

Guideline on the application for change of sex entry on Hong Kong identity cards

This Guideline sets out general criteria and application procedure for change of the sex entry on Hong Kong identity cards. An applicant should pay careful attention to the Guideline when making an application, and it is the duty of each applicant to provide necessary information and supporting evidence to the satisfaction of the Commissioner of Registration (“Commissioner”). **The sex entry on a Hong Kong identity card¹ serves as an “identifier” helping to verify the identity of the person producing the card as its holder and does not represent change of the holder’s sex as a matter of law and an official recognition of the same for all legal purposes.**

Application Criteria

1. Applicants may submit an application to the Commissioner to change the sex entry on their Hong Kong identity cards, together with medical proof and any other relevant supporting documents, which indicate that the following criteria for the completion of full sex re-assignment surgery are met. The application will be considered having regard to the particular circumstances of the case:

- (a) for sex change from female to male
 - (i) removal of the uterus and ovaries; and
 - (ii) construction of a penis or some form of a penis;
- (b) for sex change from male to female
 - (i) removal of the penis and testes; and
 - (ii) construction of a vagina.

2. In the event that the criteria in paragraph 1 above are not met, the application will only be considered having regard to the particular circumstances of the case, if the applicant shows, together with medical proof and any other relevant supporting documents, that he or she:

- (a) 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

¹ A Hong Kong identity card contains various personal particulars for the purpose of identifying its holder. The “sex entry” on a Hong Kong identity card refers to the entry of “male” or “female”.

- (b) satisfies the Commissioner that all of the following conditions are met and makes a statutory declaration² in the specified form at Annex 1 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)³ as requested by the Commissioner for random checking of his or her hormonal profile.

3. In the event that: (1) the requirement to complete relevant surgical treatment under paragraph 2(a)(i) or (ii) above; or (2) the requirement to receive hormonal treatment of the opposite sex under paragraph 2(b)(iv) and (v) above has not been or will not be satisfied, the applicant is required to show, together with medical proof and any other relevant supporting documents, justifiable medical reasons for not satisfying the requirement to complete the relevant surgical treatment, or to receive the hormonal treatment mentioned above. Such application will be considered on an exceptional basis having regard to all relevant facts and circumstances of the case.

Medical proof and supporting documents

4. For the purpose of paragraphs 1 to 3 above,

- (a) In general, the applicant should provide medical proof produced by the doctor who made the medical diagnosis of gender dysphoria, performed the surgical treatment, provided the hormonal treatment, or the medical diagnosis that the applicant cannot complete relevant surgical treatment or receive hormonal treatment of the opposite sex (altogether referred to as “medical procedures”) in accordance with the criteria as set out above;

² An applicant who knowingly and wilfully makes a statement false in a material particular in a statutory declaration shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 2 years and to a fine under section 36 of the Crimes Ordinance (Cap. 200). He/She may also be called by the Commissioner for further information, to be ordered by the Commissioner to have his/her Hong Kong identity card with sex entry amended be declared invalid by the Commissioner, be ordered by the Commissioner to have his/her Hong Kong identity card with amended sex entry surrendered, and be ordered by the Commissioner to apply for a replacement Hong Kong identity card with incorrect particulars amended, such as amending the sex entry to natal sex.

³ The relevant blood test report should be accompanied by a medical assessment of a registered doctor stating that the applicant’s hormone levels are within range of the opposite sex (or medical reasons for not achieving such levels).

- (b) If the relevant medical procedures were conducted outside Hong Kong, the medical proof should carry the doctor's medical qualification, place where the medical qualification is obtained and other contact information of the doctor;
- (c) Where there are difficulties in obtaining the relevant medical proof from the doctor who conducted the relevant medical procedures, the applicant may request a or another Hong Kong registered doctor (as the case may be) to provide such medical proof as required (including but not limited to giving an assessment on the relevant medical procedures in question);
- (d) The medical proof can be provided in the form of the following samples annexed hereto:
 - Sample medical proof for registered doctors practising in Hong Kong (Annex 2)
 - Sample medical proof for registered doctors practising outside Hong Kong (Annex 3)

Medical proof in other forms may also be accepted provided that it contains the relevant information required above in support of the application; and

- (e) Upon receipt of the relevant documents, the Commissioner will consider whether to allow the change of the sex entry on the Hong Kong identity card sought by an applicant having regard to the particular circumstances of the case.

