

**Notes of Discussion of the
Seventh Sexual Minorities Forum
held on 20 April 2007 at 10:00 a.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

Social Welfare Department (SWD)

Ms. IP Siu-ming	C(Y)
Ms. WONG Yin-yee	SS(F)2

Non-governmental Organizations (NGOs)

Mr. Timothy LEE	AIDS Concern
Ms. Liz WHITELAM	Amnesty International Hong Kong
Ms. Medeleine MOK	Section
Ms. TAM Ka-ying	Association for the Advancement of Feminism
Ms. Esther CHAN	Equal Opportunities Commission
Mr. CHO Man-kit	Hong Kong Ten Percent Club
Dr. HONG Kwai-wah	New Creation Association
Mr. CHAN Ka-leung	
Ms. Perspex	Nutong Xueshe
Ms. W. Sum	
Mr. Albert LUK	Satsanga
Ms. YEUNG Wai-wai	Rainbow Action
Dr. Robin BRADBEER	The Transgender Equality and Acceptance Movement (TEAM)
Ms. Connie CHAN	Women Coalition of HKSAR
Ms. WEI Siu-lik	

Confirmation of notes of last meeting

1. A member said that the draft notes of the meeting held on 1 December 2006 had not fully reflected the details of the discussion. The Chairman said that members could submit any further proposed amendments to the Secretariat in writing and the revised notes would be confirmed at the next meeting.

2. A member requested the minutes and papers for the meeting to be made available in both English and Chinese. The Chairman noted the member's request.

Provision of temporary accommodation service for homosexuals and the social work service to students encountering sexual orientation discrimination in school (SMF Paper no. 2/2007)

3. The Chairman proposed advancement of discussion of agenda item 3. Ms. IP Siu-ming introduced the paper and briefed members on the existing arrangement with regard to the provision of temporary accommodation service for homosexuals and the social work service to students encountering sexual orientation discrimination in school.

4. In response to a member's request for a copy of the Guide on Multi-disciplinary Collaboration in School Social Work Service (the Guide), Ms. IP said that a copy of the Guide would be made available to the Secretariat and members could later contact the Secretariat.

5. The member further enquired whether a school social worker would be allowed to release information on a student's sexual orientation to his/her parents and the school authority, and the position of Social Welfare Department (SWD) on conversion therapy. Ms. IP said that school social workers would provide supportive counselling to the needy student and would not disclose his/her sexual orientation to his/her parents/school authority/other helping professionals without the student's consent and the need for joint effort to assist the student.

6. On conversion therapy, Ms. IP replied that it was outside her area of expertise. Needy patients in hospitals could approach medical social workers for assistance if they faced any emotional problem such as distress because of one's sexual orientation. In cases requiring clinical psychological service, the responsible case social workers would make suitable referrals accordingly.

7. A member enquired how the Government could ensure the impartiality of welfare agencies and social workers with religious background when they provided counselling service in schools on the issue of sexual orientation. The member also expressed that SWD should enhance training for social workers on the issue of sexual orientation. Ms. IP said that she would refer the member's view to the training unit of SWD for consideration. In general, the agency concerned would provide in-service guidance/training. Relevant modules were also available in the undergraduate programme in tertiary

institutions. On the selection of welfare agencies to provide counselling service in schools, the performance record rather than religious background of a welfare agency was the major consideration. Under the service agreement between the welfare agency and the Government, the agency was required to provide service in an impartial manner. All school social workers should respect the unique dignity and value of every student and treat him/her equally irrespective of his/her sexual orientation.

8. A member said that in a survey conducted by a sexual minority group, at least 10% of the respondents said their sexual orientations had been disclosed by school social workers to their parents and/or school authorities without prior consent. Moreover, after the disclosure, some of the students were expelled from schools. The member enquired if SWD had established any complaint channel to deal with such complaints and if the complaint was substantiated, what the penalty would be under the Code of Practice for Registered Social Workers (the Code of Practice).

9. Ms. IP replied that SWD would remind school social workers of their obligation to observe the rules of confidentiality, particularly with regard to sexual orientation. The Social Workers Registration Board (the Board) was responsible for dealing with complaints against registered social workers about misconduct or neglect in any professional respect through an established institutional arrangement and procedures. If members considered a school authority had

discriminated against a student because of the latter's sexual orientation, they could report the case to Education Manpower Bureau (EMB) for follow-up. The school social workers would assist in resolving any misunderstanding through conciliation. The aggrieved person might also lodge a complaint with the welfare agency employing the social worker concerned.

10. A member opined that on items requiring the attendance of representatives from relevant bureaux/departments, members should be given reasonable time to submit questions on the items to HAB beforehand. The Chairman noted the member's views.

11. A member suggested inviting EMB attend the next meeting to discuss issues relating to the existing practice of school authority in handling students with different sexual orientations.

12. The Chairman noted the member's suggestion. The Secretariat would also circulate the notes of this meeting to EMB to inform it of members' views, particularly the need to remind school authority not to expel students or discriminate against them because of their sexual orientations.

