

Legislative Council 立法會  
Meeting on 20/8/2001 會議

Chung To 杜聰  
Chi Heng Foundation 智行基金會

August 15, 2001

Mr. Stanley Ma Kin Hung  
The Legislative Council, Hong Kong  
Tel: 2509 4125 (2869 9423); Fax: 2509 9055  
Email: [cb2@legco.gov.hk](mailto:cb2@legco.gov.hk)

**RE: Subcommittee to Study Discrimination on the Ground of Sexual Orientation**  
**Attachment: Newspaper Clippings and Information on Other Places**

Dear Mr. Ma,

Attached please find selected newspaper clippings and information on tongzhi issues worldwide. Information regarding the situation in Hong Kong and Taiwan have been sent to you separately. We hope the information would enable members of the Subcommittee to further understand the issue.

There is so much information on tongzhi issues, and I am sure members of the Subcommittee are aware of most, if not all, of them. Instead of overwhelming members with information, I have selected just a few news stories, which should serve as thought provoking pieces, instead of comprehensive analyses.

Also attached are articles on the Red Cross/blood donation incident. As you can see, some of the arguments are quite offensive, irrational and discriminative.

Chi Heng Foundation aims to promote equal opportunities and eliminate discrimination. With regard to eliminating discrimination on the ground of sexual orientation, we believe both public education and legislation are necessary. They are not mutually exclusive and should be done at the same time.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Chung To  
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Email: [chungto@netvigator.com](mailto:chungto@netvigator.com)

b 頁 1-1(B)

主 ID

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收件者： To Chung netvigator <chungto@netvigator.com>  
傳送日期： 2001 年 5 月 14 日 PM 06:20  
主旨： Thai Interior Minister Proposes Same Sex Marriage

### **thai interior minister proposes same-sex marriage**

While the Thai Minister of the Interior does not appear to be looking for a man to hitch, he did make a little-publicized statement recently that many found exciting.

Prof. Purachai Piumsombun said he thought that legalizing same-sex marriage would be a good thing, reported the *Bangkok Post*.

However, the Thai parliament is still quite far from approving such an idea, most observers think - Senator Montri Sinthawichai recently went on record calling homosexuality a "mental problem" - and it seems unlikely that this proposition will even make it into the form of a bill.

While it is not a policy statement, Prof. Piumsombun's comment was taken as a small but very clear gesture of support for gay and lesbian rights.

The leader of the lesbian Anjaree Group handed the Minister a note thanking him for his statement, and suggesting (perhaps prematurely) that she would understand if he was unable to have the notion made into law.

b 頁 1-1(B)

主 ID

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傳送日期： 2001 年 5 月 11 日 PM 03:55  
主旨： Most Canadians Back Gay Marriage

Most Canadians Back Gay Marriage  
Matt Alsdorf, Gay.com/PlanetOut.com Network  
Thursday, May 10, 2001/10:01 PM

*A majority of Canadians now support gay and lesbian marriages, and the number who approve of homosexuality is rapidly increasing, according to the latest national survey.*

A new survey shows a dramatic leap in Canadians' approval of homosexuality and support for same-sex marriage over the past five years.

According to the National Post, an Environics Research Group survey conducted last month found that 55 percent of Canadians back extending marriage rights to gay and lesbian couples. Additionally, the percentage who approve of homosexuality has doubled - to 44 percent - since 1996.

"What this is telling us is that for a long time there was this idea that somehow marriage was the final taboo for gays and lesbians - that the public would never go along with the idea of same-sex couples marrying because marriage has all the symbolism to it," said Derek Leebosh, a senior associate with the Environics group, according to the Post. "But it is obviously not true."

Support was strongest among those aged 18-29, with 73 percent backing gay marriages. Support dipped to 35 percent among respondents over 60.

Dr. Mark Genuis, founder of the Calgary-based National Foundation for Family Research and Education, told the Post that fewer Canadians would support same-sex marriages if a debate were held about the purpose of the institution.

"Marriage has traditionally been between a man and a woman for a specific purpose, to raise the next generation of society. One may want to say that's just an outdated view, but it's worthwhile to ask that question," Genuis said.

Fewer respondents approved of homosexuality than backed same-sex marriage. But the 44 percent who strongly or somewhat approved was a 10 percent increase from 1999 and a 22 percent jump from 1996.

The survey also found that 37 percent of Canadians disapprove of homosexuality - an 11 point drop since 1996.

