendments or policy/administrative measures.

26. In addition, as for the court rulings of the past judicial reviews concerning same-sex marriages, the Government will continue to implement the relevant judgments in accordance with the court rulings.

LEGISLATIVE TIMETABLE

27. The tentative legislative timetable is as follows -

Publication in the Gazette	11 July 2025
First Reading and Commencement of Second Reading Debate	16 July 2025
Resumption of Second Reading Debate, Committee Stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

28. The Bill is in conformity with the Basic Law, including provisions concerning human rights. The proposal does not affect the binding effect of the existing legislation. It has no financial, productivity, environmental and sustainability implications.

29. On the issue of family and gender, there may be concerns in society that the registration system will impact on the existing marriage system and affect the family traditions and

social values of Hong Kong. Nevertheless, in Sham Tze Kit Case, the CFA has affirmed in its judgment that Hong Kong residents' constitutional freedom of marriage guaranteed and protected by BL37 and BOR19(2) is confined to opposite-sex marriage and does not extend to same-sex marriage⁷. Hence, when establishing the relevant alternative framework, the HKSAR Government has adopted a cautious attitude to strike a balance at its discretion and set appropriate conditions for the registration mechanism, including an age threshold and resident requirements, etc., so as to avoid impacting on Hong Kong's marriage system and traditional social values. Also, we have stressed time and again that same-sex partnerships registered under the alternative framework are not equivalent to marriages.

30. On financial implications, the Constitutional and Mainland Affairs Bureau (CMAB) requires additional resources to handle the extra workload arising upon passage of the Bill, including the establishment of the registry, the manpower arrangement and daily operation, etc. The Bureau will apply for additional resources supported by justifications according to the established mechanism. Furthermore, the Bill stipulates that the offences and penalties related to registration and declaration may bring additional revenue, but it is not the policy intent of this proposal to increase government revenue.

PUBLIC CONSULTATION

31. On 12 February 2025, Dr Hon Junius HO moved the motion on “Upholding the monogamous and heterosexual marriage system in Hong Kong” for debate by the LegCo. As a result, the motion was passed by the majority of Members. During the debate, a Member pointed out that “For this complex and controversial issue, the Administration should establish an alternative framework with cautiousness.” Another Member raised that “The Government should not promote any initiative similar to legalisation of same-sex marriages, otherwise the family values and ethics of the whole society may be eroded.” A Member even said that “If necessary, the LegCo should revoke the judgment.” On the other hand, a Member pointed out that “The Government should put forward an alternative framework

⁷ Paragraph 194 of the judgment: “*The alternative scheme for recognition sought does not involve conferment of rights and obligations mirroring those of a marriage.*”

whereby same-sex partnerships, like heterosexual partnerships, can be open, secure and exclusive of any third party, and are entitled to the same benefits and entitlements as heterosexual ones. This is the CFA’s judgment.” A Member also said that “The Government should take appropriate follow-up action on the CFA’s judgment in 2023 so as to realise the spirit of the rule of law.” Furthermore, we consulted the LegCo Panel on Constitutional Affairs on 3 July 2025 regarding the proposed alternative framework. Some Members opined that establishing the relevant alternative framework would impact on Hong Kong’s existing marriage system and core values, bringing negative effects to society. Meanwhile, some Members remarked that the Government’s implementation of the CFA’s judgment through establishment of the relevant alternative framework would align with the spirit of the rule of law. The diverse views expressed during the motion debate and the meeting of the Panel on Constitutional Affairs reflect that it is a controversial issue, over which there are different views in society. Upon thorough consideration of the CFA’s judgment and Members’ different views, the Government has struck an appropriate balance and formulated the proposed registration mechanism.

PUBLICITY

32. We will issue press releases and a spokesman will be available to answer media enquiries.

ENQUIRIES

33. For any enquiry on this brief, please contact Mr Jacky LUM Kwok-keung, Principal Assistant Secretary for Constitutional and Mainland Affairs at 2810 2681.

Constitutional and Mainland Affairs Bureau
9 July 2025

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.
 - (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.
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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.
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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
- (c) 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 Item	Column 2 Matter	Column 3 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	\$550
	(b) for a specified entry whether the search is made by the applicant or by the Registrar on the applicant's behalf	\$110
4.	Certified copy of any entry given under section 22(1)(b)	\$220
	and	
	in addition where the application is by post from outside Hong Kong	\$55 together with, where the applicant requests the

Column 1 Item	Column 2 Matter	Column 3 Fee
		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 and in addition where the application is by post from outside Hong Kong	\$545 \$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

- 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.
- In this Schedule, a reference to a person's legal partner is a reference to—
 - the person's husband or wife in a marriage; or
 - 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

For men	For women
Former legal partner of parent's parent	Former legal partner of parent's parent
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

- “(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 has been enclosed with Form 1 submitted to the Human Organ Transplant Board on / / in respect

Day Month Year

of the 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).

