

Support in Hong Kong for Same-sex Couples' Rights Grew Over Four Years (2013-2017) Over Half of People in Hong Kong Now Support Same-Sex Marriage

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Executive Summary

Has public opinion concerning gay men and lesbians and their rights changed over time? Although much research has examined this question as it relates to other parts of the world,¹ data on Hong Kong has been limited. This briefing paper helps to fill this gap.

Our report is based on the first study ever to track changes over time in Hong Kong public opinion concerning legal protections for gay men and lesbians.² In this study, we conducted a telephone survey of a representative sample of Hong Kong residents in 2013. We repeated this survey in 2017. During these two waves of data collection, interviewers asked respondents the same questions, except in 2017 we added a question about granting immigration rights to same-sex couples. This report examines changes in public opinion by comparing the data from the 2013 and 2017 surveys.

A growing number of people in Hong Kong say they favor protecting gay and lesbian rights. In 2013, only a minority of Hong Kong people said that same-sex couples should be permitted to marry (38%). By 2017, however, over half of people expressed agreement with same-sex marriage (50.4%). Our study also asked respondents about rights related to specific issues, namely hospital visitation, housing discrimination, fatal accidents, and property inheritance. In 2013, a majority of Hong Kong people already favored same-sex couples' rights in each of these areas, and those numbers grew by 2017. Over four years, there was a statistically significant increase in the percentage of people who agreed that same-sex couples should have rights in each of these areas.

In 2017, 78% of Hong Kong people said that same-sex couples should have at least some of the rights enjoyed by different-sex couples, compared with 73% in 2013. In addition, 69% of people in 2017 said that Hong Kong should have a law to protect against sexual orientation discrimination, compared with 58% in 2013. We also found, when asking a general question about social acceptance, there was a statistically significant increase in the percentage of people who said they are accepting of gay men and lesbians.

Methods

As part of a project housed in the Centre for Comparative and Public Law (CCPL) in the Faculty of Law at the University of Hong Kong, we commissioned the Social Sciences Research Centre (SSRC) at the University of Hong Kong to conduct a telephone survey of Hong Kong residents. Between 12 May and 6 June 2017, SSRC called both mobile and fixed line phones to obtain a representative sample of Hong Kong residents aged 18 and over. A total of 1,437 people completed the survey (719 from mobile phones and 718 from fixed line phones) in either Cantonese or English. The cooperation rate (the number of people who completed the survey divided by the number of people who answered the phone) was 53%. The response rate (the number of people who completed the survey divided by the number of all phone numbers dialed) was 11%.³ We used standard statistical weighting techniques to adjust for the nonresponse, which is common in phone surveys. We weighted for age, gender, education, and place of birth using the 2016 Population By-census, the most timely population data available. We also created statistical weights to combine data from the mobile and fixed line samples.⁴

We compared the results from our 2017 survey to results from our similar earlier survey, which SSRC conducted in June 2013.⁵ The cooperation rate for the 2013 survey was 78%, and the response rate was 15%. Again, we used statistical weights to adjust for the nonresponse. We weighting by age, gender, education, and place of birth using the 2011 Population Census, the most timely population data available. We based our analysis of public opinion in 2013 on a representative sample of 410 Hong Kong residents aged 18 and over. We have reported some results from the 2013 survey in previous CCPL briefing papers.⁶ This paper presents statistics from both 2013 and 2017, and reports p values from Chi-square tests for statistically significant differences between the two surveys.

