



SUBMISSION TO THE LEGISLATIVE COUNCIL'S BILLS COMMITTEE ON REGISTRATION OF SAME-SEX PARTNERSHIPS BILL

Amnesty International Hong Kong Overseas
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Introduction

Amnesty International Hong Kong Overseas (AIHKO) is submitting this briefing in response to the Legislative Council's invitation for submission on the Registration of Same-sex Partnerships Bill gazetted on 11 July 2025.

On 5 September 2023, the Hong Kong Court of Final Appeal delivered a partial victory for LGBTI rights advocate Jimmy Sham, ruling that the Hong Kong government must establish a legal framework to recognize same-sex relationships¹. The Court gave the government a deadline of 27 October 2025 to comply.

On the Right to Enter into a Same-Sex Partnership Locally

The right for all individuals to be free from arbitrary discrimination in the enjoyment of the full range of human rights is a basic principle clearly enshrined in Article 2 of the International Covenant on Civil and Political Rights (ICCPR), and further guaranteed under Article 26 for equal protection before the law.

According to Article 39 of the Basic Law of Hong Kong, the relevant provisions of the ICCPR as applied to Hong Kong shall be incorporated into local law through the Hong Kong Bill of Rights Ordinance.

The non-discrimination principle has been interpreted by UN treaty bodies and numerous inter-governmental human rights bodies as prohibiting discrimination based on sex or sexual orientation. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights have applied this provision to discrimination across the spectrum of human rights, including partnership rights.

However, the current Bill allows only individuals with a 'valid same-sex partnership registered outside Hong Kong' to obtain registration in Hong Kong. This restriction

¹ Sham Tsz Kit v Secretary for Justice. FACV 14/2022; [2023] HKCFA 28

effectively denies same-sex couples the right to legally enter into a civil partnership locally, misinterprets the Court of Final Appeal’s ruling and fails to comply with both international human rights standards and local legal obligations.

On Same-Sex Couples Being Denied Rights Enjoyed by Heterosexual Couples

Due to the lack of a legal framework to recognize same-sex relationships, same sex couples in Hong Kong are currently denied many rights held by different-sex couples in various aspects of life, except in limited cases where couples are married or in civil partnerships registered overseas.

Under international human rights law and standards, discrimination against people because of their sexual orientation is prohibited, and each instance of differential treatment needs to be demonstrably and specifically justified with objective and particularly serious reasons rationally connected to and necessary for a legitimate aim. Amnesty International believes that same-sex relationships need to be recognized equally and with the same rights as those of opposite-sex couples.

As early as 2018, the Hong Kong Court of Final Appeal ruled in the *QT* case² that it was discriminatory for the government to deny a dependent visa to a woman in a same-sex civil partnership. The court also rejected the premise that the concept of “core rights and obligations unique to marriage” could serve as a wholesale justification for differential treatment. This principle has since underpinned legal victories in cases involving housing³, taxation, and spousal benefits for civil servants⁴.

Despite these precedents, the current Bill offers extremely limited rights—restricted to medical decision-making and post-death arrangements—failing to meet even the basic social needs of same-sex couples. It also excludes key family rights such as joint adoption, access to assisted reproductive technologies, child custody and property division upon dissolution of the partnership, among all the other rights, which falls far short of ensuring equal protection under the law⁵.

On Insufficient Public Consultation and Engagement

The Court of Final Appeal granted the government a two-year window to establish a legal framework for same-sex partnerships. However, the draft Bill was only published on 11 July 2025, with a 7-day period for public submissions and no public hearing announced.

² *QT v Director of Immigration*. FACV 1/2018; [2018] HKCFA 28

³ *Infinger, Nick v The Hong Kong Housing Authority*. FACV 2/2024; [2024] HKCFA 29

Li Yik Ho v The Hong Kong Housing Authority. FACV 3/2024; [2024] HKCFA 29

Li Yik Ho v Secretary for Justice. FACV 4/2024; [2024] HKCFA 30

⁴ *Leung Chun Kwong v Secretary for the Civil Service and Commissioner of Inland Revenue*. FACV8 / 2018; [2019] HKCFA 19

⁵ *Sham Tsz Kit v Secretary for Justice*. FACV 14/2022; [2023] HKCFA 28, para. 145.

This timeline is inadequate. It fails to provide the Legislative Council, civil society, and the Hong Kong public with sufficient time and space to engage in meaningful discussion and contribute to such an important matter. It also undermines the government's responsibility to consult the public and individuals directly impacted in an open, inclusive, and transparent manner.

Amnesty International Hong Kong Overseas Section calls on the HKSAR government to:

- Conduct an open and transparent public consultation, actively listen to the voices of LGBTI people and the general public, and take their views into serious consideration.
- Amend the Bill to fully implement the Court of Final Appeal's ruling by providing a legal framework that ensures same-sex couples can enter into a civil partnership locally, and not just recognize those registered overseas.
- Provide statutory protections in the Bill for equal rights that have already been established by past judicial rulings, including eligibility for public housing, access to spousal benefits for civil servants and taxation, and the right to inherit the estate of a same-sex partner as a spouse/civil partner —thereby improving legal clarity, transparency, and the effectiveness of enforcement.
- Thoroughly review all rights currently being denied for same-sex couples, and eliminate all differential treatment unless it's justified with objective and particularly serious reasons rationally connected to and necessary for a legitimate aim⁶.
- Publicly disclose a contingency plan in the event that the Bill is not passed before the deadline set by the Court of Final Appeal, as such a failure would deny even the minimum protection to same-sex couples and severely undermine the rule of law in Hong Kong.
- Review, overhaul, or abolish all laws, policies, and practices that discriminate based on sexual orientation, gender identity, and intersex status to fulfill its obligation under international laws and the Court of Final Appeal's ruling.

⁶ MK v Government of HKSAR. HCAL 1077/2018; [2019] HKCFI 2518, para. 57.