3. Interpretation of words and expressions

act (作為), when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;

Administrative Appeals Board (行政上訴委員會) means the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442); (*Added 6 of 1994 s. 32*)

adult (成人、成年人) means a person who has attained the age of 18 years; (*Amended 32 of 1990 s. 6*)

aircraft (飛機、航空器) means any machine that can derive support in the atmosphere from the reactions of the air;

alien (外籍人士) means a person other than a Chinese citizen; (*Added 26 of 1998 s. 4*)

amend (修訂) includes repeal, add to or vary and the doing of all or any of such things simultaneously or by the same Ordinance or instrument; (*Amended 89 of 1993 s. 3*)

arrestable offence (可逮捕的罪行) means an offence for which the sentence is fixed by law or for which a person may under or by virtue of any law be sentenced to imprisonment for a term exceeding 12 months, and an attempt to commit any such offence; (*Added 30 of 1971 s. 2*)

Basic Law (《基本法》) means the Basic Law of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

Chief Executive (行政長官) means—

- (a) the Chief Executive of the Hong Kong Special Administrative Region;
- (b) a person for the time being assuming the duties of the Chief Executive according to the provisions of Article 53 of the Basic Law; (*Added 26 of 1998 s. 4*)

Chief Executive in Council (行政長官會同行政會議) means the Chief Executive acting after consultation with the Executive Council; (*Added 26 of 1998 s. 4*)

Chief Judge (高等法院首席法官) means the Chief Judge of the High Court; (*Added 26 of 1998 s. 4*)

Chief Justice (終審法院首席法官) means the Chief Justice of the Court of Final Appeal; (*Added 26 of 1998 s. 4*)

Chief Secretary for Administration (政務司司長) means the Chief Secretary for Administration of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

China (中國) means the People's Republic of China; (*Added 26 of 1998 s. 4*)

Chinese citizen and **Chinese national** (中國公民) mean a person who has Chinese nationality under the Nationality Law of the People's Republic of China in Schedule 4 to the Promulgation of National Laws 1997 (L.N. 379 of 1997); (*Added 26 of 1998 s. 4*)

Clerk to the Executive Council (行政會議秘書) includes any person appointed by the Chief Executive to be Deputy Clerk to the Executive Council; (*Added 26 of 1998 s. 4*)

Clerk to the Legislative Council (立法會秘書) means the Secretary General of the Legislative Council Secretariat appointed under section 15(1) of The Legislative Council Commission Ordinance (Cap. 443) and includes the Deputy Secretary General and any Assistant Secretary General of the Legislative Council Secretariat; (*Added 26 of 1998 s. 4*)

commencement (生效日期), when used in relation to an Ordinance, or any part or provision thereof, means the date on which the Ordinance, part or provision came or comes into operation; (*Replaced 39 of 1982 s. 2*)

committed for trial (交付審判), when used in relation to a person, means—

- (a) committed to prison with a view to his being tried before the Court of First Instance; or
- (b) admitted to bail to appear and stand his trial before the Court of First Instance; (*Added 26 of 1998 s. 4*)

common law (普通法) means the common law in force in Hong Kong; (*Added 26 of 1998 s. 4*)

consul (領事) and **consular officer** (領事館官員) mean any person, including the head of a consular post, recognized by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular functions;

contravene (違反) in relation to any requirement or condition prescribed in any Ordinance or in any grant, permit, licence, lease or authority granted under or by virtue of any Ordinance includes a failure to comply with that requirement or condition;

counsel (大律師) means a person admitted before the Court of First Instance to practise as counsel; (*Added 26 of 1998 s. 4*)

court (法院、法庭) means any court of the Hong Kong Special Administrative Region of competent jurisdiction; (*Added 26 of 1998 s. 4*)

Court of Appeal (上訴法庭) means the Court of Appeal of the High Court; (*Added 26 of 1998 s. 4*)

Court of Final Appeal (終審法院) means the Hong Kong Court of Final Appeal established by section 3 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484); (*Added 79 of 1995 s. 50*)

Court of First Instance (原訟法庭) means the Court of First Instance of the High Court; (*Added 26 of 1998 s. 4*)

Crown lease (官契) means any lease granted by the Crown before 1 July 1997, any instrument whereby the term of a Crown lease may have been extended or the provisions thereof varied and any agreement for a Crown lease; (*Added 26 of 1998 s. 4*)

department (部門), in relation to the Government, includes bureau; (*Added 26 of 1998 s. 4*)

District Council (區議會) has the meaning assigned to it by the District Councils Ordinance (Cap. 547); (*Replaced 8 of 1999 s. 89*)

District Court (區域法院) means the District Court of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

District Judge (區域法院法官) means a judge of the District Court; (*Added 26 of 1998 s. 4*)

document (文件) means any publication and any matter written, expressed or described upon any substance by means of letters, characters, figures or marks, or by more than one of these means;

enactment (成文法則) has the same meaning as Ordinance; (*Added 26 of 1998 s. 4*)

Executive Council (行政會議) means the Executive Council of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

export (輸出、出口) means to take out or cause to be taken out of Hong Kong by air, land or water; (*Added 26 of 1998 s. 4*)

Financial Secretary (財政司司長) means the Financial Secretary of the Hong Kong Special Administrative Region and the Secretary for Financial Services and the Treasury; (*Added 26 of 1998 s. 4. Amended L.N. 106 of 2002*)

financial year (財政年度) means the period from 1 April in any year to 31 March in the immediately succeeding year, both days inclusive;

foreign country and **foreign state** (外國) mean a country or state other than the People's Republic of China; (*Added 23 of 1998 s. 2*)

foreign currency (外幣) means any currency other than Hong Kong currency; (*Added 23 of 1998 s. 2*)

full age (成年) means the age of 18 years; (*Added 32 of 1990 s. 6*)

Gazette (憲報) means—

- (a) the Government of the Hong Kong Special Administrative Region Gazette and any supplement thereto;
- (b) the Gazette published by the Administration on or between 12 October 1945 and 1 May 1946;
- (c) the Government of the Hong Kong Special Administrative Region Gazette Extraordinary;
- (d) the Hong Kong Government Gazette and any supplement thereto published before 1 July 1997;
- (e) any Special Gazette or Gazette Extraordinary published before 1 July 1997; (*Added 26 of 1998 s. 4*)

general holiday and **public holiday** (公眾假期、公眾假日) mean any day which is a general holiday for the purposes of the General Holidays Ordinance (Cap. 149); (*Added 26 of 1998 s. 4. Amended 35 of 1998 s. 5*)

general revenue (政府一般收入) means the general revenue of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

