# Hong Kong court affirms rights for same-sex couples



Hong Kong's Court of Final Appeal delivered a significant judgment on Tuesday, affirming previous rulings that support subsidized housing benefits and equal inheritance rights for same-sex married couples. This ruling marks a pivotal moment for the city's LGBTQ+ community amid ongoing debates over the socio-legal status of same-sex relationships in the territory.

The Court's unanimous decision came after years of legal challenges against the Hong Kong government, which had maintained policies that discriminated against same-sex couples, particularly those who married abroad. Under existing rules from the Housing Authority and two separate inheritance legislations, same-sex spouses were denied the same rights and benefits that heterosexual couples possess.

Chief Justice Andrew Cheung articulated in his judgment that the government's rationale for excluding same-sex couples from certain housing benefits was inadequately substantiated. Authorities had argued that these policies were necessary to sustain the supply of subsidized housing for opposite-sex couples, thereby supporting traditional family structures. However, Chief Justice Cheung highlighted the lack of evidence that relaxed policies would adversely affect opposite-sex couples.

Alongside him, Justices Roberto Ribeiro and Joseph Fok concluded the existing inheritance provisions were “discriminatory and unconstitutional.” The court's findings resonate strongly in the context of Hong Kong, where legal recognition of same-sex marriage is still limited despite a growing societal acceptance.

Currently, the territory only acknowledges same-sex marriages for selected matters, such as taxation and civil service benefits. In contrast, the September ruling from the top court mandates that the government establish a framework for recognising same-sex partnerships—a measure that positions Hong Kong as the only area in China offering this recognition.

The recent decisions build on earlier legal victories in 2020 and 2021 by lower courts, which had also ruled in favour of same-sex couples. The Hong Kong government opted to challenge these earlier rulings in a lengthy legal saga, culminating in the recent verdict.

Among those impacted by these developments is Nick Infinger, who initiated the judicial review against the Housing Authority in 2018. Infinger expressed that the ruling acknowledges the legitimacy of love between same-sex couples and their right to live together, stating that the fight extends beyond his own circumstances to include all same-sex couples in Hong Kong.

Hong Kong Marriage Equality, a non-governmental organization advocating for LGBTQ+ rights, highlighted the court's decisions as a clear indication that discrimination based on sexual orientation contravenes fundamental principles of human dignity and equality. They reiterated calls for the government to extend full marriage rights to same-sex couples.

Another poignant aspect of this case is the journey of Henry Li and his late partner, Edgar Ng. The couple married in Britain in 2017, and faced significant challenges when Ng purchased a subsidised flat. The Housing Authority refused to recognize Li as an authorised occupant, citing their inability to define him as Ng's “spouse.” Compounded by the tragic death of Ng in 2020, Li’s case serves as a poignant illustration of the personal costs associated with systemic legal inequalities.

Following the ruling, Li took to social media to express his enduring pain over Ng’s absence, while affirming his commitment to pursuing the equality that they both sought. He reflected on the painful arguments made by government representatives throughout the legal proceedings and remarked on the significance of finally reaching a resolution in their case.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

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* <https://www.amnesty.org/en/latest/news/2024/09/hong-kong-government-must-show-progress-on-same-sex-partnership-legislation-after-landmark-ruling/> - Supports the information about the Court of Final Appeal's decision and the two-year timeline for the government to establish an alternative legal framework for same-sex partnerships.
* <https://en.wikipedia.org/wiki/Recognition_of_same-sex_unions_in_Hong_Kong> - Provides details on the limited legal rights afforded to same-sex couples in Hong Kong, including spousal visas, spousal benefits, and inheritance rights.
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* <https://www.amnesty.org/en/latest/news/2023/09/hong-kong-same-sex-marriage-ruling-a-moment-of-hope-for-lgbti-rights/> - Mentions the broader context of discrimination against LGBTI persons in Hong Kong and the recommendations from the UN’s Human Rights Committee.
* <https://en.wikipedia.org/wiki/Recognition_of_same-sex_unions_in_Hong_Kong> - Provides context on the societal acceptance and legal recognition of same-sex relationships in Hong Kong, including the September 2023 ruling.