

**Notes of Discussion of the  
Tenth Sexual Minorities Forum  
held on 22 December 2010 at 10:00 a.m.  
in Room 1201, 12/F, Murray Building, Garden Road, Central**

**Present**

Constitutional and Mainland Affairs Bureau (CMAB)

Mr. Arthur HO	DS(CMA)1 (Chairman)
Miss Vinci CHAN	Acting PAS(CMA)4
Mr. Nick CHOI	AS(CMA)4A
Mr. LAI Wing Yiu	UM/GISOU
Miss Carmen TSOI	UO/GISOU

Hospital Authority

Dr. HUNG Se Fong	Hospital Chief Executive of Kwai Chung Hospital (Agenda Item 3 only)
Dr. HO Pui Tat	Associate Consultant (Psychiatry), Kwai Chung Hospital (Agenda Item 3 only)

Non-governmental Organizations

Miss Mandy CHEUNG	AIDS Concern
Ms. Esther CHAN	Equal Opportunities Commission
Miss WEI Siu Lik	F'Union
Miss Lennie CHUI	Gender Concerns
Dr. HONG Kwai Wah	New Creation Association
Mr. CHUNG Kam Fai, Kelvin	
Mr. CHO Man Kit	Nutong Xueshe
Ms. Eleanor CHEUNG	Queer Sisters
Mr. Noel CHEN	Rainbow Action
Miss Ray Ray	
Mr. Billy LEUNG	Tongzhi Community Joint Meeting
Dr. Sam WINTER	Transgender Asia Research, Education and Advocacy Centre
Ms. Mimi WONG	Transgender Equality and Acceptance Movement (TEAM)
Miss YEUNG Wai Wai	Women Coalition of HKSAR
Miss Joanne LEUNG	

**Agenda Item 1 : Confirmation of minutes of meeting held on 22 December 2009**

A member opined that the notes of the last meeting did not reflect his view that CMAB did not understand the discrimination concept. The Chairman replied that the member's view would be recorded in the notes of this meeting.

2. The notes of the meeting on 22 December 2009 were confirmed without amendments.

**Agenda Item 2 : Matters arising**

3. Referring to the discussion on Social Welfare Department (SWD)'s policy on combating domestic violence and services to persons (including same sex cohabitants) involved in domestic violence at the last meeting, the Chairman informed members that the Labour and Welfare Bureau (LWB), SWD and the Police had provided a joint paper about the progress on training and publicity work concerning the Domestic Violence (Amendment) Ordinance 2009 for member's information.

4. A member requested the Police to provide the training package which aimed at enhancing Police Officers' sensitivity in handling domestic violence cases involving same-sex cohabitants for members' reference. The Chairman agreed to relay the request

to the relevant bureau for consideration.

5. Referring to the discussion on the mention of sex in official documents at the last meeting, the Chairman indicated that the Hong Kong Examination and Assessment Authority (HKEAA) had taken appropriate action in view of members' comments. Sex would not be mentioned on the results notices of the Hong Kong Certificate of Education Examination and the Hong Kong Advance Level Examination from the 2010 exams. Similar arrangement would be made for the Hong Kong Diploma of Secondary School Examination which will be first held in 2012.

6. Members raised the need for procedures for individuals to request replacement of an issued results notice with one without mention of sex. The Chairman agreed to relay members' suggestion to the HKEAA.

7. Regarding the mention of sex in birth certificate, a member said that it was mentioned at the last meeting that CMAB would convey members' views to Security Bureau (SB) /Immigration Department (ImmD) for their consideration. He requested CMAB to provide copies of its correspondences with SB/ImmD in relation to the issue and the details of the responsible officer in SB/ImmD.

8. Another member opined that the issue of changing the mention of sex in birth certificate was a separate matter from the

existing judicial review case about transgendered persons' right to marriage in their re-assigned gender and SB should not refuse to attend the meeting with that reason.

9. The Chairman replied that members' views expressed at the last meeting had been conveyed clearly in writing to SB and senior officers of SB had been duly notified. The Chairman agreed to convey members' further views and request to SB/ImmD for their consideration. The item could be discussed at a future meeting if members so wished.

