

HORIZONS
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E-MAIL

To: LegCo Committee for Home Affairs
Attn.: Subgroup on examination of issues in sexual orientation
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Re: Response to Home Affairs Bureau's response
on issues regarding sexual orientation dated March 2001

Dear all committees:

I'd like to thank all of you for looking into issues regarding people of different sexual orientations. As I have stated in an interview segment on CNBC on March 1, 2001, the Hong Kong SAR Government has been evading its responsibilities in protecting the equal opportunities of non-heterosexual people. I'm disappointed that Home Affairs Bureau's recent reply has not shown the slightest change in the government's attitude. I have some comments about HAB's response, as well as some questions for the Government I hope this committee can help me direct to the appropriate departments:

In points 2 & 3 of the response letter by HAB, it states that people of different sexual orientations are protected by labor laws when it comes to employment and therefore no further legislations are needed. But if that logic applies, why do we have Equal Opportunities Ordinance (EOO) for gender, disabilities and family status? Don't pregnant women, single parents and people with disabilities all enjoy the protection from general labor laws?

The reason why we need the protection of EOO is because the labor laws do not protect employees from being discriminated against for their gender, race, sexual orientation, family status and disabilities. Employers can sack an employee simply because she/he is homosexual, bisexual, transgender people or a transvestite and there is absolutely nothing that unfairly sacked employee can do in legal terms.

Point 4 in the paper seems to have totally ignored the reality of discrimination in the society. If everyone were so self-disciplined, why would there be any needs for any laws?

Point 5 in regards to housing is simply self-contradictory. Many organizations at the hearing on December 12, 2000 made it abundantly clear that without legal recognition, same-sex couples would not be able to register their unions and enjoy legal rights such as public housing. Yet HAB has shown obvious lack of willingness to address the issue directly and instead chosen to dance around it in ludicrous manner.

Point 11 then states that whether or not to extend legal recognition to same-sex couples should be decided by the society. Are gays, lesbians, bisexuals and transgender people not part of the society? Why has the Government turned a blind eye on the needs of these people? And if the same logic applies that the society's morality is a determining factor for pushing forth legislation, should we not abolish the marriage system once and for all because the divorce rate has surged and the problems with mistresses worsened? The same goes to Point 12, which still refers to a survey done in 1996. Why hasn't it done a new survey even after almost 5 years? And how would the Government respond to arguments that the questions set out in the 1996 survey were misleading and therefore prompted an inaccurate result?

And when the legal system seems to presume that only heterosexually married family is the only environment for raising children, how can same-sex couples be treated fairly when attempting to adopt children? That goes to Point 6. If there is no discrimination in Social Welfare Department, would it please issue HORIZONS a letter confirming that it does not consider opposite-sex couples better parents for children than same-sex couples, bisexual individuals and transgender people?

On Point 7, Television and Entertainment Licensing Authority has failed to explain clearly to the public why a painting of two women hugging has been banned for public display. I hope that HAB can help follow up on it.

On Point 8, would the Government please ask the Hong Kong Red Cross to explain why men who have sex with men are "high risk" group? The Hong Kong Red Cross has refused to answer questions from members of Tongzhi Community Joint Meeting, an alliance of sexual minority groups, in regards to the disputed clause on its blood donation form.

On Point 9, would the Government please explain what kind of protection it is trying to give to people over 16 but under 21 by setting the age of consent for anal sex over 21? How would someone over 16 but under 21 be harmed by having anal sex and not vaginal sex? Why is that two men showing intimacy (e.g. kissing and holding hands, etc.) in public can risk arrest for gross indecency while the same doesn't apply to two women, or a man and a woman?

On Point 13 about education, would the Government please let us know what lesbian and gay student should do when the revelation of their sexual orientations leads to scolding and condemnation from schools' teachers and principals? And has it followed up on how its encouragement for schools to include the subject of sexual orientation into sex education works (i.e. how many schools have actually done so after being encouraged)? How many schools in Hong Kong actually have sex education at all?

And on Point 14, would the Government please present us with figures how many such sex education courses for teachers have been conducted and how many teachers actually attended? On point 15 and 16, would the Government please provide us with their course guidelines in training courses for social workers and medical students?

On Point 17, would HAB please provide us with numeric figures on how many complaints it has received in regards to discrimination based on sexual orientation and how it has handled the complaints? For reference, Equal Opportunities Committee (EOC) had received 14 complaints in 2000, but due to the fact that discrimination based on sexual orientation falls out of EOC's jurisdiction, the complaints are only filed for reference. Would HAB please help EOC handle the complaints?

On Points 17-22, HAB has failed to explain why there has yet been television broadcast from the Government to educate the public not to discriminate based on sexual orientation when it has already done so for family status, gender, disabilities and age?

As with Point 22, and as a conclusion, I'd like to urge the Government to put its words into actions. In 1998-99, HORIZONS was granted funding to conduct a series of workshops and seminar. But when during the search for venues, Wharney Hotel had refused to lease out any space for the seminar stating that "the subject matter is too sensitive". I stated the incident in the final report to HAB and the incident has also been reported in newspaper, and yet HAB has never followed up on it. The incident has cast doubt on the Government's commitment on reducing society's prejudice. It's my hope that the Government can prove that its commitment is indeed more than just words.

Yours truly,



Reggie Ho
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HORIZONS