

**Notes of Discussion of the
Third Sexual Minorities Forum
held on 20 May 2005 at 3:30 p.m.
in the Conference Room, 30/F, Southorn Centre, Wanchai**

Present

Home Affairs Bureau (HAB)

Deputy Secretary for Home Affairs (Chairman)	Mr Stephen FISHER
Principal Assistant Secretary for Home Affairs	Mrs Hedy CHU
Principal Assistant Secretary for Home Affairs	Miss Joanna CHOI
Assistant Secretary for Home Affairs	Miss Vivian CHAN
Unit Manager	Mr LAI Wing-yiu
Unit Officer	Miss Kate CHOY

Social Welfare Department (SWD)

Assistant Director (Family and Child Welfare)	Mr FUNG Pak-yan
Chief Social Work Officer	Mrs Elaine YUE
Senior Clinical Psychologist 1	Mr CHAN Yiu-kee

Hospital Authority (HA)

Executive Manager (Professional Services and Medical Development)	Ms Margaret TAY
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Non-governmental Organizations (NGOs)

AIDS Concern	Mr Paul LOUEY
Amnesty International Hong Kong Section	Ms Liz WHITELAM
	Mr Peter MOK
Association for the Advancement of Feminism	Ms Sally CHOI
Chi Heng Foundation/The Satsanga	Mr Albert LUK
Civil Human Rights Front	Mr CHONG Yiu-kong
Civil Rights for Sexual Diversities	Mr Roddy SHAW Kwok-wah
Equal Opportunities Commission	Mr Ferrick CHU
	Ms Esther CHAN
Hong Kong Human Rights Monitor	Ms Baig Raees BEGUM
	Mr LAW Yuk-kai
	Mr Holning Sherman LAU

Hong Kong Ten Percent Club
Lazy Workshop
Rainbow Action
The Transgender Equality and Acceptance
Movement (TEAM)
Transgender Asia Research, Education &
Advocacy Centre
Women Coalition of HK

Mr CHO Man-kit
Mr Jerry CHAN
Ms YEUNG Wai-wai
Mr Mark KING

Dr Sam WINTER

Ms Connie CHAN
Ms WEI Siu-lik

Welcoming remarks

1. The Chairman welcomed all participants. The Chairman introduced the Unit Manager of the Gender Identity and Sexual Orientation Unit, Mr LAI Wing-yiu and Unit Officer Miss Kate Choy.

Confirmation of notes of last meeting

2. The notes of the last meeting were confirmed without amendments.

Matters Arising

3. A member asked whether the independent advisory group would give reason(s) for its decision in rejecting the opinions proposed by Forum members over the draft questionnaire. The member further asked the need to invite advisory group members to attend the Forum

meeting and to explain their decisions.

4. In reply, the Chairman said the advisory group had met in April 2005 to consider the draft questionnaire prepared by the contractor. Taking into account the views of the advisors, the contractor was now finalizing the questionnaire. The draft questionnaire would then be circulated to both the Forum and the religious/education/family values groups for comments. The present plan was to conduct the survey in mid 2005 and to announce the survey results in late 2005.

5. The Chairman said he would relay the member's view to the advisory group. The group would provide a written reply but would have full discretion in deciding how detailed the reply would be. It had already been decided that the group members would not attend any meeting with the Forum or concern groups and that its decision on the design of the questionnaire would be final.

6. Regarding the recent debate on the proposal for legislation against sexual orientation discrimination, members raised the following questions, views and suggestions:

(a) the role of the Equal Opportunities Commission (EOC) in relation to sexual orientation discrimination;

(b) how HAB would handle the letters received;

- (c) whether HAB would clarify misunderstandings and misconceptions; and
- (d) the terms of reference of the GISOU.

7. In response, the Chairman made the following remarks:

- (a) the EOC was in charge of implementation of three anti-discrimination ordinances. There was no specific legislation against sexual orientation discrimination in place and the topic did not fall within the purview of the EOC. Mr CHU of the EOC supplemented that they had received more than 11,000 letters opposing to enact any legislation against sexual orientation discrimination;
- (b) HAB had received about 20,000 letters opposing enactment of legislation against sexual orientation discrimination. Since HAB was not conducting a public consultation in this area at this time, the letters would be treated as views from members of the public;
- (c) Article 22 of the Bill of Rights had already protected equality before the law and equal protection of law, including sexual minorities. Though the Hong Kong Bill of Rights Ordinance (BORO) had binding effect on the

Government and public authorities only, as a matter of fact, there was legislation in Hong Kong to protect sexual minorities. The issue now was whether to extend similar protection to the private sector and relations between private individuals. The Government would require the support from the community and the Legislative Council in order to decide the way forward;

- (d) HAB had repeatedly stated that the Government had not yet come to a view on whether to legislate against sexual orientation discrimination and had no fixed timetable on this issue; and
- (e) GISOU would be responsible for the following tasks:
 - (i) provide secretariat support to Sexual Minorities Forum and other groups;
 - (ii) manage and monitor Equal Opportunities (Sexual Orientation) Funding Scheme;
 - (iii) set up hotline to receive complaints and public enquiries;
 - (iv) conduct public education and publicity programmes; and
 - (v) conduct research on issues regarding sexual orientation and gender identity.

