

**Notes of Discussion of the  
Sixth Sexual Minorities Forum  
held on 1 December 2006 at 2:15 p.m.  
in the Conference Room, 30/F, Southorn Centre, Wanchai**

**Present**

Home Affairs Bureau (HAB)

Mr. Donald TONG	DSHA(1) (Chairman)
Mr. Anthony LI	PAS(3)
Mr. Wilson KWONG	AS(3)1
Mr. LAI Wing-yiu	UM/GISOU

Security Bureau (SB)

Miss Shirley LAU	AS (Security) C2
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Non-governmental Organizations (NGOs)

Ms. Liz WHITELAM	Amnesty International Hong Kong
Ms. Medeleine MOK	Section
Mr. TSOI Ming-fai	Chi Heng Foundation
Mr. Roddy SHAW Kwok-wah	Civil Rights for Sexual Diversities
Mr. Ferrick CHU	Equal Opportunities Commission
Ms. Esther CHAN	
Ms. Connie CHAN	F'Union
Mr. Mark KING	Gender Rights Research Group
Ms. Valerie CHAN	Hong Kong Human Rights Monitor
Mr. CHO Man-kit	Hong Kong Ten Percent Club
Mr. Reggie HO	Horizons
Dr. HONG Kwai-wah	New Creation Association
Mr. CHUNG Kam-fai	
Ms. Perspex	Nutong Xueshe
Ms. W. Sum	
Ms. Eleanor CHEUNG	Queer Sisters
Ms. YEUNG Wai-wai	Rainbow Action
Dr. Robin BRADBEER	The Transgender Equality and Acceptance Movement (TEAM)

Dr. Sam WINTER

Ms. WEI Siu-lik

Transgender Asia Research,  
Education & Advocacy Centre  
Women Coalition of HKSAR

### **Welcoming remarks**

1. The Chairman welcomed all participants to the meeting.

### **Confirmation of notes of last meeting**

2. The notes of the meeting held on 13 February 2006 were confirmed without amendments.

### **Application for Entry of Foreign Partners of Same-sex Couples into Hong Kong**

**(SMF Paper no. 4/2006)**

3. Miss Shirley LAU briefed members on the paper.
4. A member enquired whether the existing policy regarding applications for entry of foreign partners of same-sex couples into Hong Kong was consistent with the international law, the Hong Kong Bill of Rights Ordinance and the Basic Law. In reply, Miss LAU said that the current policy was formulated according to the laws of Hong Kong. She

added that if relevant requirements were fulfilled, the foreign partners might apply for entry through prolonged visit visa which was usually granted for a period of three months and might be extended if circumstances so warranted.

5. As requested by members, Miss LAU said the Government would provide a written reply to the following questions later-

- (i) whether the Administration recognized Muslim marriage which was not monogamous and contracted outside Hong Kong; and, if so, the corresponding figures;
- (ii) whether a heterosexual marriage contracted by a transgender before the sex reassignment surgery remained legally valid in Hong Kong after the surgery;
- (iii) whether transgenders were allowed to change their sex status on their birth certificate under the laws of Hong Kong, Mainland China and the United Kingdom; and
- (iv) the legal effect of s20A of Matrimonial Causes Ordinance on the validity of same-sex marriage contracted outside Hong Kong.

6. A member suggested and the Chairman agreed that to facilitate discussion at the meeting on items requiring the attendance of representatives from other bureaux/departments, members concerned should submit any questions they might have on the items concerned to HAB beforehand and the latter would pass them to the relevant bureaux/departments prior to the meeting.

**Issues relating to Membership of the Sexual Minorities Forum  
(SMF Paper no. 6/2006)**

7. Mr. Anthony LI introduced the paper.

8. Members opined that the New Creation Association (NCA) could not meet the membership criteria of the Sexual Minorities Forum (the Forum) because the therapy provided by NCA was against the objective of the Forum, namely, to promote equal opportunities for people of different sexual orientation and gender identity. They cast doubt on whether NCA subscribed to the Forum's objective and expressed concern that NCA's presence would adversely affect discussions at the Forum. They submitted a joint statement of eighteen Forum members and five Non-Governmental Organizations (NGOs) to the Chairman and requested HAB to reconsider NCA's participation in the Forum.

