

**Research Shows a Majority of People in Hong Kong
Support Gay and Lesbian Couples' Rights, Not Necessarily Marriage**

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Introduction

Discussions in Hong Kong about same-sex couples' rights often focus on the issue of same-sex marriage. However, marriage is not the only way the government could extend rights to same-sex couples. In other parts of the world, governments have conferred rights upon gay and lesbian couples without legalising same-sex marriage. Some governments have developed programs that grant same-sex couples a subset of the rights that married heterosexual couples enjoy, for example the right to hospital visitation, the right to inheritance, and the right to sue in cases of fatal accidents. Other governments have developed programs that give same-sex couples access to all the rights that married heterosexual couples have, without using the word "marriage". These compromise legal solutions have been given a variety of different names, such as "registered domestic partnerships", "civil unions", and "civil partnerships."¹

We conducted a public opinion survey to investigate Hong Kong people's attitudes towards granting same-sex couples a variety of rights, including but not limited to the right to marry. We found that only 27% of the public completely agreed that same-sex couples should be permitted to marry, and 12% said that they somewhat agreed. However, when we asked about rights more generally, our findings were substantially different: 74% of the public supported granting same-sex couples either all or some of the rights that are accorded to heterosexual couples.

The remainder of this briefing paper proceeds in two steps. We first provide background on our survey and present our findings. Afterwards, we explore the public policy implications of our research.

Survey Background and Findings

We commissioned the Social Sciences Research Centre (SSRC) at the University of Hong Kong to conduct a telephone survey of a representative sample of Hong Kong residents in June 2013. This report is based on a random sample of 410 people aged 18 and over who live in Hong Kong. Reflecting language patterns in Hong Kong, 98% of interviews were conducted in Cantonese and 2% were conducted in English. The cooperation rate was 78% and the overall response rate was 15%. Statistical weights adjust for the non-response that is common in telephone surveys.

Our first major finding is that only a minority of people in Hong Kong presently support same-sex marriage. Only 27% of the public completely agreed that same-sex couples should be permitted to marry, and 12% said that they somewhat agreed. (An additional 20% were neutral.)

Table 1: Public Support for Same-Sex Marriage	
Question: "Do you agree or disagree that same-sex couples should be permitted to marry?"	
Completely Agree	27%
Somewhat Agree	12%
Neutral	20%
Somewhat Disagree	6%
Completely Disagree	36%
<i>Note: Percentages do not sum to 100 due to rounding.</i>	

However, discussing rights for same-sex couples solely in terms of marriage obscures the larger picture. In asking questions beyond the issue of marriage, we found that a clear majority of the public was in favour of legally protecting same-sex couples. Indeed, 74% supported granting same-sex couples either all or some of the rights that are accorded to male-female couples.

Table 2. General Attitudes towards Same-Sex Couple Rights	
Question: "Do you think same-sex couples should have ..."	
All the rights that male-female couples have	36%
Some rights that male-female couples have	38%
None of the rights that male-female couples	26%

There is a broad range of rights that the government could extend to same-sex couples. To provide a glimpse into this range of rights, our study asked questions about rights related to four specific issues: hospital visitation, housing discrimination, fatal accidents, and property inheritance. We found that 65% of the public favoured allowing same-sex couples to visit each other in the hospital during hours restricted to family members (20% were neutral); 61% agreed

that same-sex couples should be protected from housing discrimination (17% were neutral); 66% favoured permitting gays and lesbians to sue for the wrongful death of their same-sex partners in cases of fatal accidents (18% were neutral); and 55% agreed that same-sex partners should inherit property from each other (23% were neutral).

Table 3. Support for Specific Couple-based Rights

A. Hospital Visitation	
Question: "If someone in a same-sex relationship is hospitalized, would you agree or disagree that his or her same-sex partner should be permitted to visit during hospital visitation hours that are for family members?"	
Completely Agree	49%
Somewhat Agree	16%
Neutral	20%
Somewhat Disagree	5%
Completely Disagree	10%
B. Protection from Housing Discrimination	
Question: "If a same-sex couple wants to rent a flat together, but the landlord wants to reject them because they are a same-sex couple, would you agree or disagree that the same-sex couple should be permitted to rent the flat together?"	
Completely Agree	47%
Somewhat Agree	14%
Neutral	17%
Somewhat Disagree	5%
Completely Disagree	17%
C. Fatal Accidents	
Question: "If someone in a long-term same-sex relationship is struck and killed by a reckless car driver, would you agree or disagree that his or her partner should be permitted to sue and receive compensation from the reckless driver?"	
Completely Agree	46%
Somewhat Agree	20%
Neutral	18%
Somewhat Disagree	5%
Completely Disagree	11%
D. Property Inheritance	
Question: "If someone in a long-term same-sex relationship passes away, would you agree or disagree that his or her partner should inherit some of the property that the deceased partner leaves behind?"	
Completely Agree	36%
Somewhat Agree	19%
Neutral	23%
Somewhat Disagree	7%
Completely Disagree	15%

Policy Implications

The Hong Kong government presently provides virtually no legal recognition to same-sex couples. One notable exception exists in Hong Kong's domestic violence law, which extends protections to victims of abuse in same-sex cohabiting relationships.² The Hong Kong government may be concerned about the potential public response to same-sex couple rights. Government authorities claim that same-sex marriage is highly controversial and point to an apparent lack of public approval for legalising same-sex marriage.

Acknowledging such controversy, a compromise was proposed in October 2013 by Dr. York Chow, Chairman of the Hong Kong Equal Opportunities Commission (EOC). He suggested that, if legalising same-sex marriage is not politically feasible, Hong Kong should at least allow gay and lesbian couples to register for civil unions.³ Dr. Chow's statement provided a reminder that the government does not need to pursue all-or-nothing policy options. Our research findings lend support to Dr. Chow's recommendation that Hong Kong explore ways to grant same-sex couples rights, short of legalizing same-sex marriage. To the extent that public opinion is relevant, there is ample public support for extending rights to committed same-sex couples.

To be sure, there is an argument that the development of human rights protections should not be contingent on public opinion. Indeed, in many societies members of the majority are the primary perpetrators of discrimination against minority communities. A lack of majority acceptance of a minority group's rights claims may actually signal a worrying level of prejudice that needs to be addressed rather than ignored. In this briefing paper, however, we bracket the larger debate about the extent to which public opinion is relevant to protecting gay and lesbian rights. If the government insists that public opinion matters, it should note that a large majority of people in Hong Kong support conferring rights on committed same-sex couples even though there is not majority support for legalising same-sex marriage.

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¹ For case studies, one can look to the United States, where states have developed a variety of different ways to confer legal rights on same-sex couples. For relevant background reading, see Shannon Minter, "Marriage, Domestic Partnerships, and Civil Unions: An Overview of Relationship Recognition for Same-Sex Couples Within the United States" (National Center for Lesbian Rights 2013), available at http://www.nclrights.org/wp-content/uploads/2013/07/Relationship_Recognition.pdf.

² Domestic and Cohabitation Relationships Violence Ordinance, Cap 189 (2010), ss. 2(1) & 3B.

³ Stuart Lau, "York Chow backs civil unions as answer to call for gay marriage law", South China Morning Post, 22 October 2013, available at <http://www.scmp.com/news/hong-kong/article/1337440/york-chow-backs-civil-unions-answer-call-gay-marriage-law>.