Results and Discussion

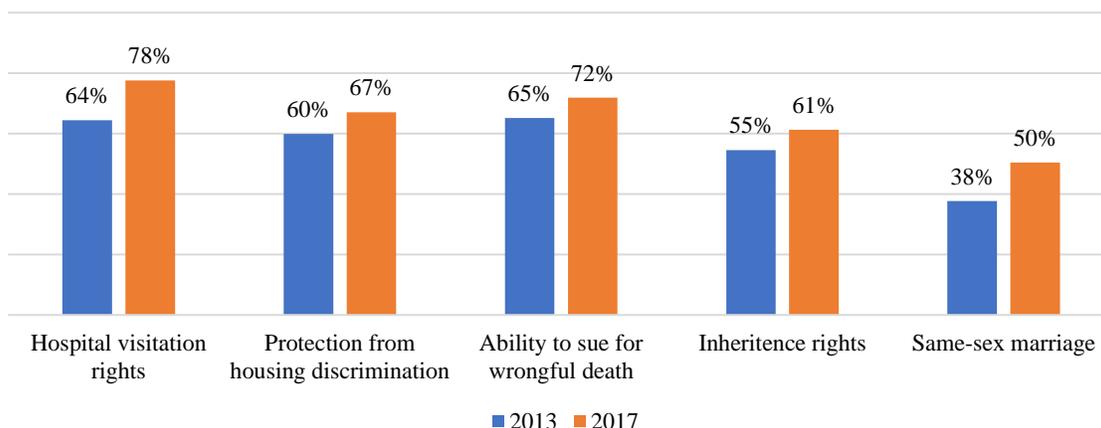
Attitudes Towards Specific Rights

Our surveys asked respondents about their attitudes towards specific rights for same-sex couples. In 2017, we found that 78% of the public favored allowing same-sex couples to visit each other in the hospital during hours restricted to family members; 67% agreed that same-sex couples should be protected from housing discrimination; 72% favored permitting gay men and lesbians to sue for the wrongful death of their same-sex partners in cases of fatal accidents; 61% agreed that same-sex partners should inherit property from each other; and 50% agreed that same-sex couples should be permitted to marry.

As illustrated by Figure 1, between 2013 and 2017, there was a statistically significant increase in the percentage of people who favored extending rights to same-sex couples in each of these issue areas. The largest increase was observed in relation to marriage (38% to 50%). It is worth noting that, between the time of the two surveys, the highest courts of the United States and Taiwan both ruled that it is unconstitutional to exclude same-sex couples from marriage.⁷ These major developments made news headlines in Hong Kong and may have contributed to the shift in Hong Kong public opinion.

In 2017, we added a new question about same-sex couples' immigration rights. We found that 53% of the public agreed that gay men and lesbians from Hong Kong should be permitted to apply for a visa for their long-term same-sex partners to live in Hong Kong; 18% were neutral and 29% disagreed (see Appendix 1)

Figure 1
Percent of Hong Kong residents who favored same-sex couple rights,
by type of right (2013 and 2017)



* Respondents who said they “completely agree” or “somewhat agree” with a particular right were counted in this chart as favoring that right. Please see Appendix 1 for exact question wording. For each right, differences between 2013 and 2017 are all statistically significant at $p < .05$.

General Attitudes Towards Same-sex Couples and Towards Gay Men and Lesbians

In addition to asking about specific rights, we asked respondents about their general attitudes towards same-sex couples' rights and towards gay men and lesbians. In 2017, 78% of Hong Kong people said that same-sex couples should have some or all of the rights enjoyed by different-sex couples, compared with 73% in 2013. This change was not statistically significant ($p = .13$), but it trended in the upward direction. There was, however, a statistically significant increase in the percentage of people who said they were either moderately or very accepting of gay men and lesbians: 50% in 2013 to 61% in 2017 ($p < .01$).

Table 1
General Attitudes Towards Same-Sex Couples and Gays and Lesbians

<i>Do you think same-sex couples should have ...</i>	2013	2017
All the rights that male-female couples have	35.5%	38.2%
Some rights that male-female couples have	37.2%	39.3%
None of the rights that male-female couples	27.4%	22.5%
 <i>How accepting are you of gays and lesbians?</i>		
	2013	2017
Very Accepting	16.5%	21.0%
Moderately Accepting	33.0%	39.7%
A Little Accepting	18.9%	17.4%
Not at all Accepting	31.6%	21.9%