The Post reports that women, the young, the well-educated, and those with higher incomes were the most likely to approve of homosexuality.

b 頁 1-2(B)

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 傳送日期： 2001年5月17日 AM 11:10  
 主旨： Non-Traditional Households Increase

Non-Traditional Households Increase  
 Reuters  
 Wednesday, May 16, 2001/04:45 PM

*Fewer and fewer Americans are settling down in "traditional" heterosexual family units, according to the latest Census data.*

The once-traditional nuclear family continues to decline in America, with more unmarried couples - both gay and straight - sharing a home and a greater number of people choosing to live alone, the Census Bureau said on Tuesday.

According to figures released from the 2000 census, the households consisting of a married couple with children under 18 dropped to 23.5 percent of the total from 25.6 percent in 1990, and 45 percent four decades ago.

The number of single-person households amounted to 26 percent of the total. Those in which unmarried people - with or without children - were living as couples rose by 72 percent to 5.47 million in 2000 from 3.19 million in 1990.

Married-couple households dropped from 55 percent to 52 percent of all homes from the last census.

The latest statistics from the 2000 Census redefine the American household, with the number of Americans living alone surpassing traditional nuclear families in number.

In 1940, less than 8 percent of all households were made up of people living alone compared to nearly a quarter in 2000.

The shift in living arrangements was reflected in the nation's average household size, which hit a record low last year of 2.59 people from 2.63 a decade earlier.

"What we are seeing now represents a continuation of the trends from the past 40 years," said Census Bureau demographer Campbell Gibson.

In 1960, the typical American household would have been a married couple with children under 18 at home. A much more diverse picture has now emerged, Gibson said.

### **Marriage Later in Life**

Demographers attribute the shift from the traditional nuclear family to several factors, such as couples delaying marriage and having children later, a higher divorce rate and a growth in single parent families.

Both men and women are getting married later in life with the median age of first marriage going up since 1960 from aged 22 to 27 for men and for women from 20 to 25 years old.

The number of families led by women with no husband present grew nearly three times faster in the 1990s than the number of married couples with children.

The Family Research Council, which promotes the traditional nuclear family and is opposed to people living together before marriage, said the latest census results showed an "alarming trend" in family structures.

"We need to discourage people from living together outside of marriage and encourage them to have children within marriage," said Bridget Maher, a policy analyst at the Family Research Council.

However, interest groups representing single people said the census figures showed that people were no longer rushing to

b 頁 2-2(B)

the altar and that America had to adapt to a changing society.

The Alternatives to Marriage Project (ATMP), a non-profit group for unmarried people, said it was clear cohabiting had been transformed from "something scandalous" to something most people do before they married or instead of marrying.

"The fairy tales misled us. Getting married isn't the only way to live happily ever after," said ATMP executive director Dorian Solot. "The truth is that some princes stay single. Some princesses are lesbians. And there are cohabitators living throughout the kingdom."

Other groups representing single people said they hoped corporate America, which still pampered married couples, would grasp the changing face of households.

"Businesses that continue to cater almost exclusively to married couples have lost sight of the changing demographics of this country and they may get lost in the dust of the companies who do recognize the face of the future," said Bella DePaulo, a leading member of the American Association for Single People.

b 頁 1-1(B)

主 ID

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寄件者： <Sydney Levy>  
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 傳送日期： 2001 年 6 月 5 日 AM 05:27  
 主旨： IGLHRC Alert: UNITED NATIONS: HISTORIC PROGRESS!

**UNITED NATIONS: HISTORIC PROGRESS!**

**UN OFFICIALS MOVE TO ADDRESS HUMAN RIGHTS VIOLATIONS BASED ON SEXUAL**

**ORIENTATION, GENDER IDENTITY**

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**SUMMARY**

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In a historic step, the United Nations' human rights mechanisms moved last week to increase their work on issues of sexual orientation and gender identity.

In a letter from the Office of the UN High Commissioner for Human Rights, six Independent Experts - high-level individuals appointed by the UN to investigate patterns of human rights abuse - reached out to lesbian, gay, bisexual, and transgender (LGBT) communities. They urged activists and groups worldwide to contact them about human rights violations.

The experts have wide power to address governments about suspected abuses. They report annually to the UN on their findings. This is the first time that a group of such high-level experts has moved publicly to take on LGBT issues as part of their mandates.