Government (特區政府) means the Government of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

Government lease (政府租契) means a lease of land granted by or on behalf of the Government, and includes—

- (a) an instrument whereby—
 - (i) the term of the lease has been extended; or
 - (ii) the provisions of the lease have been varied;
- (b) an agreement for such a lease; and
- (c) a Crown lease; (*Added 26 of 1998 s. 4*)

Government Printer (政府印務局) means—

- (a) the Government Logistics Department of the Hong Kong Special Administrative Region and any other printer authorized by or on behalf of the Chief Executive to print any Ordinance or any other document of the Government; (*Amended L.N. 164 of 2003*)

- (b) in relation to any Ordinance or any other document printed before 1 July 1997, the Government Printer within the meaning of this section as in force immediately before that date; (*Added 26 of 1998 s. 4*)

harbour (海 港) means the waters of Hong Kong within the boundaries specified in Schedule 3; (*Added 26 of 1998 s. 4*)

health officer (衛生主任) means—

- (a) the Director, Deputy Director and Assistant Director of Health;
- (b) any person appointed as a health officer by the Chief Executive; and
- (c) any person for the time being performing the duties of a health officer under any Ordinance; (*Added 26 of 1998 s. 4*)

High Court (高等法院) means the High Court of the Hong Kong Special Administrative Region established by section 3 of the High Court Ordinance (Cap. 4); (*Added 26 of 1998 s. 4*)

HKSAR (特 區) means the Hong Kong Special Administrative Region of the People's Republic of China; (*Added 26 of 1998 s. 4*)

Hong Kong (香 港) means the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

Hong Kong permanent resident and **permanent resident of the Hong Kong Special Administrative Region** (香港永久性居民、香港特別行政區永久性居民) mean a person who belongs to a class or description of persons specified in Schedule 1 to the Immigration Ordinance (Cap. 115); (*Added 26 of 1998 s. 4*)

Hong Kong Special Administrative Region (香港特別行政區) means the Hong Kong Special Administrative Region of the People's Republic of China, the geographical extent of which is the land and sea specified or referred to in Schedule 2; (*Added 26 of 1998 s. 4*)

immovable property (不動產) means—

- (a) land, whether covered by water or not;
- (b) any estate, right, interest or easement in or over any land; and
- (c) things attached to land or permanently fastened to anything attached to land;

import (輸入、進口) means to bring or cause to be brought into Hong Kong by air, land or water; (*Added 26 of 1998 s. 4*)

infant (幼年人) and **minor** (未成年人) mean a person who has not attained the age of 18 years; (*Amended 32 of 1990 s. 6*)

instrument (文書) includes any publication in the Gazette having legal effect;

Joint Declaration (聯合聲明) means the Sino-British Joint Declaration on the Question of Hong Kong done at Beijing on 19 December 1984; (*Added 26 of 1998 s. 4*)

judge (法官) means the Chief Justice, a judge of the Court of Final Appeal, the Chief Judge, a Justice of Appeal, a judge of the Court of First Instance, a recorder of the Court of First Instance and a deputy judge of the Court of First Instance; (*Added 26 of 1998 s. 4*)

judge of the Court of Final Appeal (終審法院法官) means the Chief Justice, a permanent judge and a non-permanent judge of the Court of Final Appeal; (*Added 79 of 1995 s. 50. Amended 26 of 1998 s. 37*)

justice and **justice of the peace** (太平紳士) mean a person appointed to be a justice of the peace under the Justices of the Peace Ordinance (Cap. 510); (*Amended 47 of 1997 s. 10*)

Kowloon (九龍) means the area specified in Schedule 4;

Lands Tribunal (土地審裁處) means the Lands Tribunal established under section 3 of the Lands Tribunal Ordinance (Cap. 17); (*Added 62 of 1974 s. 16*)

law (法律、法例、法) means any law for the time being in force in, having legislative effect in, extending to, or applicable in, Hong Kong; (*Added 26 of 1998 s. 4*)

Legislative Council (立法會) means—

- (a) the Legislative Council of the Hong Kong Special Administrative Region;
- (b) the Provisional Legislative Council during its existence; (*Added 26 of 1998 s. 4*)

magistrate (裁判官) means any person appointed to be a permanent or special magistrate under the Magistrates Ordinance (Cap. 227); (*Replaced 47 of 1997 s. 10*)

master (船長), when used with reference to a vessel, means the person (except a pilot) having for the time being command or charge of the vessel;

medical practitioner (醫生), **registered medical practitioner** (註冊醫生) and any words importing that a person is recognized by any Ordinance to be a medical practitioner in Hong Kong or a member of the medical profession in Hong Kong, mean a person duly registered as, or deemed to be registered as, a

medical practitioner under the Medical Registration Ordinance (Cap. 161);

Ministry of Foreign Affairs (外交部) means the Ministry of Foreign Affairs of the Central People's Government; (*Added 26 of 1998 s. 4*)

month (月) means calendar month;

movable property (動產) means property of every description except immovable property;

national law applying in Hong Kong (在香港實施的全國性法律) means a national law applied in Hong Kong pursuant to the provisions of Article 18 of the Basic Law; (*Added 26 of 1998 s. 4*)

national security (國家安全)—see section 4 of the Safeguarding National Security Ordinance (6 of 2024); (*Added 6 of 2024 s. 123*)

New Kowloon (新九龍) means the area specified in Schedule 5;