Application Reference No. _____

DECLARATION

made pursuant to regulation 14 of the Registration of Persons Regulations (Cap. 177A)

I, (name in full) _____ holder of Identity Card No. _____ living at

_____ solemnly and sincerely declared that:

1. I was born with natal male / female sex* but I determine to apply to the Commissioner of Registration (“Commissioner”) on (date of application) _____ for change of the sex entry on my Hong Kong identity card from male to female / female to male*.

2. I have been living in the male / female* sex throughout the period of at least two years continuously before the above date of application.

3. I would after the above date of application and will continue to live in the male / female* sex for the rest of my life.

4. I have been undergoing hormonal treatment of the male / female* sex throughout the period of at least two years continuously before the above date of application^{Note}.

5. I undertake to undergo continuous hormonal treatment of the male / female* sex after the above date of application and for the rest of my life, and to submit information, including but not limited to blood test report(s) accompanied by a medical assessment of a registered doctor stating that my hormone levels are within range of the male / female* sex, for checking my hormonal profile to the Commissioner within 30 days upon his request. I understand that absent any reasonable excuse the failure to undergo continuous hormonal treatment after the above date of application and for the rest of my life, any failure to submit information including blood test report(s) as requested, or absent any medical reason the failure to achieve the standard of hormone levels will be considered a breach of this declaration^{Note}.

6. I give consent to the Commissioner to transfer or disclose any information including but not limited to the blood test report(s) furnished by me to other government bureaux, departments and other organisations for the purposes of processing my application, exercising any power and carrying out any duty under the Registration of Persons Regulations (Cap. 177A) (“ROPR”).

7. I undertake to report to the Commissioner any change of my correspondence address and/or contact telephone number within 30 days from such change.

8. I undertake to report to the Commissioner within 30 days for correction of registered particulars should it come to my knowledge that any declaration herein has been breached or is anticipated to be breached, including but not limited to that if I no longer intend to continue to live in the opposite sex. I understand that the failure to report the breach or the anticipated breach as aforesaid itself will be considered as a breach of this declaration.

9. I understand that the Commissioner reserves the right to exercise his power, including but not limited to the power to call for further information under regulation 9 of the ROPR, the power to order the surrender of the Hong Kong identity card with sex entry amended under regulation 18(2) of the ROPR, the power to declare the Hong Kong identity card with sex entry amended to be invalid and be surrendered under regulation 19(3) of the ROPR or the power to issue or order the application of a replacement identity card with incorrect particulars amended (such as amending the sex entry to natal sex) under regulations 14, 18(3) and 19(3) of the ROPR should any breach of the terms of this declaration come to his notice.

I declare that all information in this declaration is correct, complete and true to the best of my knowledge and belief. I understand that if any of the information in this declaration is untrue, my declaration will have no effect. I also understand that a person who knowingly and wilfully makes a statement or gives information which he knows to be false or does not believe to be true shall be guilty of an offence under the law.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declaration Ordinance (Cap. 11).

Declared at a Registration of Persons Office in the HKSAR this _____ day of _____ (Signature of declarant)

Before me,

Commissioner for Oaths

**Please delete where appropriate
Note: Unless the applicant has already shown, together with medical proof and any other relevant supporting documents, justifiable medical reasons for not satisfying the requirement to receive the hormonal treatment of the opposite sex. Such application will be considered on an exceptional basis having regard to all relevant facts and circumstances of the case.*

WARNING

Under Section 36 of the Crimes Ordinance, Cap. 200, any person who knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular in a statutory declaration, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for two years and to a fine.

Under Regulation 19(2C) of the Registration of Persons Regulations, Cap. 177A, any person who in furnishing particulars required under Regulation 4, or in making any statement or declaration or furnishing any particulars or evidence under Regulations 9, 13 or 14, or when making a report under Regulation 18, makes any statement or furnish any particulars or evidence which he knows is false in any material particular commits an offence and is liable to imprisonment for two years and to a fine at level five.