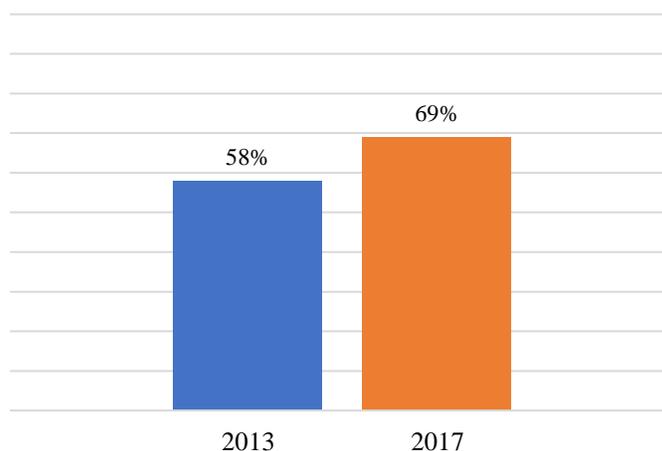
* Note: Percentages do not sum to 100 due to rounding

It is interesting that, in both 2013 and 2017, the percentage of people who are moderately or very accepting of gay men and lesbians is smaller than the percentage of people who said that same-sex couples should have at least some of the rights enjoyed by different-sex couples. This discrepancy might suggest that individuals in Hong Kong do not necessarily form their opinions about legal rights based on their private moral beliefs. For example, individuals may oppose homosexuality based on their religious conviction; at the same time, the same individuals may believe that Hong Kong's laws should be premised on secular notions of equality and are therefore accepting of rights for same-sex couples.⁸

Attitudes Towards Sexual Orientation Antidiscrimination Legislation

Finally, our surveys asked respondents about their views on whether Hong Kong should have a law that protects people from being discriminated against based on sexual orientation. We found a statistically significant increase in the percentage of people who favored having such a law. In 2017, 69% of the public favored the antidiscrimination legislation, as opposed to 58% in 2013 (see Figure 2).

Figure 2
Support for Sexual Orientation
Antidiscrimination Legislation (2013 and 2017)



* Respondents who said they “completely agree” or “somewhat agree” with sexual orientation antidiscrimination legislation were counted in this chart as favoring such legislation. Please see Appendix 2 for exact question wording. The difference between 2013 and 2017 was statistically significant at $p < .01$.

Closing Remarks

Previous research suggests that acceptance of gay people and gay rights has been increasing in most parts of the world; however, the world is also becoming polarized, with acceptance decreasing in certain places.⁹ Our research suggests that Hong Kong’s pattern of change comports with the majoritarian global pattern of growing acceptance.

Gay rights litigation in Hong Kong has recently drawn attention to public opinion data. In the ongoing case of *Leung Chun Kwong v. Secretary for the Civil Service*, the Court of Appeal ruled in 2018 that a same-sex couple who married overseas has no right to be legally recognized as married in Hong Kong for civil servant spousal benefits and taxation purposes.¹⁰ The Court of Appeal reached this decision,

in part, because it drew on old public opinion data to conclude that “the majority” of Hong Kong people are “firmly against” same-sex marriage.¹¹ This reasoning is highly controversial because there are compelling arguments that the legal rights of minority groups should not be contingent on majority support.¹² Still, if we assume *arguendo* that public opinion is relevant to rights adjudication, our 2017 data calls into question the Court of Appeal’s ruling in *Leung Chung Kwong*. The data show that over 50% of Hong Kong people expressed support of same-sex marriage in 2017. This finding casts doubt on the Court of Appeal’s statement that a majority of Hong Kong people are firmly against same-sex marriage.

It is worth noting that the Court of Final Appeal recently heard the case of *QT v. Director of Immigration*, in which a same-sex couple who entered a civil partnership abroad seek to have their union recognized for a dependent visa from the Immigration Department. The Court of Appeal ruled in favor of the same-sex couple in 2017, and the case was heard by the Court of Final Appeal on 4 June 2018.¹³ The Court of Final Appeal’s decision is expected to be handed down on 4 July 2018. Our research suggests that the majority of Hong Kong people support the couple in this case. In 2017, 53% of Hong Kong people said they agree that Hong Kong residents in same-sex partnerships should be permitted to apply for visas for their partners.¹⁴

Through additional survey waves in future years, our study will continue to track changes in Hong Kong public opinion concerning gay men and lesbians. In the second wave of our survey, we included questions about transgender issues for the first time. Subsequent waves of our research will continue to ask those questions, so that we can consider transgender issues in future analyses of change over time.