New Territories (新界) means the area specified or referred to in Schedule 5A; (*Added 26 of 1998 s. 4*)

oath (誓言) and **affidavit** (誓章) include, in the case of persons allowed or required by law to affirm instead of swearing, affirmation; and **swear** (宣誓) in the like case includes affirm;

occupy (佔用) includes use, inhabit, be in possession of or enjoy the land or premises to which the word relates, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

offence (罪、罪行、罪項、犯法行為) includes any crime and any contravention or other breach of, or failure to comply with, any provision of any law, for which a penalty is provided; (*Added 26 of 1998 s. 4*)

Offices set up by the Central People's Government in the Hong Kong Special Administrative Region (中央人民政府在香港特別行政區設立的機構) means—

- (a) the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region;
- (b) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region; and
- (c) the Hong Kong Garrison of the Chinese People's Liberation Army; (*Added 2 of 2009 s. 2*)

official languages (法定語文) means the English language and the Chinese language, and a reference to an “official language”

shall be construed as a reference to the English language or the Chinese language as the case may be; (*Added 18 of 1987 s. 2*)

order paper (議事程序表), in relation to the Legislative Council, includes agenda; (*Added 26 of 1998 s. 4*)

Ordinance (條例) means—

- (a) any Ordinance enacted by the Legislative Council;
- (b) any Ordinance adopted by virtue of Article 160 of the Basic Law as a law of the Hong Kong Special Administrative Region;
- (c) any subsidiary legislation made under any such Ordinance except any such subsidiary legislation which has pursuant to Article 160 of the Basic Law been declared to be in contravention of the Basic Law; and
- (d) any provision or provisions of any such Ordinance or subsidiary legislation; (*Added 26 of 1998 s. 4*)

People's Republic of China (中華人民共和國) includes Taiwan, the Hong Kong Special Administrative Region and Macau; (*Added 26 of 1998 s. 4*)

per cent (釐、百分之), when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;

person (人、人士、個人、人物、人選) includes any public body and any body of persons, corporate or unincorporate, and this definition shall apply notwithstanding that the word “person” occurs in a provision creating or relating to an offence or for the recovery of any fine or compensation;

pier (碼頭) includes every quay, wharf or jetty of whatever description connected to and having direct access to the shore and used or intended to be used for the purposes of a pier, quay, wharf or jetty;

police officer (警務人員) and terms or expressions referring to ranks in the Hong Kong Police Force shall bear the meanings respectively assigned to them by the Police Force Ordinance (Cap. 232); (*Added 26 of 1998 s. 4*)

power (權、權力) includes any privilege, authority and discretion;

prescribed (訂明) and **provided** (訂定), when used in or with reference to any Ordinance, mean prescribed or provided by that Ordinance or by subsidiary legislation made under that Ordinance;

prison (獄、監獄) means any place or building or portion of a building set apart for the purpose of a prison under any

Ordinance relating to prisons;

property (財產) includes—

- (a) money, goods, choses in action and land; and
- (b) obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as defined in paragraph (a) of this definition;

Provisional Legislative Council (臨時立法會) means the Provisional Legislative Council of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

public (公眾、公眾人士) includes any class of the public;

publication (刊物) means—

- (a) all written and printed matter;
- (b) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;
- (c) anything whether of a similar nature to the foregoing or not, containing any visible representation, or by its form, shape, or in any manner, capable of producing, reproducing, representing or conveying words or ideas; and
- (d) every copy and reproduction of any publication as defined in paragraphs (a), (b) and (c) of this definition;

public body (公共機構) includes—

- (a) the Executive Council;
- (b) the Legislative Council;
- (c) (*Repealed 78 of 1999 s. 7*)
- (ca) any District Council; (*Added 42 of 1981 s. 27. Amended 8 of 1999 s. 89*)
- (cb) (*Repealed 78 of 1999 s. 7*)
- (d) any other urban, rural or municipal council;
- (e) any department of the Government; and
- (f) any undertaking by or of the Government;

public office (公職) means any office or employment the holding or discharging of which by a person would constitute that person a public officer;

public officer (公職人員) means any person holding an office of emolument under the Government, whether such office be

permanent or temporary; (*Added 26 of 1998 s. 4*)

public place (公眾地方、公眾場所) means—

- (a) any public street or pier, or any public garden; and
- (b) any theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment or to which the public have or are permitted to have access;

public seal (公印) means the public seal of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

public servant (公務員、公務人員) has the same meaning as public officer; (*Added 26 of 1998 s. 4*)

registered (登記、註冊), when used with reference to a document, means registered under the provisions of any law applicable to the registration of such a document;

Registrar of the High Court (高等法院司法常務官) means the Registrar of the High Court and any Senior Deputy Registrar, Deputy Registrar or Assistant Registrar of the High Court; (*Added 26 of 1998 s. 4. Amended 10 of 2005 s. 162*)

regulations (規例) has the same meaning as subsidiary legislation and subordinate legislation; (*Added 26 of 1998 s. 4*)

repeal (廢除) includes rescind, revoke, cancel or replace;

road (路、道路) has the same meaning as street; (*Added 26 of 1998 s. 4*)

rules of court (法院規則), when used in relation to any court, means rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such court;

Secretary for Justice (律政司司長) means the Secretary for Justice of the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

sell (賣、售賣、出售) includes exchange and barter;

Shenzhen Bay Port Hong Kong Port Area (深圳灣口岸港方口岸區) means the Shenzhen Bay Port Hong Kong Port Area declared by section 3 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap. 591); (*Added 4 of 2007 s. 16*)

ship (船、船舶) includes every description of vessel used in navigation not exclusively propelled by oars;

sign (簽名、簽署) includes, in the case of a person unable to write, the affixing or making of a seal, mark, thumbprint or chop;

sitting, in relation to the Legislative Council, includes meeting; (*Added 26 of 1998 s. 4*)

solicitor (律師) means a person admitted before the Court of First Instance to practise as a solicitor; (*Added 26 of 1998 s. 4*)

