

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

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LegCo Panel on Home Affairs

**Subcommittee to study
discrimination on the ground of sexual orientation**

**Minutes of meeting
held on Thursday, 29 November 2001 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon Cyd HO Sau-lan (Chairman)
Hon Emily LAU Wai-hing, JP
Hon Albert CHAN Wai-yip

Public Officers Attending : Mr Charles CHAN
Principal Assistant Secretary for Home Affairs (3)

Mr WONG Hiu-kwan
Assistant Secretary for Home Affairs (3)2

Mr CHENG Man-yiu
Assistant Director of Education (Education Services)
Education Department

Mr CHEUNG Wing-hung
Chief Curriculum Development Officer
(Moral and Civic Education)
Education Department

Mr CHEUNG Hing-wah
Assistant Director of Social Welfare
(Youth and Corrections)
Social Welfare Department

Attendance by Invitation : Hong Kong Association of Sponsoring Bodies of Schools

Bishop of the Roman Catholic Church of Hong Kong

Ms LAM Lai-ping
Representative
(Assistant to the Episcopal Delegate for Education)

Hong Kong Federation of Education Workers Limited

Mr HUI Chiu-fai
Officer

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Mr Stanley MA
Senior Assistant Secretary (2)6

Action

Opening Remark

Members noted that Hon MAK Kwok-fung had joined the Subcommittee. Members agreed that re-election of the Subcommittee was not necessary.

I. Confirmation of minutes

[LC Paper Nos. CB(2)515/01-02 and CB(2)516/01-02]

2. The minutes of the meetings held on 20 August and 8 October 2001 were confirmed.

Action

II. Issues relating to discrimination on the ground of sexual orientation in education

3. The Chairman welcomed representatives of the deputations to the meeting.

Meeting with deputations

*Hong Kong Association of Sponsoring Bodies of Schools (the Association)
Bishop of the Roman Catholic Church of Hong Kong (BRCCHK)*

4. Ms LAM Lai-ping, representing the Association and BRCCHK, said that both organisations in general respected the rights of people to have a different sexual orientation although they might not accept such an orientation. She added that the psychologists, school social workers and counseling teachers in the schools operated by the Association and BRCCHK would be observant of and concerned about the students in need of assistance if these students encountered problems in human relations.

5. Ms Emily LAU asked whether the Association and BRCCHK supported legislation against discrimination on the ground of sexual orientation. She stressed that the Subcommittee was concerned whether students with a different sexual orientation would be discriminated against by schoolmates and teachers in schools operated by BRCCHK or members of the Association.

6. Ms LAM Lai-ping said that she believed that BRCCHK would support in principle legislation to protect the interest of people with a different sexual orientation. She pointed out that psychologists, counselling teachers and social workers serving in the 27 secondary schools, 83 primary schools and some 19 kindergartens under BRCCHK would not discriminate against or reprimand any students with a different sexual orientation. Teachers would proactively approach these students and their parents for a better understanding of the situation or refer them to psychologists and social workers for appropriate advice and assistance. The Chairman and Ms Emily LAU asked why teachers would refer students with a different sexual orientation to social workers or psychologists for follow-up if such inclination was not considered a problem. Ms LAM explained that teachers might need to take actions if the behaviours of these students substantially deviated from the mainstream mode of student's behaviours, hence affecting the operation of the class or the school.

7. Ms Emily LAU said that she was concerned that although concepts and topics on sexual orientation were included in the Guidelines on Sex Education in Schools, these concepts and topics would not be taught in classes. She asked whether students would be taught to appreciate diversity in sexual orientations.

Action

Ms LAM Lai-ping responded that a series of books entitled "Love and Life" for different levels of primary and secondary classes had been published. These books contained reference materials for teachers to teach students about the concept of equality among human beings. At the request of the Chairman, Ms LAM undertook to provide relevant curricular contents and teaching materials for members' reference.

[*Post-meeting note* : Ms LAM Lai-ping subsequently provided the Secretariat with the name and contact information of the publisher for the series of books entitled "Love and Life".]

Hong Kong Federation of Education Workers Limited (the Federation)
[*LC Paper No. CB(2)532/01-02(01)*]

8. Mr HUI Chiu-fai of the Federation briefed members on the submission. He said that the Federation respected the rights of people with a different sexual orientation, but had reservations about legislation against discrimination on the ground of sexual orientation. The Federation considered that the best way to protect the interests of people with a different sexual orientation was to enhance public education on the concept of equal opportunities and the rights of individuals on an on-going basis.

9. Ms Emily LAU advised that LegCo members had discussed with different sectors of the community about the need to legislate against discrimination on the ground of sexual orientation for years. In fact, the Subcommittee was established to study various issues relating to discrimination on the ground of sexual orientation. Ms LAU asked whether the Federation would support legislation if there was a majority support in the community.

10. Mr HUI Chiu-fai of the Federation reiterated that the Federation had reservations about legislation against discrimination on the ground of sexual orientation. However, the Federation would re-consider the issue when the community as a whole had reached consensus on the need to legislate. He considered that the Administration should conduct further consultation to ascertain the majority view of the community.