8. In response to the Chairman's remark on the BORO, a member opined that the protection was insufficient because under the BORO, complainants could only bring the case to court without any other statutory bodies such as the EOC to offer help to the complainants.

Family Service by Social Welfare Department

(Paper No.: SMF 4/2005)

9. Mr FUNG Pak-yan introduced the paper.

10. Members expressed concern that there were too few reported cases as compared with the total cases handled by the SWD (34,029 in year 2003-2004). A member said according to a survey conducted by the Women Coalition of Hong Kong, among more than 600 welfare services female applicants, about 42% of them had experienced different kinds of discrimination. The member suggested introducing measures such as the setting up of specialized resource centres for sexual minorities and transgenders, introduction of preventive measures such as supporting groups for early intervention and the extension of pre-marital counseling services to sexual minorities. Some members queried whether training of frontline workers were adequate to handle the issue.

11. In response, Mr FUNG said there had to be sufficient number of cases of sexual minorities to set up support or treatment

groups for them. Besides, there were on-going training for social workers and in some cases, referrals would also be made to clinical psychologists/psychiatrists. Moreover, counseling service including pre-marital counseling was open to all people, irrespective of their sexual orientation.

[Note: Members asked about information on sexual minority cases handled by school social workers and training programmes for social workers. Supplementary information prepared by the SWD is attached at **Annex A.**]

Sex Clinic in Queen Mary Hospital

(Paper No.: SMF 5/2005)

12. Ms Margaret TAY introduced the paper. Ms TAY emphasized that HA had transferred transsexual patients from Gender Identity Team in Queen Mary Hospital to other hospital clusters in accordance with the concept of hospital clustering (i.e. to ensure better access of service and continuity of care), there was no discontinuity of services provided to transsexuals in this respect.

13. A member raised doubts on the inadequacy of experience and expertise in cluster hospitals to provide services to transsexuals. Ms TAY replied that psychiatrists received sufficient professional training and there were on-going sharing of experience and networking among psychiatrists in different clusters to improve services to transsexuals.

14. The Chairman suggested that the item could be put under constant review and could be included in the agenda for discussion when necessary.

Presentation by Human Rights Monitor: Sexual Orientation and Human Rights

(Paper No.: SMF 6/2005)

15. Mr Holning LAU presented the policy paper titled “Sexual Orientation and Human Rights in Hong Kong” for discussion.

16. In response to the paper as well as members’ requests to protect the human rights of sexual minorities through the enactment of anti-discrimination legislation, the Chairman reiterated that the difficulties lied in the face of deeply held moral beliefs and traditionally values in Hong Kong. It was nevertheless that HAB would keep on facilitating dialogue among different concerned groups and foster a culture of tolerance and mutual respect through public education.

Issues Regarding Sexual Orientation Discrimination

(Paper No.: SMF 7/2005)

17. The Chairman presented the paper regarding discrimination on the grounds of sexual orientation and gender identity for discussion.

18. Members expressed concern over the volume of issues to be considered. Members proposed to focus on legislation to prohibit sexual orientation discrimination at this stage.

19. The Chairman supplemented that aim of the paper was to provide a checklist including a whole range of issues about sexual orientation being raised in recent years. The Chairman welcomed member's views on the priority of issues and the approach to be taken. The Chairman noted the members' views.

20. A member suggested that further delay of the survey would prolong the heated debate within the society. Another member suggested that a study should be conducted either by GISOU or a university commissioned by HAB to explore the extent of sexual orientation discrimination in Hong Kong.

21. The Chairman emphasized that transparency and fairness of the questionnaire was important to the survey and therefore time should be spent to solicit views from both the Forum and other concerned groups. In response to study on discrimination, the Chairman suggested that the member could contact staff of GISOU to discuss the issue.

Any other business

22. Mr Roddy SHAW and Mr Albert LUK submitted to the Chairman about 3,200 signatures supporting legislation against sexual orientation discrimination. The signatures were collected by Satsanga and other groups through internet as well as on the street.

Date of next meeting

23. There being no other business, the discussion ended at 6:50 p.m. Members would be notified of the date of the next Forum in due course.

HOME AFFAIRS BUREAU

July 2005

Information on

(i) Services Provided for Persons with a Different Sexual Orientation

(ii) Training Programmes Provided to Social Workers in Handling
Sexual Minorities

(I) Cases handled by School Social Work Units

- (a) From April 2004 to March 2005, number of new / reactivated cases involving persons with a different sexual orientation being taken on by school social work units is **185**.
- (b) As at 31 March 2005, a total of **300** cases involving persons with a different sexual orientation are being handled by school social work units.

(II) Training programmes organized by the Lady Trench Training Centre (SWD)

- (a) Training programmes related to the subject
 - ✧ Gender Sensitivity Training
 - ✧ Adolescent Sexuality (including homosexuality)
 - ✧ International Conference on Couples 2005 cum Professional Workshops and Public Forums
 - working with male couples
 - treating heterosexual and same-sex couples : similarities and differences
- (b) Problem areas related to individuals' adjustment to their sexual orientation are also covered in the following training programmes
 - ✧ Induction Course for Integrated Family Service Centre
 - ✧ Staff Development Group for In-service Trainers
 - ✧ Staff Development Group on Working with Families
 - ✧ Advanced Skills Training for Family Counselling Unit – Workshop on Families in Transition