9. The Chairman said that the Forum was set up to provide a channel for NGOs and the Government to exchange views on issues relating to equal opportunities for people of different sexual orientation and gender identity. The Chairman invited NCA representatives (who were also members of the Forum) (hereafter referred as NCA representative for record purpose) to respond to concerns raised by other members, if they so wished.

10. The NCA representative said that NCA was set up to provide service for persons who intended to convert their sexual orientation from homosexuality to heterosexuality. This notwithstanding, NCA would respect the client's choice of his/her sexual orientation and would not force them to convert to heterosexuality.

11. Some members opined that the NCA representative had made frequent remarks that associating homosexuality with demonic possession. The NCA representative said that he only mentioned at the seminar that homosexuality was one of the situations which might be associated with demonic possession.

12. In response to a member's question on NCA's stance on proposed legislation against discrimination on the ground of sexual orientation, the NCA representative said the organization had not come to a view on this issue. A member added that a NCA representative co-signed a petition opposed to such proposed legislation, which was published as a four-page advertisement on MingPao in April 2005.

13. The Chairman clarified the Forum was only a platform for NGOs and Government to exchange views on promotion of respect for sexual minorities. An organization's position on the proposed legislation or not was not a relevant factor when HAB decided on whether an organization should be admitted to the Forum. He added that legislation was only one of the means to promote equal opportunities for persons of different sexual orientation. Instead, the major factors in determining membership of the Forum included:

- (i) whether the organization concerned fulfilled the objective of the Forum, namely the promotion of equal opportunities for people of different sexual orientation and gender identity; and
- (ii) the participation of the organization would not cause serious disruption to the effective conduct of the Forum meetings so that the Forum would fulfil its objective as a platform for exchanging views.

14. The Chairman invited NCA to consider whether it would like to further respond in writing to views, particularly allegations made by other Forum members. HAB would take all relevant factors including NCA's input into consideration and decide the way forward.

15. A member referred to a statement made by the Hospital

Authority on the health risk associated with a particular therapy method which aimed at converting homosexuals to heterosexuals and enquired about the Government's stance on the issue. In response, the Chairman said that HAB would seek clarification from the relevant bureau/department.

16. A member suggested that the NCA did not provide the same services to people of heterosexual orientation. On members' queries about the success rate for the conversion therapy provided by NCA, the NCA representative said no such figures were available yet. The NCA representative explained that NCA had not received any enquiry from people who had difficulty changing their sexual orientation from heterosexual to homosexual. He said a member, who left the homosexual lifestyle for twelve years and now had married to a woman, proved by his personal experiences, religion did help him build a better life.

17. On members' queries about whether NCA was adopting professional ethics in the treatment it gave to homosexuals, the NCA representative explained that NCA was providing religious-based pastoral care to people with ego-dystonic homosexual orientation instead of professional group therapy or counseling.

18. A member quoted at length documents readily available on NCA website that opposed to the promotion of equal opportunities on the basis of sex. The NCA representative said that the opinions expressed in these articles reflected the personal experiences and views of

individual members, who have a homosexual or bisexual orientation. The NCA representative said that NCA always showed respect for the right of making choices and the freedom of speech.

### **Public Education and Publicity Programme**

**(SMF Paper no. 7/2006)**

19. Mr. Anthony LI introduced the paper.

20. On the Equal Opportunities (Sexual Orientation) Funding Scheme 2006-07 (the Scheme), a member noted that three centres under the same social service organization were granted sponsorships. In response, Mr. LI said that although the three centres were under the same parent organization, they served different districts and the approved projects covered different target groups. Like the other applications, these projects were assessed by the Vetting Committee according to key criteria including the quality of the proposal, consistency with the aims of the Scheme, number of people to be benefited and past track record of the organizers, etc.