State (“國家”) includes only—

- (a) the President of the People’s Republic of China;
- (b) the Central People’s Government;
- (c) the Government of the Hong Kong Special Administrative Region;
- (d) the Central Authorities of the People’s Republic of China that exercise functions for which the Central People’s Government has responsibility under the Basic Law;
- (e) subordinate organs of the Central People’s Government that—
 - (i) on its behalf, exercise executive functions of the Central People’s Government or functions for which the Central People’s Government has responsibility under the Basic Law; and
 - (ii) do not exercise commercial functions, when acting within the scope of the delegated authority and the delegated functions of the subordinate organ concerned; and
- (f) subordinate organs of the Central Authorities of the People’s Republic of China referred to in paragraph (d), that—
 - (i) on behalf of those Central Authorities, exercise executive functions of the Central People’s Government or functions for which the Central People’s Government has responsibility under the Basic Law; and
 - (ii) do not exercise commercial functions, when acting within the scope of the delegated authority and the delegated functions of the subordinate organ concerned; (*Added 26 of 1998 s. 4*)

statutory declaration (法定聲明), if made—

- (a) in Hong Kong, means a declaration under the repealed Statutory Declarations Ordinance or the Oaths and Declarations Ordinance (Cap. 11);
- (b) in any other common law jurisdiction, means a declaration made before a justice of the peace, notary public, or other person having authority therein under any legal provision for the time being in force in the jurisdiction to take or receive a declaration;

- (c) in the mainland of the People's Republic of China, means a declaration made before a notary pursuant to his notarial functions;
- (d) in any other place, means a declaration made before a consul of the People's Republic of China or a person having authority under a statute for the time being in force in the place to take or receive a declaration; (*Added 26 of 1998 s. 4*)

street (街、街道) means—

- (a) any highway, street, road, bridge, thorough-fare, parade, square, court, alley, lane, bridle-way, footway, passage or tunnel; and
- (b) any open place, whether or not situate on land the subject of a Government lease, used or frequented by the public or to which the public have or are permitted to have access; (*Added 26 of 1998 s. 4*)

subsidiary legislation and **subordinate legislation** (附屬法例、附屬法規、附屬立法) mean any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any Ordinance and having legislative effect; (*Added 26 of 1998 s. 4*)

summary conviction (簡易程序定罪) means a summary conviction by a magistrate in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

surname (姓、姓氏) includes a clan or family name;

treaty (條約) means a treaty, convention or agreement made between states, and any protocol or declaration attached thereto or independent thereof but referring thereto; (*Added 26 of 1998 s. 4*)

triable summarily (可循簡易程序審訊) means triable by a magistrate, in accordance with the provisions of the Magistrates Ordinance (Cap. 227);

vessel (船隻) means any ship or boat and any description of vessel used in navigation;

waters of Hong Kong and **Hong Kong waters** (香港水域) mean all waters, whether navigable or not, included in the Hong Kong Special Administrative Region; (*Added 26 of 1998 s. 4*)

weekday and **week-day** (周日) mean any day other than a Sunday; (*Added 68 of 1995 s. 15*)

words (字、文字、語言文字) includes figures and symbols;

writing (書寫) and **printing** (印刷) include writing, printing, lithography, photography, typewriting and any other mode of

representing words in a visible form;

year (年) means a year according to the Gregorian calendar;

years of age (歳、年歳、年齢) and words of like meaning, when used in reference to the age of any person, means years of age calculated from the date of birth. (*Added 26 of 1998 s. 4*)

(*Amended 89 of 1993 s. 3; 26 of 1998 s. 4; 78 of 1999 s. 7*)

Editorial Note:

For the definitions of **adult**, **full age**, **infant** and **minor**, see also s. 6(2) of 32 of 1990.

4. Application for cremation permit

- (1) Application for a permit to cremate any human remains may be made in Form 1 in the First Schedule to the Director of Health by any of the following persons taking priority inter se in the order set out in this section— (*L.N. 76 of 1989*)
- (a) any executor of the deceased or his duly authorized attorney or agent;
 - (b) the nearest surviving relative of the deceased present in Hong Kong at the time of application or his duly authorized attorney or agent;
 - (c) any person having in his possession a direction in writing purporting to be signed by the deceased requesting that his remains may be cremated;
 - (d) any person being eligible for grant of letters of administration or probate;
 - (e) after the expiration of 48 hours from the death of the person in respect of whose human remains the application is made, any person who, in the opinion of the Director of Health, is a suitable and proper person to make the application. (*L.N. 76 of 1989*)
- (2) Every application made under subsection (1) shall be accompanied—
- (a) in the case of an application made in respect of a still-born child, by a certificate issued in accordance with section 18 of the Births and Deaths Registration Ordinance (Cap. 174);
 - (b) in the case of human remains—
 - (i) of any person who had died out of Hong Kong;
 - (ii) which have been lawfully buried for less than 1 year and which have been lawfully exhumed; or
 - (iii) which have been placed in a repository specified in the Third Schedule,by such documentary evidence of the cause of death of the deceased as, in the opinion of the Director of Health, establishes that the deceased did not die from the effects of poison, violence, illegal operation, privation or neglect; (*L.N. 76 of 1989*)

- (c) in any other case, by—
 - (i) a certificate issued in accordance with the provisions of section 20(b) of the Births and Deaths Registration Ordinance (Cap. 174), certifying the cause of death of the deceased; and
 - (ii) a medical certificate in Form 2 in the First Schedule issued by a medical practitioner.