10. On the frequency of Forum meeting, a member commented that CMAB did not convene Forum meeting every several months as mentioned at the last meeting. In reply, the Chairman said that the target to conduct Forum meeting more regularly and in every several months remained unchanged. There was a bigger time gap between this meeting and the last one as CMAB had been awaiting the outcome of judicial review case on the marriage of transgendered persons in considering the matters for discussion at this meeting. Noting members' comment, the Chairman said that subject to the availability of discussion items, the aim was to conduct future meetings more frequently.

**Agenda Item 3 : Services for people with Gender Identity Disorders in Hospital Authority (SMF Paper no.3/2010)**

11. Dr. HO Pui Tat briefed members on the provision of

services for people with Gender Identity Disorders (GID) in public hospitals.

12. On the question about inadequacy of psychiatrists in Hospital Authority (HA) to handle GID patients, Dr. HO said that more training had been provided to psychiatrists about GID with a view to developing expertise in this area in each hospital cluster. In response to member's concern about the lack of information about the services for people with GID, Dr. HO agreed to relay the concern to the responsible team in HA. He added that HA was producing a GID Patient Information Leaflet (Leaflet) and it would be ready for dissemination soon.

13. Having regard to the fact that there were not many GID patients in the community, a member suggested that HA should set up a centralised centre to provide better quality of service. Dr. HO replied that there had been an ongoing discussion within HA on the possibility of setting up such a centralised centre.

14. When asked about the services provided to childhood GID patients, Dr. HUNG Se Fong said that the existing five Child and Adolescent Psychiatric Teams would provide services to childhood GID patients upon referral. He also remarked that HA would strive to shorten the waiting time for appointment for children with mental health problems.

15. Another member requested that the staff in charge of the

long-term development of services provided to GID patients should be invited to attend the next Forum meeting to further discuss related issues, including the official guideline for the treatment of GID patients and the setting up of a centralised centre.

16. A member suggested that GID patients in the real-life experience stage of treatment should be eligible for amending the mention of sex in his/her Hong Kong Identity Card (HKID) with his/her preferred gender. She said that without the replacement of HKID, GID patients in the real-life experience stage of treatment would face difficulty in finding a job. Dr. HO responded that the issuance of HKID replacement fell outside HA's purview. Nevertheless, a GID patient would receive a letter issued by HA certifying that he/she was GID patient and his/her present stage of treatment.

17. The member mentioned that in the United Kingdom, GID patients in the process of hormonal therapy would be allowed to change the mention of sex in his/her passport, driving licence, etc. which would facilitate his/her real-life experience stage of treatment and suggested that Hong Kong should make reference to such arrangement. The Chairman agreed to relay members' views to the relevant bureau/department.

18. While showing appreciation to the improvement in the services provided to GID patients in the last two years, a member asked whether the information paper provided by HA at this meeting

was the official guideline for the treatment of GID patients. Dr. HO replied that medical professionals in HA would use The Harry Benjamin International Gender Dysphoria Association's Standard of Care for GID (Standard of Care for GID) as a reference for treating GID patients. The member requested HA to follow up with the formulation of a dedicated guideline suitable for application in the local context.

19. In response to a question on the Leaflet, Dr. HO said that it would soon be ready and would be uploaded to HA's Smart Patient Website. Another member commented that the transgender community should have been involved in producing the Leaflet.

20. A member asked about the unwillingness of HA's medical professionals to administer hormone treatment to GID patients, the sequence of real-life experience and hormonal therapy, and the services provided to childhood GID patient. Dr. HO said that medical professionals needed to assess carefully and thoroughly the risk associated with hormonal therapy and control the long-term side effect of hormone treatment to GID patients. Based on individual patient's clinical condition, the timing of hormonal therapy could overlap with the real-life experience.

21. A member suggested that more sensitivity training should be provided to frontline doctors with a view to ensuring quality referral services. On the retention of the surgeon performing sex reassignment surgery and training of surgeons, Dr.

HUNG said that HA had been monitoring the matter closely and he would relay all members' requests in this regard to HA for consideration.

22. When asked about the shortening of waiting time for internal referrals within the multidisciplinary team providing services to GID patients, Dr. HO said that due to resource constraints, GID patients needed to compete with other patients for specialist services. However, HA would find ways to provide the services more smoothly.

23. Some members presented a joint statement on recognition of transgender marriage to the Chairman at the meeting. The Chairman said that he would convey the statement to SB, which was the responsible bureau on this matter, for their consideration.

