

8 September 2016

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Dear Billy Leung

I refer to your email of 21 July 2016 in which you request the following under the Official Information Act 1982 (OIA):

*"... I would like to request for information or correspondences made from the New Zealand government and its overseas mission to Hong Kong concerning*

- 1. the ability of bringing the same-sex spouse of diplomatic staff to Hong Kong, and response from the Government of Hong Kong.*
- 2. how a person who is gender X, as recognized under NZ law, recognized under Hong Kong law.*

*I would also like to know whether there's any other country in Asia where New Zealand diplomatic staff can bring their same-sex partner being recognized as such for immigration purpose ..."*

In 2015, a number of Consulates-General in Hong Kong, including New Zealand's, raised issues concerning the immigration status of same sex partners of diplomats with the Hong Kong Government. No written correspondence on this matter was sent from the New Zealand Consulate General to the Government of Hong Kong SAR.

In mid-2016, the Hong Kong Government advised career consular posts in Hong Kong that it would facilitate the entry into Hong Kong of same-sex spouses or civil partners of accredited officials of Consulate-Generals in Hong Kong who hold diplomatic, official and service passports. The note providing advice of this decision is withheld under section 6(a).

You will need to direct your request for information about how persons who are gender X under New Zealand law are recognized under Hong Kong law to the Government of Hong Kong or a legal adviser expert in the laws of Hong Kong.

Approaches by host governments to the recognition of same-sex partners of New Zealand diplomats vary depending on the host government's laws and policies. Same-sex partners of New Zealand diplomats are recognised by host governments in a number of other places in Asia. We are refusing this part of your request under section 6(a) of the OIA as the information may be domestically sensitive for some governments. We note that the position of diplomats

and their families in this regard is covered by Article 37 of the Vienna Convention on Diplomatic Relations of 1961. Specific information about each government's arrangements can be sought from the relevant host government directly.

You have the right under section 28(3) of the OIA to seek a review of this response by the Ombudsman.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie-Anne Lee', with a horizontal line underneath the end of the signature.

Julie-Anne Lee  
for Acting Secretary of Foreign Affairs and Trade