



Policy brief

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Sexual Orientation, Right to Inquire Partner's Medical Information and Right to Claim Partner's Ashes in Hong Kong:

54% of the public surveyed support same-sex couples' right to ask doctors about their partner's medical conditions; less than 20% oppose such right.

64% of the public surveyed support same-sex couples' right to claim the ashes of their deceased partner; less than 10% oppose such right.



Executive Summary

The rights of same-sex couples have now set foot on the legal and policy agenda in Hong Kong. For example, in 2015, the Legislative Council (LegCo) passed the Electronic Healthcare Records Sharing Systems Ordinance (EHRSSO), which ensured cohabiting same-sex couples' rights to make certain medical decisions on behalf of each other. Also, in June 2016, Cyd Ho, then legislative councillor, proposed an amendment to the Private Columbaria Bill (PCB) that was passing through LegCo, which would have ensured that a same-sex partner in an overseas marriage, civil partnership or civil union with a deceased person would be eligible as a 'relative' of the deceased to claim for the return of his ashes.

Against this background, Prof. Suen Yiu Tung, Assistant Professor of the Gender Studies Programme, Associate Director of the Gender Research Centre and Founding Director of the Sexualities Research Programme at the Chinese University of Hong Kong (CUHK), conducted a survey to investigate the attitudes of the public towards policies that would concern the rights of same-sex couples. This policy paper will discuss the findings in relation to the rights of such couples in situations of illness and death of a same-sex partner.

It was found that a majority (54%) of the public surveyed support the right of same-sex couples in long-term stable relationships to ask doctors about their partner's medical conditions. Moreover, more than 60% of the public surveyed agree that a surviving same-sex partner in such a relationship should have the same right as other relatives to claim the ashes of a deceased person. For both questions, opposition is remarkably small (less than 20% and less than 10% respectively). Moreover, there is not much opposition to these rights for same-sex couples even among those respondents with religious beliefs or in older age groups.

The remainder of this policy brief will describe the research methodology and findings, as well as explore the implications of the findings in greater detail.

Research Methodology

The Centre for Communication and Public Opinion Survey at The School of Journalism and Communication at the CUHK, was commissioned to conduct a territory-wide representative telephone survey from 3rd August to 15th August, 2016. A random sample of 1013 people who are Chinese-speaking and aged 18 and above was successfully contacted. Data collected from the survey was weighted according to gender, age and educational level to align with the distribution of the Hong Kong population. The overall response rate for the survey was 38%, with a sampling error of $\pm 3.1\%$ at 95% confidence level.

This study follows the procedures of 'Survey and Behavioral Research Ethics' of the CUHK and has received the approval from the committee before the fieldwork.



Findings

1. Majority supports same-sex couples' right to inquire medical information

It was found that the majority of the respondents supports a same-sex couple in a long-term stable relationship to have the right to ask doctors about their partner's medical conditions. 53.7% of the public agreed with this right for same-sex couples, whereas only 18.2% disagreed.

Question: If a same-sex couple is in a long-term stable relationship, do you agree that they should have the right to ask doctors about their partner's medical condition?	
Strongly agree	20.7%
Agree	33.0%
Neutral	26.5%
Disagree	9.2%
Strongly disagree	9.0%

Table 1: Public views on same-sex couples' right to share medical information (N=1013)*

2. More than 60% of the public support same-sex couples' right to claim partner's ashes

It was found that more than 60% of the public support same-sex couples' right to claim the ashes of their deceased partner. 64% agreed that if a same-sex couple was in a long-term stable relationship, and one of them passed away, the surviving same-sex partner should have the same right as other relatives to claim the ashes of the deceased. Only 9.7% opposed this right for same-sex couples.

Question: If a same-sex couple was in a long-term stable relationship, and one of them passed away, do you agree that the surviving same-sex partner should have the same right as other relatives to claim the ashes of the deceased person?	
Strongly agree	29.9%
Agree	34.1%
Neutral	24.1%
Disagree	5.1%
Strongly disagree	4.6%

Table 2: Public views on same-sex couples' right to claim ashes (N=1013)*



3. People with religious beliefs: little opposition to such rights for same-sex couples

Even among respondents with religious beliefs, there is still not much opposition to the rights for same-sex couples mentioned above. Nearly half (47.6%) of such respondents support same-sex couples' right to ask doctors' about their partner's medical conditions; whereas 21.4% opposed. Moreover, a majority (58.1%) of such respondents support same-sex couples to have the same right as other relatives to claim the ashes of a deceased partner; only 11.1% opposed the measure.