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¹ See Andrew R. Flores & Andrew Park, *Polarized Progress: Social Acceptance of LGBT People in 141 Countries, 1981 to 2014*, March 2018 (Williams Institute, UCLA School of Law).

² Some surveys, such as the World Values Survey, have data on changes over time in Hong Kong public opinion concerning homosexuality. These surveys, however, have not asked questions about gay and lesbian rights.

³ We calculated our response rate using “Response Rate 4” from the American Association for Public Opinion Research, an international standard for survey research. See American Association for Public Opinion Research, *Standard Definitions: Final Dispositions of Case Codes and Outcome Rates for Surveys*, 9th ed., 2016. Sometimes, however, researchers use alternative calculations of response rate that result in higher reported response rates. E.g., Stephen Wing-kai Chiu & Niantao Jiang, “The Future of Telephone Surveys in Hong Kong: A Comparison of Fixed Line Surveys with Cellular Phone Surveys,” 13(1) *Social Transformations in Chinese* 2, 5 (2017).

⁴ There is limited information on the impact of nonresponse on data quality in Hong Kong. For a related discussion on nonresponse rates in the United States, see Paul J. Lavrakas et al., *The Future of U.S. General Population Telephone Survey Research*, 25 April 2017 (American Association of Public Opinion Research) (reporting average response rates in 2015 of 9.3% for fixed lines and 7.0% for mobile lines). Analysis from the Pew Research Center shows that most statistics from telephone surveys about social and political attitudes are similar to statistics obtained from high-quality face-to-face surveys, which generally have higher response rates. Pew Research Center, *What Low Response Rates Mean for Telephone Surveys*, May 2017.

⁵ We designed the 2013 and 2017 surveys to produce statistics that lend themselves to comparisons over time. For the 2017 survey, we replicated the question wording, questionnaire structure, and data collection protocols from the 2013 survey. The 2013 survey sample consisted solely of fixed line telephone numbers; however, in 2017, we enhanced the survey by including both fixed line and mobile numbers. We performed a supplementary analysis and found that adding mobile phones to the survey was not the reason our 2017 data showed increases in support for gay people and gay rights. In this supplementary analysis, we limited the sample to fixed line numbers (i.e., we excluded the mobile numbers from the 2017 survey), and we still found increases over time in support for same-sex couples’ rights, favorable attitudes towards gays and lesbians, and support for sexual orientation antidiscrimination legislation.

⁶ See Kelley Loper, Holning Lau & Charles Lau, *Research Shows a Majority of People in Hong Kong Support Gay and Lesbian Couples’ Rights, Not Necessarily Marriage*, January 2014 (Centre for Comparative and Public Law at the University of Hong Kong, Faculty of Law); Kelley Loper, Holning Lau & Charles Lau, *Public Attitudes towards Gays and Lesbians and towards Sexual Orientation Anti-discrimination Legislation*, November 2014 (Centre for Comparative and Public Law at the University of Hong Kong, Faculty of Law). Note that there are some slight differences between the 2013 figures that we reported in previous papers and the 2013 figures in this current paper. The difference arose because we made minor technical adjustments to our statistical weights to facilitate proper comparisons between 2013 and 2017. For example, in 2013 we asked respondents about their marital status; our previous papers used marital status as a demographic variable when creating weights. In 2017, however, we omitted the question about marital status, so that interviewers could have time to ask some new questions (e.g., questions about transgender issues). To facilitate comparisons between 2013 and 2017, this report calculated 2013 figures without using marital status as a weighting variable.