(78 of 1999 s. 7)

3. Removal of parts of body where no request and deceased dies in hospital

- (1) Without prejudice to section 2, the person who has lawful possession of the body of a deceased person who has died in a hospital, nursing home or other similar institution, may authorize in writing the removal of any part from the body for use for therapeutic purposes or for purposes of medical education or research, if—
- (a) he has obtained the written consent of the registered next of kin of the deceased; and
 - (b) having made such reasonable inquiries from the registered next of kin as may be practicable, he has no reason to believe—
 - (i) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or
 - (ii) that the surviving spouse or any surviving parent or child of the deceased objects to the body being so dealt with.
- (2) For the purposes of this section, ***registered next of kin*** (經登記的最近親), in relation to a person who dies in a hospital, nursing home or other similar institution, means the person who is recorded as the next of kin of the deceased in any form or document made out at the time of or after the admission of the deceased into such hospital, nursing home or other similar institution.

5A. Organ transplants between spouses or genetically related persons

- (1) A registered medical practitioner may carry out a restricted organ removal or a restricted organ transplant or both if he is satisfied that—
 - (a) the recipient of the organ concerned—
 - (i) is genetically related to its donor; or
 - (ii) is, at the time of the transplant, the spouse of the donor and their marriage has subsisted for not less than 3 years; and
 - (b) either—
 - (i) all the requirements in section 5D are complied with; or
 - (ii) all the requirements in section 5D are complied with except that the requirement in section 5D(1)(d) is waived in accordance with section 5E.
- (2) For the purpose of this section, a person is regarded as genetically related only to—
 - (a) his natural parents and natural children;
 - (b) his siblings of the whole or half blood;
 - (c) the siblings of the whole or half blood of either of his natural parents; and
 - (d) the natural children of any of the siblings mentioned in paragraphs (b) and (c).
- (3) Two persons shall not be regarded as genetically related in any of the ways described in subsection (2) unless the fact of that relationship has been established by such means as may be prescribed by the board by regulation.
- (4) For the purpose of this section, two persons shall not be regarded as spouses whose marriage has subsisted for not less than 3 years unless the fact of that relationship has been established by such means as may be prescribed by the board by regulation.

- (5) If a registered medical practitioner who intends to carry out a restricted organ transplant under subsection (1) is satisfied that the requirement in section 5D(1)(d) is waived in accordance with section 5E, he shall—
- (a) ensure that he has received a copy each of the certificates mentioned in section 5E(1)(a) and (b) before he carries out that transplant;
 - (b) within 30 days after the transplant, or within such longer period as the board on application may allow, submit to the board—
 - (i) a copy each of those certificates; and
 - (ii) a copy of the medical report mentioned in section 5E(1)(c); and
 - (c) provide the board with any further information that it may reasonably require.
- (6) Any person who, in purported compliance with any regulation made for the purpose of subsection (3) or (4), supplies information that he knows to be false or misleading in a material respect, or recklessly supplies information that is false or misleading in a material respect, commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 3 months.
- (7) A registered medical practitioner who, without reasonable excuse, fails to comply with subsection (5) commits an offence and is liable on conviction to a fine at level 5.

(Added 29 of 2004 s. 8)

Schedule

[s. 3]

Forms

Form 1

[s. 3(1) & (5)]

HUMAN ORGAN TRANSPLANT ORDINANCE (CHAPTER 465)

HUMAN ORGAN TRANSPLANT REGULATION

**INFORMATION ON REMOVAL OF ORGAN(S) FOR
TRANSPLANT INTO ANOTHER PERSON**

Serial Number: <i>(for internal use)</i>	I. Particulars of the Donor Full name: <i>(in BLOCK letters, Surname first)</i> *HK Identity Card No. ^(Note 5) /HK Birth Certificate No./Passport No. <i>(please specify the place of issue)/Other identity document No. (please specify the type of document and place of issue)^(Note 6):</i> Age: Sex: *M/F
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(a) ☐ The donor was **LIVING** at the time of the removal of the organ(s)—

(i) ☐ The donor and the recipient are genetically related. They are *(please state the genetic relationship)* 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.

(ii) ☐ The donor and the recipient are a married couple. Their marriage 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.

(iii) ☐ The donor and the recipient are neither genetically related nor a married couple whose marriage has subsisted for not less than 3 years. Approval has been given by the Human Organ Transplant Board for the removal and/or transplant through File Reference dated

(b) ☐ The donor was **DEAD** at the time of the removal of the organ(s)
—

Date and time of death: / /; *am/pm
Day Month Year

Cause of death *(please state “pending coroner’s inquest” for such cases and supply the cause of death to the Human Organ Transplant Board as soon as it is available):*
.....

II. ☐ Organ(s) removed

Description of the organ(s) removed:

Date of the removal: / /

Day Month Year

Name of the hospital/clinic/institution where the removal of the organ(s) took place: *(Also state the address if the removal of the organ(s) took place in a clinic or institution)*

.....

.....

III. ☐ Organ(s) not removed within 30 days after approval given by the Human Organ Transplant Board

Description of the organ(s) not removed:

Approval was given by the Human Organ Transplant Board through File Reference dated but **no removal** subsequently took place because *(please state reasons)*:

.....

IV. ☐ Organ(s) removed but not transplanted

The organ(s) was/were removed but **no transplant** subsequently took place within 30 days after the removal because:

(please tick as appropriate)

- (a) ☐ The organ(s), after removal, was/were considered to be unusable—

Description of unusable organ(s): *(Complete ONLY if more than one organ has been removed as stated in Part II)*

.....

Reason(s) why the organ(s) was/were unusable:

.....

Manner of disposal of the organ(s):

.....