11. The Chairman said that the Subcommittee had discussed the issue of discrimination on the ground of sexual orientation with many deputations. On the basis of various reasons such as religion or personal belief, deputations had diverse views on whether legislation against discrimination on the ground of sexual orientation should be introduced. She believed that a majority of the community had not taken a position on the issue. The Chairman therefore asked about the basis for the Federation's position on the issue.

Action

12. Mr HUI Chiu-fai responded that legislation would not be able to address all the problems, for example, it would not stop schoolmates from laughing at a student with a different sexual orientation. Fostering of correct values and attitudes towards non-heterosexuality in the community through public education should be more effective than enacting legislation to prohibit discrimination against people with a different sexual orientation.

13. The Chairman clarified that although no legislation against discrimination on the ground of sexual orientation had been proposed at the present stage, relevant Private Member's Bill previously proposed by the Member of the former Legislative Council, Ms Anna Wu, did not regulate offensive languages. She stressed that the Private Member's Bill only sought to protect the basic human rights of non-heterosexuals.

14. Members noted that the Federation considered that most teachers were not adequately trained to handle students with a different sexual orientation. Ms Emily LAU queried why teachers would encounter difficulties if they were supposed to treat students with a different sexual orientation equally. Mr HUI Chiu-fai explained that given the heavy workload and lack of special training in sex education, teachers could only refer students with a different sexual orientation who encountered emotional problems to social workers for counselling.

15. The Chairman said that teachers responsible for sex education should be professionally trained and familiar with the concepts and values on sexual orientation. She considered that teachers should have better understanding of their students and would have the trust of students with a different sexual orientation. She expected that with the implementation of the measures to relieve teachers' workload, teachers could devote more time to assist students with an inclination to homosexuality if they encountered problems.

Meeting with the Administration

Role and training of teachers in sex education
[LC Paper No. CB(2)509/01-02(01)]

16. Ms Emily LAU asked whether students in all schools would be taught about correct values and attitudes towards schoolmates with a different sexual orientation. Chief Curriculum Development Officer (Moral and Civic Education) (CCDO(MCE)) responded that sexual orientation was part of the sex education curriculum and non-discrimination was a guiding principle in curriculum development. In line with the spirit of school-based management, schools enjoyed a high level of flexibility in the selection and planning of curriculum on sex

Action

education. They should select topics of sex education based on the interest and needs of their students with reference to a set of syllabus and guidelines on sex education prepared by the Curriculum Development Council. He explained that delivery of these topics might take the form of a focussed or integrated approach. The overall emphasis should be on the cultivation of positive values for students and respect for others. The Education Department (ED) would ensure that teaching on sex education including topics about sexual orientation was adequately taught at schools through the school visit programme.

17. With reference to the Federation's call for more training on sex education for teachers, CCDO(MCE) said that ED had arranged appropriate training for teachers since 1994 to enhance their competence in promoting sex education to students. Experienced doctors and professionals were invited to give talks and lead discussions on the topics about sexual orientation for teachers. The Administration believed that through talks, discussions and sharing of experiences on special topics, participants would develop their skills in dealing with the issue of homosexuality. Up to now, about 700 secondary school teachers and 427 primary school teachers had attended the 3-day and two-day sex education courses respectively. He added that after the Subcommittee meeting on 8 October 2001, ED had conducted a survey of 26 secondary schools and found that 14 (54%) of them had organised lessons and discussions on the topic of homosexuality.

18. Ms Emily LAU expressed concern that 12 (46%) of the secondary schools included in the survey did not organise classes and discussions on the topic of homosexuality. She stressed that teachers who had attended the training courses on sex education should be the coordinators in schools to ensure that all students would be taught about the correct concepts and attitudes towards schoolmates with a different sexual orientation.

19. CCDO(MCE) responded that in the curriculum reform, the Administration placed great emphasis on the cultivation of positive values for students and respect for others. He clarified that participants of the sex education courses were mostly coordinators of sex education in schools. After completing the training courses, these teachers should share their knowledge and experience with colleagues in schools to promote general awareness of the importance of the issue. ED would also coordinate with non-governmental organisations to promote the concept of equal opportunities for people with a different sexual orientation. For example, the Hong Kong Family Planning Association had conducted seminars on sex education for 100 secondary and primary schools in a year. CCDO(MCE) added that school social workers also played an important role in promoting correct values and concepts on sexual orientation in schools.

Action

20. The Chairman pointed out that apart from serving teachers, pre-service teachers at the Hong Kong Institute of Education (HKIEd) should also attend training on the values and concepts of sexual orientation. Assistant Director of Education (Education Services) responded that ED would provide updated information on school curriculum reform including the syllabus and the guidelines on sex education to HKIEd and other tertiary institutions on an on-going basis so that these institutions could revise their training courses accordingly.