⁷ The United States Supreme Court decided the same-sex marriage case of *Obergefell v. Hodges* in 2015. See *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015). The Taiwan Constitutional Court decided its same-sex marriage case on 24 May 2017, which was during the period of time in which SSRC was conducting our second survey. See Judicial Yuan (JY) Interpretation No. 748 (2017). Same-sex marriage also became legal in England and Wales, Scotland, Luxembourg, Finland, Ireland, Greenland, and Colombia during the period between the two surveys.

⁸ For further discussion of this point based on our 2013 survey data, see Holning Lau, Charles Q. Lau, and Kelley Loper, “Public Opinion in Hong Kong about Gays and Lesbians: The Impact of Interpersonal and Imagined Contact,” 26(3) *International Journal of Public Opinion Research* 301, 318-319 (2014). See also Flores & Park, *supra* note 1, at 5-6 (“in liberal democracies . . . questions of private morality may be distinct from policy discussions.”).

⁹ See Flores & Park, *supra* note 1.

¹⁰ *Leung Chun Kwong v. Secretary for the Civil Service*, [2018] HKCA 318 (CA).

¹¹ *Id.* at para. 109(2).

¹² For example, in the case of *W v. Registrar of Marriages*, the Court of Final Appeal stated that “Reliance on the absence of a majority consensus as a reason for rejecting a minority’s claim is inimical in principle to fundamental rights.” *W v. Registrar of Marriages*, [2013] 16 HKCFAR 112 (CFA), at para. 116.

¹³ *QT v. Director of Immigration*, [2017] HKEC 2051 (CA).

¹⁴ Please see Appendix 1 for exact question wording.

Appendix 1
Comparison of Attitudes Towards Specific Rights

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?

	2013	2017
Completely Agree	49.2%	58.4%
Somewhat Agree	15.2%	19.2%
Neutral	19.6%	14.1%
Somewhat Disagree	5.2%	2.2%
Completely Disagree	10.7%	6.1%

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?

	2013	2017
Completely Agree	45.6%	50.7%
Somewhat Agree	14.3%	16.4%
Neutral	18.4%	12.8%
Somewhat Disagree	4.1%	5.2%
Completely Disagree	17.7%	14.9%

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?

	2013	2017
Completely Agree	46.8%	51.2%
Somewhat Agree	18.4%	20.7%
Neutral	18.7%	13.9%
Somewhat Disagree	4.4%	3.9%
Completely Disagree	11.7%	10.4%

* Note: Percentages do not sum to 100 due to rounding

Appendix 1
Comparison of Attitudes Towards Specific Rights

(Continued from previous page)

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?

	2013	2017
Completely Agree	35.4%	37.2%
Somewhat Agree	19.1%	24.1%
Neutral	22.8%	18.2%
Somewhat Disagree	6.9%	5.1%
Completely Disagree	15.8%	15.5%

Do you agree or disagree that same-sex couples should be permitted to marry?

	2013	2017
Completely Agree	26.3%	34.4%
Somewhat Agree	11.4%	16.0%
Neutral	19.6%	17.0%
Somewhat Disagree	5.8%	5.2%
Completely Disagree	37.0%	27.4%

If a person from Hong Kong is in a long-term same-sex relationship with someone from a foreign country, would you agree or disagree that the person from Hong Kong should be permitted to apply for a visa for his or her same-sex partner to live in Hong Kong?

	2013	2017
Completely Agree	n/a	32.4%
Somewhat Agree	n/a	20.2%
Neutral	n/a	18.4%
Somewhat Disagree	n/a	7.8%
Completely Disagree	n/a	21.1%

* Note: Percentages do not sum to 100 due to rounding

*Appendix 2***Attitudes Towards Sexual Orientation Antidiscrimination Law**

Do you agree or disagree that Hong Kong should have a law that protects people from being discriminated against because of their sexual orientation?

	2013	2017
Completely Agree	42.3%	48.8%
Somewhat Agree	15.5%	20.0%
Neutral	21.0%	17.0%
Somewhat Disagree	3.7%	3.6%
Completely Disagree	17.6%	10.6%

* Note: Percentages do not sum to 100 due to rounding