#### **Agenda Item 4 : Public education and publicity programme of Gender Identity and Sexual Orientation Unit**

24. Mr. LAI Wing Yiu briefed members on the promotional work of the Gender Identity and Sexual Orientation Unit (GISOU).

25. Regarding the inclusion of real life examples for illustration in the briefings on the Code of Practice against Discrimination in Employment on ground of Sexual Orientation (the Code), Mr. LAI said that court cases in UK were used as examples to elaborate the concept of non-discrimination. He welcomed



members to provide local cases for reference.

26. Another member asked whether GISOU would consider producing a TV API to promote equal opportunities on ground of sexual orientation. He would also like to know the content of the activities organised by GISOU such as briefings on the Code, design competitions for secondary school students and the general public, and the crossword puzzle competition for civil servants.

27. Mr. LAI responded that GISOU had produced a Radio API to promote the message of non-discrimination. In view of budgetary constraints and the keen competition for TV airtime, GISOU had no plan at this stage to produce a TV API. The Chairman supplemented that the overall financial resources for GISOU's promotional works had been increasing in recent years. The current multi-pronged approach would be more cost-effective. Upon members' request, the Chairman agreed to provide members with the powerpoint file for introducing the Code at various briefing sessions, audio files of the Radio API, and information about the crossword puzzle competition for members' reference. Information about the design competitions was available on CMAB's website.

28. A member raised concern over the lack of promotion of the Code in the private sector. She also opined that GISOU's publicity efforts were biased towards sexual orientation and little efforts were made to promote equal opportunities for transgendered people. Mr. LAI replied that GISOU had promoted the Code to

human resources managers in the private sector through conducting briefings in human resources manager's clubs and a seminar at the Hong Kong Institute of Human Resources Management. Mr. LAI also said that the poster campaign at MTR stations held last year and the radio API broadcasted this year had featured the message of equal opportunities for transgendered people. The Equal Opportunities (Sexual Orientation) Funding Scheme also provided funding to activities for promoting such message. Nevertheless, GISOU would take members' views into account in drawing up publicity plan in future.

29. A member commented that civil servants were not familiar with the Code. He also requested CMAB to conduct an independent research on the extent of discrimination experienced by LGBT employees in workplace. To increase the awareness of the Code, he suggested GISOU to promote the Code in universities, large statutory bodies, disciplinary forces and schools. He also suggested that GISOU could cooperate with the Community Business to promote equal opportunities in the field of employment where appropriate.

30. The Chairman replied that GISOU adopted a targeted and focussed approach in promoting the Code within the civil services through providing training to new recruits in selected grades and staff dealing with human resources and personnel matters. GISOU would take members' views into account in drawing up publicity plan in future.

31. On the understanding that GID patients were protected under the Disability Discrimination Ordinance, a member asked whether the Equal Opportunities Commission (EOC) launched any dedicated publicity programme to promote equal opportunities on the ground of gender identity. Ms. Esther CHAN of the EOC replied that there was a Community Participation Funding Programme which aimed at encouraging community organisations to carry out projects which promoted public understanding of equal opportunities. As regards the dedicated publicity programme organised by EOC, Ms. CHAN agreed to relay the enquiry to her colleague for follow-up actions as appropriate.

32. The member also requested EOC to consider issuing a reminder to the Vetting Committee of the Community Participation Funding Programme on the prevalence of discrimination against transgendered people in the society. Ms. CHAN said that she would relay concerns raised by members to her colleagues who were responsible for the Funding Programme.

33. In response to a member's question on extending the Code to cover gender identity, the Chairman replied that CMAB had been contacting various bureaux and departments to consider how to take the suggestion forward and the feedback indicated that there might be operational problems. For example, bureaux and departments might face difficulty in deciding whether it was appropriate to assign transgendered staff to carry out gender

sensitive work. CMAB would further discuss the issue with relevant bureaux and departments and update members in due course. A member suggested that if the Code were to be revised, CMAB should provide a draft to the Forum for discussion.

34. When asked whether the Government would introduce legislation to regulate discrimination on the ground of sexual orientation, the Chairman said that while there was no plan for this, the Government would continue to promote equal opportunities on grounds of sexual orientation and gender identity through public education and publicity with a view to nurturing a culture of mutual understanding, respect and tolerance within the community.