Date of disposal: / /

Day Month Year

- (b) ☐ # The organ(s) removed is/are being kept in:

- (i) ☐ The hospital/clinic/institution stated in Part II above

- (ii) ☐ Other institution *(please specify name and address)*:

.....

V. Extension of Deadline

- ☐ A request for extending the deadline for submission of the Form has been made and approval has been given by the Human Organ Transplant Board. *(Please state the File Reference and date of the approval for the extension)*:

.....

VI. Submitted under section 6 of the Human Organ Transplant Ordinance by—

Dr.

(Full name in BLOCK letters, Surname first)

*HK Identity Card No.^(Note 5)/Passport No. *(please specify the place of issue)*/Other identity document No. *(please specify the type of document and place of issue)*^(Note 6)

.....
.....

Telephone No.: Fax No.:

.....

Name of hospital/clinic/institution: *(Also state the address in the case of a clinic or institution)*

.....

Date: Signature:

* Please delete whichever is inappropriate.

☐ Please tick if applicable and fill in the information as required.

In future, when the stored organ(s) is/are used for transplant, Form 2 must be submitted by the person who transplants it/them into the recipient. If the organ(s) is/are subsequently found unsuitable for transplant, the person who makes the decision to dispose of the organ(s) must submit Form 3 to the Human Organ Transplant Board within 30 days after the disposal of the organ(s).

Notes:

1. This form must be completed for organ(s) removed in Hong Kong for transplant into another person—

- (a) by the medical practitioner who removed the organ(s);
- (b) if a technician appointed by an organ bank removed the organ(s) from a dead donor, by a medical practitioner authorized by the organ bank;
or
- (c) if the Human Organ Transplant Board (referred to in these Notes as ***the Board***) gave approval under section 5C of the Human Organ Transplant Ordinance (Cap. 465) for the organ(s) to be removed and the organ(s) is/are subsequently not removed, by the person who referred the proposed operation to the Board for its approval or, if that person is no longer involved, by the person who made the decision not to remove the organ(s).

If more than one medical practitioner was involved in removing the organ(s), any one of them can complete this form. However, the medical practitioner who was in charge of the operation or the medical practitioner who is in charge of the organ bank is responsible for ensuring that this form is submitted.

2. One form may only contain information relating to one donor.

3. (a) If an organ and its associated appendage tissues are removed together as a functional unit (for example, liver and its blood vessels and connective tissues)—
- (i) if the appendage tissues are, at the time of removal, intended to be used for transplant separately from the organ, information on both the organ and the appendage tissues is required for the purpose of this form;
 - (ii) in any other case, it is sufficient for the purpose of this form to provide information on the organ, even without providing information on the appendage tissues.
- (b) However, if appendage tissues associated with an organ are removed without the organ itself being removed, this form must be completed for the appendage tissues.
4. Unless the Board has given approval for extension of the submission deadline, this form must be submitted—
- (a) within 30 days after the removal; or
 - (b) (if the Board gave approval for the organ(s) to be removed and the organ(s) is/are subsequently not removed) within 30 days after the date on which the Board gave the approval for the removal.
5. If the person concerned is the holder of a Hong Kong Identity Card, his or her Hong Kong Identity Card number must be provided in this form.
6. If the person concerned is not the holder of any of the identity documents listed in this form, please specify the identity document that has enabled the person to be granted permission to enter Hong Kong.

Form 2

[s. 3(1)]

HUMAN ORGAN TRANSPLANT ORDINANCE (CHAPTER 465)

HUMAN ORGAN TRANSPLANT REGULATION

INFORMATION ON TRANSPLANT OF ORGAN(S)

Serial Number: <i>(for internal use)</i>
--

I. Particulars of the Recipient

Full name:

(in BLOCK letters, Surname first)

*HK Identity Card No.^(Note 5)/HK Birth Certificate No./Passport No.
*(please specify the place of issue)/Other identity document No. (please specify
the type of document and place of issue)*^(Note 6);

.....

Age:

Sex: *M/F

II. Particulars of the Organ(s)

- ☐ The organ(s) is/are removed in Hong Kong from a donor—

Full name of the Donor:

(in BLOCK letters, Surname first)

*HK Identity Card No.^(Note 5)/HK Birth Certificate No./Passport
No. *(please specify the place of issue)/Other identity document No.
(please specify the type of document and place of issue)*^(Note 6);

.....

- ☐ The organ(s) is/are imported—

Before the transplant took place, *the original/a copy of the
certificate accompanying the organ(s) was supplied to the
Human Organ Transplant Board under section 7 of the
Ordinance on: / /

Day Month Year

Description of the organ(s) transplanted:

Date of the transplant: / /

Day Month Year

Name of the hospital/clinic/institution where the transplant took place:

(Also state the address if the transplant took place in a clinic or institution)

.....

III. Further Particulars—required in the case of Organ(s) removed in Hong Kong only

(a) ☐ The donor was **LIVING** at the time of the removal of the organ(s)—

(i) ☐ The donor and the recipient are genetically related. They are..... (*please state the genetic relationship*) and—

* a copy of proof has been enclosed with Form 1 submitted to the Human Organ Transplant Board on

..... / / in respect of the removal of

Day Month Year

the 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).

- (ii) ☐ The donor and the recipient are a married couple. Their marriage 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 removal of
- Day Month Year*
- the 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).
- (iii) ☐ The donor and the recipient are neither genetically related nor a married couple whose marriage has subsisted for not less than 3 years. Approval has been given by the Human Organ Transplant Board for the removal and/or transplant through File Reference dated
- (iv) ☐ The organ(s) was/were removed for the therapy of the donor at the time of the removal.
- (b) ☐ The donor was **DEAD** at the time of the removal of the organ(s).

