

Same-sex Civil Union Registration Bill (Extract)

A BILL

To

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

Enacted by the Legislative Council.

Part I

Preliminary

1. Short title and commencement

(1) This Ordinance may be cited as the Same-sex civil union Registration 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

In this Ordinance—

Registrar means—

(a) the Registrar (same-sex civil union) mentioned in section 3; or

(b) a deputy registrar (same-sex civil union) mentioned in section 3.

Registration means a same-sex civil union registration duly conducted under section 4.

Registered civil union outside Hong Kong means any relationship that is substantially the same as a civil union registered between the 2 persons of the same sex under the law of a place outside Hong Kong.

Resident includes both permanent and non-permanent residents as defined under the Article 24 of the Hong Kong Basic Law.

Part 2¹

Registrar

3. Appointment of Registrar

(1) There is to be a Registrar (same-sex civil union) 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 civil Union) mentioned in subsection (1) may appoint or authorize, by name or office, any public officer to be a deputy registrar (same-sex civil union) as the Registrar (same-sex civil union) 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.

¹ Registration of Same-sex Partnerships Bill (2025) §4

Part 3

Recognition and Qualifications

4. Eligibility for registration

The same-sex civil union can be registered if—

- (1) both parties are of or over 21 years of age;
- (2) the parties are of the same biological sex;
- (3) at least one of the parties is a resident in Hong Kong;
- (4) the parties are in a stable relationship;
- (5) none of the parties were in a marriage or a civil union or a registered same-sex civil union outside Hong Kong with another person; and
- (6) the parties are not prohibited under section 7.

5. Factors affecting stable relationship

Parties are in a stable relationship within the meaning of the Ordinance if they—

- (1) are cohabitants;
- (2) have pre-civil union agreement;
- (3) have any legal certificate to establish that they—
 - (a) are registered civil unions outside Hong Kong; or
 - (b) are married outside Hong Kong; or
- (4) any other reasonable factors.

As is reasonable to expect, having regard to any circumstances between the parties, the age, the financial situation, the duration of cohabitation and all other relevant circumstances.

6. Discretion of the Registrar

The Registrar shall have the discretion to weigh over the above factors and conduct a balancing exercise upon considering the overall circumstances between the parties, provided that they satisfy the qualifications set out in section 3.

7. Invalid registration

A registration shall be null and void if the relationship between the parties is a specified relationship under Schedule 1.

Part 4²

Registration and Termination of Same-sex Civil Union

8. Application of registration

- (1) A same-sex civil union (registration) application must be made by the applicants by notice to the Registrar in the specified form.
- (2) A same-sex civil union application must be accompanied by any document and information specified by the Registrar.

² n.1 §7, §9, §10, §12

- (3) The Registrar may require the applicants each to take an oath before him to the effect that the oath-taker believes that all the conditions mentioned in section 3 that the parties are applying for.

9. Effect of Same-sex Civil Union certificate or their certified copies

- (1) For effecting a same-sex partnership registration under section 8, the Registrar must—
- (a) issue a same-sex civil union (registration) certificate to the parties to the same-sex civil union (registration) application; and
 - (b) file the other one in the Registrar’s office.
- (2) Certificate of civil union shall be regarded as the deeming document of the registered civil union.
- (3) Any same-sex civil union (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.

10. Termination of Same-sex Civil Union

- (1) The parties to a same-sex civil union may, by notice to the Registrar in the specified form, make an application for revoking the registration if the parties both wish to revoke the registration.

(2) The Registrar may revoke a same-sex civil union registration in accordance with subsection (3) 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

(3) For revoking a same-sex civil union registration under subsection (2), the Registrar must—

- (a) issue one same-sex civil union (revocation of registration) Certificate to each of the parties to the registration; and
- (b) file the remaining one in the Registrar's office.

Part 5

Immigration

11. Amended enactments

The enactments specified in Schedule 2 are amended as set out in that Schedule.³

³ n.1 §.28

Schedule 1⁴

[s.6]

Specified Relationships

Part 1

Interpretation

1. In this Schedule—

brother (兄弟) includes a brother of the half blood;

child of the family (家庭子女), in relation to a person, means a child who has lived in the same household as the person and have 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 law of any place outside of Hong Kong;

Parent (父母) includes parenthood inherited by single parent, spouses or same-sex civil union.

sister (姊妹) includes a sister of the half blood.

2. In this Schedule, a reference to a person's legal partner is a reference to—

(a) The person's husband or wife in a marriage; or

⁴ n.1 Schedule 2

- (b) The person's partner in a same-sex civil union registered outside Hong Kong.

Part 2

Specified Relationship in Section 6

3. For the purposes of section 6, a relationship set out in Division 1 of Part 3 of this Schedule is a specified relationship.
4. For the purposes of section 6, 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 civil union 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, 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 civil union application is made—
 - (a) where the application is made by a man and the father of his former legal partner—both the former legal partner and the mother of the former legal partner have died;
 - (b) where the application is made by a man and the former legal partner of his child—both the child and the mother of the child have died;

- (c) where the application is made by a woman and the mother of her former legal partner—both the former legal partner and the father of the former legal partner have died; or
- (d) where the application is made by a woman and the former legal partner of her child—both the child and the father of the child have died.

Part 3

Relationships Mentioned in Part 2 of this Schedule

Division 1—Relationships Mentioned in Section 3 of this Schedule

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

Division 2—Relationships Mentioned in Section 4 of this Schedule

For men	For women
Former legal partner's son	Former legal partner's daughter
Parent's former legal partner	Parent's former legal partner
Former legal partner of parent's parent	Former legal partner of parent's parent
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 2

[s.11]

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 civil union (經登記同性民事結合)”—— see section 2 of the Same-sex Civil Union Registration Ordinance.

Part 2

Immigration Ordinance (Cap. 115)

2. Section 2 amended (interpretation of words and expressions)

Section 2—

Section 2(6)(d), after “spouse”——

Add

“same-sex partners, or”