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Same-Sex Visa Win in Hong Kong Pressures Other Asia Finance Hubs

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A landmark Hong Kong court ruling granting visas to spouses of gay expatriate workers will help fuel LGBT groups pressuring Singapore and Japan to change their policies as the global financial hubs vie for business and talent.

The top court's decision puts Asia's premier financial hub at the forefront of the nascent movement for gay rights in Asia, where only [Taiwan](#) is in the process of recognizing same-sex marriage. Law firms and banks -- including [Goldman Sachs Group Inc.](#), [Credit Suisse Group AG](#) and [Nomura Holdings Inc.](#) -- cheered the ruling after long arguing that discrimination against gay and lesbian workers hindered their recruiting.

"Hong Kong now has a clear edge over our competitors," said Raymond Chan, the city's only openly gay lawmaker, who plans to formally call for a same-sex marriage debate in the legislature next week. "The business community recognizes the importance of attracting and retaining talent in the competitive global market."

The decision has no bearing on the status of local same-sex couples in the city, where the government last month removed children's [books that dealt with LGBT themes](#) from libraries after complaints by anti-gay rights groups, according to The Standard newspaper.

"There are quite a number of conservatives in the higher echelons of Hong Kong's government who are opposed to gay rights for religious reasons," said Regina Ip, a legislator and member of Chief Executive Carrie Lam's top

advisory body. “Like the court, younger and better-educated people are more liberal.”

Hiring Expats

Ip, 67, said she’d support Chan’s call for a debate.

Japan and Singapore don’t grant same-sex spousal visas. For financial firms in Japan, the Hong Kong decision could make it tougher to hire expatriates, especially with little likelihood that Japan’s courts or lawmakers will move on the issue soon.

Prime Minister Shinzo Abe’s party issued a policy document in 2016 emphasizing that embracing diversity didn’t mean denying the difference between genders, and it wasn’t necessarily in favor of allowing people of the same gender to wed.

“If other cities don’t allow same-sex spouse visas, they risk losing out on the relative dimension of being liberal and open,” said Nobuko Kobayashi, a partner in Tokyo for A.T. Kearney, a management consulting firm. “Everything else being hypothetically equal, a liberal-minded expat would choose Hong Kong even if he or she, themselves, may not be LGBT.”

There are some moves afoot in parts of Japan to recognize same-sex unions. In 2018, Fukuoka started issuing partnership certificates to same-sex couples and Osaka followed suit. Measures to allow same-sex partnership certificates are now under consideration in Chiba and Yokohama. Yet the certificates have no legal status.

Singapore Ban

In Singapore, the government still has a colonial-era sodomy law and last year banned foreigners from attending the nation’s annual Pink Dot Rally in support of gay rights.

“Singapore is still way behind Hong Kong,” said Leow Yangfa, executive director of Oogachaga, a nonprofit organization working with LGBT people. “The fact will certainly not be lost on our government that this means Hong Kong will now have an even bigger competitive edge.”

The Hong Kong court argued that the Immigration Department's policy of encouraging workers to come to the city ran counter to its refusal to grant dependent visas for employees with same-sex spouses.

The saga of plaintiff QT began when her partner was offered a job in Hong Kong, a special administrative region of China. That prompted the lesbian couple to move to the city in late 2011, court documents showed.

The women entered into a civil partnership in the U.K. in May 2011, which gave them the same rights and responsibilities as a married couple under British law. QT unsuccessfully applied for her own dependent and employment visas in Hong Kong at least three times.

Hong Kong's administration will study the judgment, according to Secretary for Security John Lee. "We will follow up the issues involved," he said Wednesday.

Michael Vidler, the lawyer who acted for QT, told RTHK that the case should prompt the government to bring its policies on same-sex unions into line with the court's findings.

"I fear, however, that we are not going to see that," he said. "Therefore, we are now going to have a series of cases litigating this very same issue but in relation to policies concerning housing or adoption or succession."

Financial Push

Financial institutions and foreign chambers of commerce have lobbied Hong Kong's government to grant visas for spouses of expatriate gay employees. Hong Kong in 2016 began allowing same-sex spouses or civil partners of consular officials to stay in the city.

"This ruling strengthens Hong Kong's ability to attract global talent and its competitiveness as Asia's preeminent global center for commerce," according to a joint statement issued by 32 financial institutions and law firms supported the plaintiff. "The ruling paves the way for greater LGBT equality in Hong Kong."

Hong Kong ranks as the world's No. 3 financial center, followed by Singapore and then Tokyo, according to the [Global Financial Centres](#)

Index published in March. London and New York ranked Nos. 1 and 2, respectively. The U.K. and the U.S. grant same-sex visa rights. Support for gay marriage is increasing in Hong Kong, according to a survey released Wednesday by Hong Kong University's Centre for Comparative and Public Law. It found that 50.4 percent of respondents agreed with same-sex marriage in 2017, compared with 38 percent in 2013, when the last survey was conducted.

“It’s not just about expats’ rights, this has implications for the local community as well,” said Fern Ngai, chief executive officer of Community Business, a nonprofit organization that works with companies to advance inclusive business practices. “It’s another step to advance LGBT rights in Hong Kong.”

— With assistance by Kurumi Mori, and Abigail Wen Yi Ng
(Adds comment by QT’s lawyer starting in 17th paragraph.)

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