21. The member also expressed that it would be difficult for the successful applicants to reserve venues for the approved activities and to complete the projects in about half a year and that more time should be given to the successful applicants in this regard. In reply, Mr. LI said that HAB would review with relevant resource bureau to see whether more flexibility could be given under existing procedures to allow more time

for the successful applicants to implement their projects.

22. The Chairman supplemented that HAB would invite applications and announce the results as early as possible in coming year, and that HAB would see whether it could assist, if necessary, in liaising with other Government departments in reservation of Government venues, subject to their availability.

23. On a member's enquiry about the composition of the advisory group for the Equal Opportunities (Sexual Orientation) Awareness Day 2007, Mr. LI said that members were invited to nominate three representatives among themselves to join the advisory group.

24. A member opined that the existing ceiling on advertising expenses for projects sponsored by the Scheme (i.e. 15% of total sponsorship) was too low. In reply, Mr. LI said that HAB would review the existing arrangements to see if more flexibility in respect of advertising expenses could be granted.

25. A member expressed that Government should give more efforts in promoting the Code of Practice on Employment for Discrimination on the Ground of Sexual Orientation (the Code of Practice) issued by HAB in 1998 among business organizations and within the Government. The member requested a clarification by Civil

Service Bureau (CSB) on whether during interviews or evaluation (品格審查) for government vacancies or government positions of high security, the sexual orientations of potential candidates and their family members were taken into account, and if sexual orientation issue was taken into account, how it would affect the opportunities for the potential candidates. A member requested CSB to review how far its recruitment and promotion structure follows the Code of Practice, and clarify the steps it would take towards that end. The member urged the government to take the lead in implementing an anti-discrimination policy for the civil services, and to promote such policy for adoption by other public bodies and suppliers to government departments. The member raised that such steps were necessary for the government in order to abide by the requirements under the Basic Law, the Bill of Rights Ordinance and the International Covenant on Civil and Political Rights. The Chairman noted the members' views and would consider ways to further promote the Code of Practice.

26. In response to members' suggestion of launching a TV API conveying the message of equal opportunities for people of different sexual orientation and gender identity, the Chairman said that competition had always been keen among bureaux/departments for both the production and airing of APIs. While HAB would look into members' suggestion, the chance of securing a slot was slim.

27. A member opined that medium-to-long term publicity strategy should be formulated to more effectively bring out the message of equal opportunities for people of different sexual orientation, and that the Forum should be consulted in the process. The Chairman noted the member's views.

28. On the implementation timetable of the Awareness Day 2007, Mr. LI said that it was planned to be held in the first quarter of 2007 and the estimated budget was HK\$50,000-60,000, similar to that of the Awareness Day 2006.

### **Any other business**

29. A member suggested and the Chairman agreed to add "Matters arising" in the agenda of future meetings.

30. A member asked about the follow-up action to the Survey on Public Attitudes towards Homosexuals and the Government's plan with regard to legislation against discrimination on the ground of sexual orientation. The Chairman said that given the divergent views in the community on the subject, the Government had no plan to introduce such legislation at this stage and would continue to promote equal opportunities for persons of different sexual orientation through public education and publicity programme. Members expressed disappointment at the Government's failure to introduce such legislation.

31. A member suggested discussion of the following issues at the next meeting -

- (i) the conditions under which the Government would consider it the right time to legislate against discrimination on the ground of sexual orientation;
- (ii) the existing guidelines for school social workers to handle cases involving students encountering sexual orientation discrimination in school, especially with regard to confidentiality;
- (iii) the availability of services such as temporary accommodation to youngsters who were on bad terms with their family members due to their sexual orientation; and
- (iv) the Television and Entertainment Licensing Authority's policy on cautionary statement on homosexuality appeared before a TV programme that touched on homosexuality.

32. In response to a member's request, the Chairman agreed that the draft minutes of meeting would be circulated to members in six weeks' time. The Chairman said that issues raised by members would be forwarded to relevant bureaux/departments for responses.

**Date of next meeting**

33. There being no other business, the discussion ended at 6:50p.m. Members would be notified of the date of the next meeting nearer the time.

Home Affairs Bureau

January 2007