IV. Extension of Deadline

- ☐ A request for extending the deadline for submission of the Form has been made and approval has been given by the Human Organ Transplant Board. *(Please state the File Reference and date of the approval for the extension):*
-

V. Submitted under section 6 of the Human Organ Transplant Ordinance by—

Dr.

(Full name in BLOCK letters, Surname first)

*HK Identity Card No.^(Note 5)/Passport No. *(please specify the place of issue)*/Other identity document No. *(please specify the type of document and place of issue)*^(Note 6):

.....

Telephone No.:..... Fax No.:

Name of hospital/clinic/institution: *(Also state the address in the case of a clinic or institution)*

Date: Signature:

* Please delete whichever is inapplicable.

☐ Please tick if applicable and fill in the information as required.

Notes:

1. This form must be completed by the medical practitioner who transplanted the organ(s) into the recipient in Hong Kong. If more than one medical practitioner was involved in transplanting the organ(s), any one of them can complete this form. However, the medical practitioner who was in charge of the operation is responsible for ensuring that this form is submitted.
2. One form may only contain information relating to organ(s) received by one recipient from one donor in one operation.
3.
 - (a) If an organ and its associated appendage tissues are transplanted together as a functional unit (for example, liver and its blood vessels and connective tissues), it is sufficient for the purpose of this form to provide information on the organ, even without providing information on the appendage tissues.
 - (b) However, if appendage tissues associated with an organ of a donor are used for transplant into the recipient without the organ of the same donor being transplanted into the recipient as well, this form must be completed and submitted in respect of the appendage tissues, regardless of whether Form 1 is completed and submitted in respect of the appendage tissues.
4. Unless the Human Organ Transplant Board has given approval for extension of the submission deadline, this form must be submitted within 30 days after the transplant.
5. If the person concerned is the holder of a Hong Kong Identity Card, his or her Hong Kong Identity Card number must be provided in this form.

6. If the person concerned is not the holder of any of the identity documents listed in this form, please specify the identity document that has enabled the person to be granted permission to enter Hong Kong.

Form 3

[s. 3(1)]

HUMAN ORGAN TRANSPLANT ORDINANCE (CHAPTER 465)

HUMAN ORGAN TRANSPLANT REGULATION

INFORMATION ON FINAL DISPOSAL OF ORGAN(S) **REMOVED/IMPORTED**

<p>I. Particulars of the Donor</p> <p>For organ(s) removed in Hong Kong only</p> <p>(i) Full name: <i>(in BLOCK letters, Surname first)</i></p> <p>(ii) *HK Identity Card No.^(Note 5)/HK Birth Certificate No./Passport No. <i>(please specify the place of issue)</i>/Other identity document No. <i>(please specify the type of document and place of issue)</i> (Note 6).</p> <p>For imported organ(s) only</p> <p>(i) Name of donor in full: <i>(in BLOCK letters, Surname first)</i></p> <p>(ii) Name of airline or carrier:</p> <p>(iii) Date of shipment: / / <i>Day Month Year</i></p>	<p>Serial Number: <i>(for internal use)</i></p>
<p>II. Disposal of Organ(s)</p> <p>(i) Description of Organ(s):</p> <p>(ii) Reason(s) why the organ(s) was/were considered unusable:</p> <p>(iii) Manner of disposal of the organ(s):</p> <p>(iv) Date of disposal: / / <i>Day Month Year</i></p>	

III. Submitted under section 6 of the Human Organ Transplant Ordinance by—

*Dr./Mr/Ms
(Full name in BLOCK letters, Surname first)

*HK Identity Card No.^(Note 5)/Passport No. (please specify the place of issue)/Other identity document No. (please specify the type of document and place of issue)^(Note 6) :

.....
Telephone No.: Fax No.:.....

Name of hospital/clinic/institution: (Also state the address in the case of a clinic or institution)

Date: Signature:

* Please delete whichever is inappropriate.

Notes:

1. This form must be completed if organ(s) removed/imported for transplant into a person is/are disposed of. This form must be completed by the person who made the decision to dispose of the organ(s).
2. One form may only contain information relating to one occasion of disposal of the organ(s) removed from one donor.
3.
 - (a) If an organ and its associated appendage tissues are removed together as a functional unit (for example, liver and its blood vessels and connective tissues), information on the disposal of the appendage tissues is required for the purpose of this form only if information on them was included in a Form 1 submitted to the Human Organ Transplant Board (referred to in these Notes as **the Board**).
 - (b) However, if appendage tissues associated with an organ are removed without the organ itself being removed, this form must be completed for the appendage tissues.
4. Unless the Board has given approval for extension of the submission deadline, this form must be submitted within 30 days after the disposal.
5. If the person concerned is the holder of a Hong Kong Identity Card, his or her Hong Kong Identity Card number must be provided in this form.
6. If the person concerned is not the holder of any of the identity documents listed in this form, please specify the identity document that has enabled the person to be granted permission to enter Hong Kong.

(Schedule replaced L.N. 143 of 2010)

63C. Emergency situations

- (1) Personal data is exempt from the provisions of data protection principle 1(3) and data protection principle 3 if the application of those provisions to the data would be likely to prejudice any of the following matters—
 - (a) identifying an individual who is reasonably suspected to be, or is, involved in a life-threatening situation;
 - (b) informing the individual's family members or relevant persons of the individual's involvement in the life-threatening situation; (*Amended 32 of 2021 s. 5*)
 - (c) the carrying out of emergency rescue operations or provision of emergency relief services.
- (2) (*Repealed 32 of 2021 s. 5*)

(Added 18 of 2012 s. 35)