

C i v i l R i g h t s f o r S e x u a l D i v e r s i t i e s

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c/o Secretary of Legco
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Position Paper Submitted to Home Affairs Panel regarding Health and Housing Issues for the Sexual Diversities Communities in Hong Kong

In response to the Panel on Home Affairs' invitation, I am writing to express our organization's concerns over health and housing issues for sexual diversities in Hong Kong

- Echoing the American Psychiatric Association's (APA) removal of homosexuality from its list of mental disorders and in response to a growing debate in China, the Chinese Psychiatric Association has dropped homosexuality as an illness in its general guidelines for its members just two months ago in April 2001. Contrary to these developments worldwide, Hong Kong has maintained a unique record in attempting to provide a 'change' for one's sexual orientation, despite lack of scientific proof of effectiveness and safety. In the Sunday Morning Post's report on 8-Jan-1995, it was reported that local psychiatrists and medical professionals offered possible 'cures' to their "clients - who attend the sessions on a voluntary basis - are asked to sit on a chair with positive and negative electrodes attached to the back of each hand. Slides of sexually arousing images beginning with pin-up pictures of muscular male models ... are shown." Electroconvulsive therapies (ECT), as commonly employed by psychiatric professionals, are known to be effective for depression. ECT may be effective for the depressive gay person, yet, it may not be able to change one's sexual orientation. A simple 'no' is the answer given by the APA, "it is not an illness. It does not require treatment and is not changeable" in response to the question "Can therapy change sexual orientation?". ECT also comes in other names such as Aversive Therapy, Conversion Therapy and Reparative Therapy. In addition to the blatant misconception these names suggest, that sexual orientation can / need to be converted, cured or repaired, these names and the ultimate practice of such therapies are counter-productive to the education the Home Affairs Bureau has advocated for years.
- While there has been little evidence that ECT can change one's sexual orientation, the mental and physical harm that ECT does to the client is costly. Since the Hospital Authority hosts a large part of the psychiatric treatment and services to the Hong Kong community, it has become our concern as to what extent ECT has been used for LGBT clients. How many of LGBT clients were treated with ECT because they had depression? How many of them were in the false hope of changing their sexual orientation? Are the clients informed of the low effectiveness of ECT? What are the procedures for clients consenting to such treatment? How was the treatment carried out? How does the Authority ensure that treatment like ECT does not aggravate one's internalized homophobia? How does the Authority ensure that LGBT clients do not tender their

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consent out of coercion, misinformation that it may change one's sexual orientation and as advised by professionals? What is the control mechanism in regulating non-government organizations' provision of treatment or therapies?

- While a lot of same-sex couples share their intimate moments, finances, homes and vacations, they are not allowed to share and support each other to the full extent in times of being unwell. Without a Registered Domestic Partnership or a recognized family relationship with each other, same-sex spouses are often barred from visitation (especially overnight / beyond normal visiting hours), making medical decision in case of the incapacitated spouse and being informed of one's health conditions. Pre-arranging a medical Power of Attorney or Enduring Power of Attorney may well serve the purpose. However, what is automatically granted to heterosexual spouses do not come naturally to same-sex couples. Since it has seldom come to the minds of same-sex couples of such pre-arrangement, the impact because of lack of automatic protection is especially serious in case of emergency.
- Employers value the employees' health as much as their productivity. That is why employers, including the Government, have medical benefits for employees and their loved ones. However, few employers in Hong Kong except for a few progressive multi-national corporates have medical benefits extended to same-sex spouses. In the US, more than 3,000 companies provide fringe benefits, including medical benefits to the same-sex spouses of their employees. 10 states, 16 counties and 54 cities in the US provide medical benefits to same-sex partners in the public sector. Canada, Columbia, Denmark, France, Greenland, Hungary, Iceland, the Netherlands, Norway, Spain and Sweden all have legislation to a certain extent protecting same-sex couples in Registered Domestic Partnerships of entitlement to medical benefits.
- Same-sex couples are not recognised as family members when applying for Public Rental Housing (both operated by Housing Authority and Housing Society), Home Ownership Scheme (HOS), Home Purchase Loan Scheme (HPLS), Home Starter Loan Scheme (HSLs) and Sandwich Class Housing Scheme (SCHS).
- Taking Joe / Jack and Kate / Kitty as examples, one can find how the current housing system is de-privileging same-sex couples. Joe works in a restaurant as a waiter (earning \$8,000 per month) while Jack works as a graphic designer (\$15,000 / month). Jack now lives with his mother and wants her to live with Joe too. Kate works as a Sales Manager for an advertising agency (earning \$30,000 / month) and Kitty works as a magazine editor (earning \$18,000 per month). They all have been in an relationship for 3 years and are looking for the housing options as offered by the Housing Authority.

<i>Schemes</i>	<i>Joe + Jack</i>	<i>Kate + Kitty</i>
Monthly Income	\$6,000 and \$15,000	\$30,000 and \$18,000
Public Rental Housing (HA)	De-privileged by family composition requirement: related family members. If applied as single persons, Joe is eligible	Exceeded income cap.

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<i>Schemes</i>	<i>Joe + Jack</i>	<i>Kate + Kitty</i>
	(monthly income < \$6200) yet will only be assigned flats for one single person, which may be too small for two.	
Public Rental Housing (HS)	Could have been eligible for Group B estates should they be considered family members.	Exceeded income cap.
Home Ownership Scheme	De-privileged because of non-nuclear families in family composition. Could have been eligible should they be considered family members (income < 25,000 / month). Only Joe may apply as Singleton applicants (<\$12,500 / month). In such case, Jack cannot co-own the purchased home.	Exceeded income cap.
Home Purchase Loan Scheme	Not available to them since it requires them to be PRH (HA/HS) residents.	Not available to them since it requires them to be PRH (HA/HS) residents.
Home Starter Loan Scheme	De-privileged by "2 directly related members" clause in family composition.	De-privileged by "2 directly related members" clause in family composition. Could have been eligible (monthly income < \$50,000) should they be family members. Kitty could have been Singleton applicant (monthly income < \$20,000), however, they are not allowed to co-own the flat and there is no protection for the other spouse.
Sandwich Class Housing Scheme	De-privileged by "2 directly related members" clause in family composition.	De-privileged by "2 directly related members" clause in family composition. Could have been eligible (monthly income between \$25,001 and \$50,000) should they be directly related members. Kitty could have been Singleton applicant (monthly income < \$20,000), however, they are not allowed to co-own the flat and there is no protection for the other spouse.
Private Rental	Often discriminated by real estate property agents or owners of the flat by scrutinizing their relationship. Very often, same-sex couples have to pretend to be siblings living with parents to be accepted to the rental. Some same-sex couples had their rental contract pre-maturely terminated when the owners found out their relationship.	

- Co-ownership, inheritance and patrimonial rights of same-sex couples to real estate properties are often restricted by the fact that they are not "married couples" nor Registered Domestic

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Partners.

Having seen the difficulties faced by same-sex couples and people of different sexual diversities in terms of accessibility to health services and housing services, we would like to hear the Panel's and the respective Bureaux, Authorities and Departments of the Hong Kong SAR Government's response to such concerns and issues. Thank you.

Regards,

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Civil Rights for Sexual Diversities