21. Mr Albert CHAN expressed disappointment with the implementation of concepts and values of non-discrimination on the ground of sexual orientation in schools. He pointed out that although curriculum reform was introduced and Guidelines on Sex Education in Schools had been issued, the inertia of schools to teach topics on sexual orientation remained unchanged over the past thirty years. He urged ED to take the initiative to promote and facilitate implementation of sex education in schools with emphasis on sexual orientation. He considered that apart from providing the Guidelines, the Administration should strive to foster a cultural change among teachers and principals about teaching topics on sexual orientation.

22. CCDO(MCE) responded that cultivating a sense of respect for equal rights of all individuals in the community should be the ultimate aim for eliminating discrimination of any nature. To achieve such aim, strengthening civic and moral education by way of the education reform should be the way forward. Under the current curriculum reform, schools were encouraged to use exemplars from everyday experiences to illustrate the ideas and convey the messages in moral and civic education for different levels of schooling inside or outside the classroom. The Administration anticipated that provision of such learning experiences would enable students to develop the proper values and attitudes towards homosexuality, and the concept of equal rights of all individuals in the community. He stressed that individual schools should be given room to design their own curriculum.

23. Mr Albert CHAN expressed reservations about the effectiveness to promote high-sounding principles of human rights and equal opportunities at schools. He considered that the most important thing was to implement sex education at the school level. Mr CHAN cautioned that allowing such room to individual schools would in effect deprive students of the opportunity to receive sex education. He pointed out that students with a different sexual orientation would suffer from severe developmental and emotional problems if they were not suitably counselled and subject to discriminatory attitudes at schools.

24. The Chairman expressed concern that as schools enjoyed high flexibility in the selection and planning of curriculum, they might not follow the Guidelines on Sex Education in Schools. She considered that the Administration should ensure

Action

that the concepts and topics on sexual orientation were taught at every school. Ms Emily LAU shared the Chairman's concern. She pointed out that it was unlikely that schools with religious background would teach students about appreciation of different sexual values. Ms LAU also referred to the marriage and family dimension in the Guidelines and said that it would be misleading if students were not told that homosexual marriage was not allowed under Hong Kong laws. The Chairman requested the Administration to consider Ms LAU's view.

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25. To sum up the discussion, the Chairman said that members did not consider the Guidelines on Sex Education in Schools inappropriate but were concerned that these Guidelines had not been properly implemented at schools. As a result, students were deprived of the opportunities to receive sex education or the sex education they received might have deviations from the Guidelines. To address members' concerns, the Chairman requested the Administration to confirm whether as a matter of educational policy schools had the discretion not to teach the concepts and topics covered in the Guidelines. The Chairman also requested the Administration to conduct a comprehensive survey of all the schools to find out the number of schools which had not offered any lesson relating to sexual orientation. She requested the Administration to revert to the Subcommittee with a written response.

Role of school social workers in handling issues of homosexuality
[LC Paper No. CB(2)509/01-02(02)]

Adm

26. Assistant Director of Social Welfare (Youth and Corrections) (AD of SW(Y&C)) briefed members on the paper explaining the role of school social workers, with particular reference to handling issues of homosexuality at schools. The Chairman expressed concern that school social workers might be under the pressure of school management in handling issues of homosexuality at schools. Referring to the submission issued to members vide LC Paper No. CB(2)509/01-02(03), the Chairman said that a student of a local bible college was forced to discontinue his studies because he was homosexual. She asked whether the Social Welfare Department could provide statistics on the number of counselling cases relating to sexual orientation and the number of cases in which the student concerned had to switch to another school. AD of SW(Y & C) responded that as welfare organisations were now responsible for providing social worker services at schools, he undertook to liaise with these organisations to ascertain whether the requisite information was available.

[*Post-meeting note* : The Administration's response was subsequently issued to members vide LC Paper No. CB(2)889/01-02(01).]

Action

III. Any other business

Statistics relating to buggery offences

[LC Paper No.CB(2)521/01-02(01)]

27. Members noted the statistics relating to buggery offences provided by the Security Bureau. Since there was no convicted case of homosexual buggery involving a man at the age between 16 to 21, Ms Emily LAU requested the Administration to re-consider amending section 118C of the Crimes Ordinance to remove the discriminatory element against male homosexuals. Principal Assistant Secretary for Home Affairs (3) agreed to relay the request to the Security Bureau for consideration.

Adm

Marriage certificate issued by overseas countries for homosexual couples

[LC Paper No.CB(2)521/01-02(02)]

28. Members noted the paper provided by the Home Affairs Bureau.

Way forward

29. Members agreed that the Subcommittee should report its work and recommendations to the Panel on Home Affairs. Members further agreed that the Subcommittee would discuss the draft report at its next meeting scheduled for Tuesday, 18 December 2001. The Chairman requested the Clerk to follow up with the Administration on any outstanding issues and to prepare a draft report for discussion at the next meeting.

clerk

[*Post-meeting note* : The next meeting was subsequently re-scheduled to Monday, 14 January 2002 at 4:30 pm.]

30. There being no further business, the meeting ended at 4:15 pm.

Council Business Division 2
Legislative Council Secretariat
29 August 2002