35. A member said that various United Nations treaty bodies had expressed concerns over the absence of legislation to prohibit discrimination on the ground of sexual orientation in Hong Kong. The Chairman said that the Government would respond to relevant United Nations treaty bodies' concluding comments including those on the subject of sexual orientation in the reports to be submitted to these bodies. The member remarked that the lack of inclusive legislation and policy, including the recognition of same-sex couples under the current dependent policy, had caused loss of talents in Hong Kong.

36. A member opined that the Government should increase GISOU's budget. The Chairman said that there was an established mechanism in the Government where bureaux and departments

could bid additional financial resources if needed. He also explained that CMAB had redeployed financial resources within its own envelope to provide additional resources for matters relating to the promotion of equal opportunities, including the allocation to GISOU to enhance its work. Upon members' request, the Chairman agreed to relay their views on increase of GISOU's budget to officials working on the preparation of the Financial Secretary's 2011-12 Budget.

### **Agenda Item 5 : Any Other Business**

37. On the frequency of future Forum meetings, members requested CMAB to hold meeting three to four times a year. Members also proposed a list of possible discussion items for future meetings include -

- Handling of LGBT issues by the Police Force (e.g. GID patients during the real-life experience stage of treatment, handling of domestic violence between same-sex cohabitants, handling of transgendered staff in Police)
- The progress on the review of sexual offences (including homosexual offences) by the Law Reform Commission
- The proposal of including gender identity and sexual orientation perspective in the 2011 Census
- Timetable for legislation against discrimination on ground of sexual orientation

- Recognition of transgender marriage in the capacity of his/her re-assigned gender
- The condition and timing for issuing a new HKID card for GID patients
- Change of mention of sex on birth certificates
- HA's policy on handling GID patients (e.g. guidelines, centralised clinic, etc)
- Survey on public attitudes towards transgendered persons
- The complaints handling mechanism of GISOU
- The right of applying for public housing and joint burial by same-sex couples
- The handling of domestic violence between same-sex cohabitants by Social Welfare Department
- School bullying targeted at LGBT students
- The survey conducted by Women's Commission which contains a question on same-sex relationship

38. In response to a member's view that the Government should accede to the appellant's request in the judicial review case on the marriage of transgendered persons and discontinue the litigation, the Chairman said that the judicial review case was under the purview of SB and CMAB would relay the member's view to SB.

39. A member pointed out that there was a translation error in the survey findings released by the Women's Commission (WoC) in November 2010 involving an incorrect statement in English on Hong Kong people's acceptability of homosexuality. The Chairman replied that CMAB had already contacted LWB (the secretariat of WoC) in this regard before the meeting and LWB would discuss with WoC on ways to handle the issue properly.

40. The discussion ended at 2:25 p.m. Members would be notified of the date of the next meeting nearer the time.

**Constitutional and Mainland Affairs Bureau**  
**March 2011**

**“Domestic and Cohabitation Relationships Violence Ordinance”  
Police Sensitivity Training**

**Part I**

(Lecture by Police Senior Inspector, Child Protection Policy Unit)

Legislation:

Domestic and Cohabitation Relationships Violence Ordinance

Police Handling Procedures:

Definition of “Domestic Relationship”  
Handling Procedures for Domestic Violence Cases

Classification of Cases:

Definition of “Domestic Violence”  
Domestic Violence (Crime) Cases  
Domestic Violence (Miscellaneous) Cases  
Domestic Incidents  
Family Violence (Crime) Cases

**Part II**

(Playing of video clips)

Police sensitivity in handling violence cases involving same sex partners

[By showing examples of inappropriate handling, officers are stimulated to think as to how they would ensure violence cases involving same sex partners would be handled in a professional and sensitive manner]



### **Part III**

(Lecture by Police Clinical Psychologist, Child Protection Policy Unit)

Understanding Same Sex Couple Violence:

Common Myths About Homosexuality

What is Homosexuality?

- Definitions, spectrum, types, concepts of sexual minorities, aetiology
- Addressing, vocabulary and symbol
- Homophobia
- Self-disclosure process and difficulty
- Comparing homosexual and heterosexual couples' relationships
- Homosexuality and homosexual culture in Hong Kong

Same Sex Couple Violence

- Local studies, overseas studies
- The abusers
- Forms of abuse, cycle of couple violence, myths about same sex couple violence
- Help seeking; Why didn't they seek help?
- Extra vulnerabilities

Self-awareness

### **Part IV**

Q&A Session