Statement of Purpose

Purpose of Collection

1. The personal data furnished in the application will be used by Immigration Department, the Government of the HKSAR for one or more of the following purposes:—

- (a) to process your application for registration and application for an identity card under the Registration of Persons Ordinance (Chapter 177) and its subsidiary Regulations;
- (b) to enable the Registrar of the High Court to compile a provisional list of jurors under the Jury Ordinance (Chapter 3);
- (c) to enable the Registration and Electoral Office to revise the electoral register;
- (d) to exercise the powers and carry out the duties under the Registration of Persons Ordinance (Chapter 177) and its subsidiary Regulations including disclosure of information as permitted in writing by the Chief Secretary for Administration by virtue of section 11 of the Registration of Persons Ordinance;
- (e) to administer/enforce relevant provisions of the Immigration Ordinance (Chapter 115) and Immigration Service Ordinance (Chapter 331), and to assist in the enforcement of any other Ordinances and Regulations by other government bureaux and departments through carrying out immigration control duties;
- (f) to enable government bureaux, departments or other organisations to compile statistics for research purposes on the condition that the resulting statistics or results of the research will not be made available in a form which will identify the data subjects or any of them; and
- (g) for any other legitimate purposes as may be required, authorised or permitted by law.

The provision of personal data is obligatory for registration under the Registration of Persons Regulations (Chapter 177A). Any person who without reasonable excuse, fails to comply with the statutory requirement shall be guilty of offences under the Ordinance. In addition, if you do not provide sufficient information, we would not be able to process your application.

Classes of Transferees

2. The personal data you provide may be disclosed to government bureaux, departments and other organisations for the purposes mentioned in paragraph 1 above.

Access to Personal Data

3. You have a right to request access to and correction of your personal data as provided for in sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance (Chapter 486). Your right of access includes the right to obtain a copy of your personal data provided in this form subject to payment of a fee.

4. Enquiries concerning the personal data collected by means of this form, including making of access and corrections, should be addressed to:—

Executive Officer (Registration of Persons) Support
1st Floor, Administration Tower, Immigration Headquarters,
61 Po Yap Road,
Tseung Kwan O, New Territories
Tel: 2829 3429

Enquiries

5. If you have any enquiry, please refer to the Immigration Department website: www.immd.gov.hk. You may also call our enquiry hotline at 2824 6111, or send your questions to our Information and Liaison Section by fax at 2877 7711 or email at enquiry@immd.gov.hk.

Date: _____

To: Whom it may concern

Medical Certificate

(to be completed by a registered doctor practising in Hong Kong)

Re: _____ (name)

Holder of Hong Kong Identity Card no. _____ /

Travel Document Type and no. _____ *

PART A

I certify / am satisfied¹ * that the above-named person (with natal sex as male / female*) –

[For items a-d below, please delete as appropriate]

- a. has or had gender dysphoria;
- b. has lived in the opposite sex throughout the period of at least two years since _____;
- c. has been undergoing hormonal treatment of the opposite sex throughout the period of at least two years since _____; and
- d. has completed the following surgical treatment(s):

(i) for sex change from female to male*:

removal of breasts (bilateral mastectomy) / removal of the uterus and ovaries / construction of a penis or some form of a penis*

(ii) for sex change from male to female*:

removal of the penis and testes / construction of a vagina*

PART B (if the above medical procedures were not performed by the doctor completing this form)

My assessment was based on the following assessment:

clinical examination / operation record / pathology report / radiological report / others
(please specify: _____) *

Signature of doctor: _____

Name of doctor in block letters: _____

Medical registration no.: _____

¹ Please complete Part B if you are not the doctor who conducted the relevant medical procedures

* Please delete as appropriate

Date: _____

To: Whom it may concern

Medical Certificate

(to be completed by a registered doctor practising outside Hong Kong)

Re: _____ (name)

Holder of Hong Kong Identity Card no. _____ /

Travel Document Type and no. _____ *

I certify that the above-named person (with natal sex as male / female*) –

[For items a-d below, please delete as appropriate]

- a. has or had gender dysphoria;
- b. has lived in the opposite sex throughout the period of at least two years since _____;
- c. has been undergoing hormonal treatment of the opposite sex throughout the period of at least two years since _____; and
- d. has completed the following surgical treatment(s):

(i) for sex change from female to male*:

removal of breasts (bilateral mastectomy) / removal of the uterus and ovaries / construction of a penis or some form of a penis*

(ii) for sex change from male to female*:

removal of the penis and testes / construction of a vagina*

Signature of doctor: _____

Name of doctor in block letters: _____

Medical qualification: _____

(Country / Region): _____

(Organisation): _____

Contact Information (Tel): _____ (Fax): _____

(Address): _____

(E-mail): _____

* Please delete as appropriate