Religion	Right to ask doctors about same-sex partner's medical condition			Right to claim ashes of deceased same-sex partner		
	Agree	Neutral	Disagree	Agree	Neutral	Disagree
No religion	56.9%	25.1%	16.8%	66.6%	22.6%	9.1%
With religion	47.6%	28.3%	21.4%	58.1%	27.3%	11.1%

Table 3: Public views, by religion, on same-sex couples' rights to share medical information and to claim ashes of deceased partner (N=1013)*

4. Age: support across all age groups for such rights for same-sex couples

In terms of age, support for the rights for same-sex couples mentioned above is high across all age groups, including those aged 55 or above. A majority (51.7%) of those respondents aged 55 or above agree with same-sex couples' right to ask doctors about their partner's medical condition; only 17.8% opposed. A majority (59.3%) of such respondents also agree with same-sex couples' right to claim the ashes of a deceased partner; only 14.7% opposed.

Age groups	Right to ask doctors about same-sex partner's medical condition			Right to claim ashes of deceased same-sex partner		
	Agree	Neutral	Disagree	Agree	Neutral	Disagree
18-34	64.4%	24.7%	10.5%	76.9%	20.2%	2.8%
35-54	48.5%	26.6%	23.0%	60.6%	27.7%	9.5%
55 or above	51.7%	28.3%	17.8%	59.3%	22.8%	14.7%

Table 4: Public views, by age groups, on same-sex couples' rights to share medical information and to claim ashes of deceased partner (N=1013)*

* Note that in all the tables in this policy paper, the percentages may not add up to 100% due to rounding-off and a small percentage of respondents who refuse to answer the questions.



Discussion

In Hong Kong, same-sex couples' rights are increasingly on the legal and policy agenda, such as the EHRSSO passed in 2015 and Cyd Ho's proposed amendment to the PCB (Ng, 2016). Earlier studies have suggested that there is considerable public support in Hong Kong for same-sex couples to enjoy some or all of the rights that heterosexual married couples enjoy (Loper, Lau & Lau, 2014). This policy paper in particular examines public attitudes towards same-sex couples' rights in situations of illness and death of a partner.

Our findings suggest that there is much public support for same-sex couples' rights in such situations. There is majority support for same-sex couples in 'long-term stable relationships' to have the right to ask doctors about their partners' medical conditions. There is also more than 60% support for a surviving same-sex partner in such a relationship to have 'the same right as other relatives' of the deceased to claim the ashes of the deceased. In both cases, opposition is remarkably small – less than 20% and less than 10% respectively.

Moreover, while respondents with religious beliefs or in older age groups may be thought to be more conservative towards same-sex couples' rights, their opposition to same-sex couples' rights mentioned above is not much greater than others. There may be greater sympathy for the basic human needs of same-sex couples in situations of illness and death.

It must be noted that the question in this survey on the right to claim the ashes of a deceased partner, while sharing the subject matter with Cyd Ho's proposed amendment to the PCB, is not drafted in exactly the same way. Cyd Ho's proposed amendment concerned the rights of same-sex couples who are in an overseas marriage, civil union or other forms of partnership to claim the ashes of a deceased partner. The question in this survey, instead, asked about the right of same-sex couples who are in 'long-term stable relationships'. The two sets of same-sex relationships may or may not overlap, but it is likely that there will be more same-sex couples in Hong Kong who fall into the latter set.

A controversial part of Cyd Ho's proposed amendment was the inclusion of same-sex partners as 'relatives' of the deceased person. Towards that end, our findings suggest that there is public support for same-sex partners to have the 'same right as other relatives' to claim the ashes of the deceased person.

In summary, this study suggests that in Hong Kong, there is public support for the introduction of measures to protect the rights of same-sex couples in 'long-term stable relationships' in situations of illness and death of a partner. This includes having the right to ask doctors about their partner's medical conditions, as well as having the same right as other relatives to claim the ashes of a deceased partner.



References

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