Matter Arising

13. On issues relating to alteration of sex status on the birth certificate and recognition of overseas marriages under Marriage

Ordinance, Mr. Anthony LI said that a paper (**SMF Paper no. 5/2007**) had been issued to members for information prior to the meeting.

14. A member expressed disappointment, noting that the paper only repeated the position of relevant bureau and department. The member said that more and more overseas countries granted legal recognition to transgenders and the Government should review the existing laws and regulations in the light of these latest developments. Other members suggested having another meeting between transgender groups and relevant bureaux/departments.

15. In response, Mr. LI suggested that, similar to the previous arrangement for discussing issues relating to transgenders, a separate session could be arranged if necessary for the transgender groups and relevant bureaux/departments to further discuss the matters.

16. On the membership of New Creation Association (NCA) in the Forum, Mr. LI said that HAB had reviewed the matter and maintained the views that NCA met the membership criteria of the Forum. Nevertheless, HAB noted members' views and the potential serious disruption to the effective conduct of the Forum meetings that might result from the current arrangement. HAB planned to have two separate sessions for NCA and other Forum members from the next Forum meeting onwards. Members were welcome to comment on the logistics arrangement such as the order of the two sessions and arrangement for notes of meeting etc.

17. A member did not agree that NCA met the membership criteria of the Forum to promote equal opportunities on the ground of sexual orientation and gender identity, and considered the proposed arrangements unacceptable.

18. A member said that she was disappointed with HAB's decision. She opined that the Forum should be a channel for sexual minority groups and the Government to discuss ways to improve the existing policies in promoting the rights of sexual minorities based on international human rights conventions, in the absence of legislation against discrimination on the ground of sexual orientation.

19. Members queried the basis of HAB's decision and whether HAB had taken into account members' views stated in the joint statement of 18 Forum members and five NGOs submitted at the last meeting. A member said that she was confused as to which session she could join under the proposed arrangement.

20. In response to allegations that NCA was discriminatory against homosexuals, a representative of NCA (who was also member of the Forum) (hereafter referred as NCA representative for record purpose) said that the organization provided service to persons who intended to convert their sexual orientation from homosexuality back to heterosexuality. The NCA represented this group of persons at the Forum and considered HAB's proposal of separate sessions in order.

21. The Chairman said that the Forum was a channel of communication between the Government and the sexual minorities. The background of setting up the Forum and the criteria for the Forum's membership had been set out in the paper discussed at the last meeting. When drawing up the proposed separate sessions arrangements, HAB had taken into account the importance of the effective conduct of the Forum meetings. Noting the majority of members had expressed strong reservation in the proposal, HAB would reconsider the matter and propose alternative before the next meeting.

22. A member said that the proposed arrangement had reflected the lack of sincerity and respect for sexual minority groups by HAB. The member said that unless the Government reconsidered its proposal, they would not attend future Forum meetings. 12 Forum members then walked out in protest of HAB's proposal.

23. The Chairman said that the meeting would continue. On a statement made by Dr. W M KO of the Hospital Authority (HA) dated 6 December 2001 regarding the health risk associated with a particular therapy method which aimed at converting homosexuals to heterosexuals, Mr. LI said that the HA had confirmed that the view regarding homosexuality stated in the aforesaid letter remained valid, i.e. homosexuality was not regarded as a disease and had been excluded as a diagnosable abnormal condition since 1973; and the HA was not aware of any studies in Hong Kong to confirm if homosexuality as a sexual

orientation would be changed through treatment. The representative of NCA said that NCA could provide information to HA on the successful cases in conversion therapy and meet the HA, if it so wished. Mr. LI said that HAB could relay the information and NCA's request to HA for consideration.

24. On the issue of whether one's sexual orientation would be a factor in considering his/her appointment and promotion in the civil service and the implementation of Code of Practice on Employment for Discrimination on the Ground of Sexual Orientation in the civil service, Mr. LI said that the Civil Service Bureau had advised that the Government was an equal opportunities employer and was committed to eliminating all forms of discrimination, including sexual orientation, in all appointments and promotions. Appointment and promotion practices in the civil service had strictly followed the Code of Practice on Employment for Discrimination on the Ground of Sexual Orientation.

Issues relating to the Code of Practice on Programme Standards issued by Broadcasting Authority

(SMF Paper no. 3/2007)

25. The Chairman said that a paper prepared by TELA had been issued to members for information.

Public education and publicity programme

(SMF 4/2007)

26. Mr. LI introduced the paper.

27. The representative of NCA expressed concern that the message conveyed in the Equal Opportunities (Sexual Orientation) Awareness Day (the Awareness Day) might be one-sided and unbalanced. The Chairman said that NCA could consider participating in the future Awareness Day.

Date of next meeting

28. There being no other business, the discussion ended at 12:10 p.m. Members would be notified of the date of the next meeting nearer the time.

HOME AFFAIRS BUREAU

June 2007