

Policy on change of sex entry on Hong Kong identity card revised

In view of the judgment handed down by the Court of Final Appeal (CFA) on February 6, 2023, in *Q & Tse Henry Edward v Commissioner of Registration* (FACV No. 8 & 9 of 2022) (Q & Tse case), the Government announced today (April 3) that the policy on change of sex entry on Hong Kong identity card (the Policy) has been revised. From now on, in addition to persons who have completed full sex reassignment surgery (SRS), generally, if persons who have not completed full SRS have completed the specified surgical treatment for the purpose of modifying sexual characteristics and satisfied the revised criteria and requirements, they may apply for a change of sex entry on their Hong Kong identity cards.

A spokesperson for the Government said that the Government decided to revise the Policy upon the completion of a review of the Policy conducted in view of the judgment in the Q & Tse case, having prudently considered the objective of the Policy, relevant legal and medical advice, as well as drawing reference from the relevant practices overseas.

Under the newly revised Policy, in general, if a person who has not completed full SRS is able to show, together with relevant medical proof and supporting documents, that he or she has completed the following surgical treatment and satisfies all of the following criteria and requirements, the Commissioner of Registration (i.e. the Director of Immigration) (Commissioner) will consider the application for a change of sex entry on the Hong Kong identity card having regard to the particular circumstances of the case:

(a) The applicant has completed surgical treatment for the purpose of modifying sexual characteristics:

(i) for sex change from female to male: removal of the breasts (bilateral mastectomy);

(ii) for sex change from male to female: removal of the penis and testes; and

(b) The applicant satisfies the Commissioner that all of the following conditions are met and makes a statutory declaration to confirm he or she:

(i) has or had gender dysphoria;

(ii) has lived in the opposite sex, throughout the period of at least two years ending with the date on which the application is made;

(iii) will continue to live in the opposite sex for the rest of his or her life;

(iv) has been undergoing hormonal treatment of the opposite sex throughout the period of at least two years continuously before the date on which the application is made; and

(v) will continue to undergo continuous hormonal treatment of the opposite sex and submit blood test report(s) as requested by the Commissioner for

random checking of his or her hormonal profile.

The Immigration Department will process applications that have been received but have yet to be processed in accordance with the revised Policy, and will take the initiative to contact the relevant individual applicants for follow-up.

The spokesperson stressed that the revision concerns the policy on change of sex entry of Hong Kong identity card only, and that the sex entry on a Hong Kong identity card does not represent the holder's sex as a matter of law. It does not affect any other policies of the Government or the handling of any other gender-related matters under the law in Hong Kong or relevant legal procedures.