The six Independent Experts were:

- The UN Special Rapporteur on Torture (Sir Nigel Rodley)
  - The UN Special Rapporteur on Violence Against Women (Ms. Radhika Coomaraswamy)
  - The UN Special Rapporteur on Freedom of Opinion and Expression (Mr. Abid Hussein)
  - The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (Ms. Asma Jahangir)
  - The Special Representative of the Secretary General on Human Rights Defenders (Ms. Hina Jilani)
- The UN Special Rapporteur on the Independence of Judges and Lawyers (Mr. Param Cumaraswamy).

b 頁 1-2(B)

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傳送日期： 2001 年 8 月 16 日 AM 10:08  
主旨： Ng Mun Lun's article on Red Cross

Ng Mun Lun

作者為：香港性教育促進會

近日有同性戀及性工作者抗議紅十字會的《捐血者須知》有歧視成分，很多人卻為那《須知》辯護，這裏且審視一下他們的辯護理由。

何不研究貨車司機是否高危？

辯護一：同性戀者（或性工作者）確是比一般大眾有較高的愛滋病感染率，所以，不讓他們捐血是根據事實去保護大眾。

回應：所根據的確屬事實，但不是全面事實，因為比一般大眾有較高愛滋病感染率的群體可以有無限多，視乎我們怎樣去圈出這些群體。譬如根據已知資料，我們不難圈出南非人、獨身男人、超過三十歲的人、信或不信某些宗教者、長途貨車司機等等也可能有比一般大眾較高的愛滋病感染率，有些甚至可以比同性戀或性工作者更高。不理會（或不敢理會）這些其他也是所謂‘高危’的群體，卻偏偏圈出同性戀和性工作者來針對，便是不公平、欺壓和歧視弱群，也誤導了要接受輸血的人。

辯護二：高危行為比高危群體較難確定。

回應：根據一個人的身分來指認其危險程度是不公平的，較公平的做法是以該人的行為或經驗為根據，在血液安全問題上，便是要看該人有無做過可污染其血液的高危行為，但反對者卻以高危性行為為難以準確定義和詳細描述來作辯，這無非是藉口，因為《須知》內所說的性行為、性服務、為金錢而做、或男妓女妓等，也是無法下定義說得清楚的字眼，這些用詞的難度及模糊度，為什麼又可以接受？顯見設計者背後就是有主觀偏見成分。

辯護三：以身分來認定危險度雖然或涉歧視，但較能保障血液安全，向公眾負責。

回應：並無證據較能保障安全。在理論上，無論是否以性身分為根據，所依靠的仍是捐血者對《須知》的理解和本於良心的回應，其可靠程度都一樣難以測度，但那既然是無辦法中的辦法，設計者就只能盡力而為，就更應以設計一個能避免有歧視內容的《須知》為較合理和較得人心。應以行為經驗為根據

辯護四：《須知》乃參照國際公認的標準來制訂，所以不會錯，也不能改。

回應：國際公認的標準也可以錯，尤其在有關歧視的事情上，因為歧視者必屬當權大多數。十多年前，國際公認標準說同性戀是病，現在就已經不是。要改變一個國際錯誤是很難的，也需要很長時間，但必須先能面對錯誤，肯去求變，才有改善的希望。

今日明報論壇

b 頁 1-4(B)

## 主 ID

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 收件者： hk10news <hk10news@yahoogroups.com>  
 傳送日期： 2001 年 5 月 15 日 PM 03:40  
 主旨： [hk10news]禁男同志捐血是否歧視？

### 【明報論壇】禁男同志捐血是否歧視？

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五月六日，同志團體「彩虹行動」到紅十字會活動會場抗議紅會歧視男同志，引起關注，本版特邀抗議的同志團體代表陳諾爾，以及紅十字會輸血務中心連智傑醫生撰文，詳述雙方理據。

紅會的《捐血者須知》明確列明，不接受曾在一年內與男性有性行為的男性捐血，紅會指男同性性行為乃感染愛滋的高危行為，男同志團體則指摘紅會歧視同志。

「彩虹行動」陳諾爾主要理據包括：

- 一、進行不安全性行為的異性戀者卻不被拒絕；
- 二、聯合國報告指出，亞洲成年人愛滋病毒主要傳染途徑為「異性戀性行為」而非「男同性性行為」，情？與香港資料吻合，去年案例為 170 宗比 20 宗；

紅會連智傑醫生則反駁：

- 一、不可只看染病人數；
- 二、男同志人數少，染病「率」較異性戀者高。

——編者

陳諾爾：港愛滋非主要由男同志傳染  
 連智傑：男同志「染病率」較異性戀者高

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### 【太陽報】馮檢基：須改捐血答問

12/05/2001

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紅十字會於上個月更改「捐血登記」表格，把現時表格中查詢捐血者是否「與同性發生性行為的男性」，改為詢問男捐血者曾否與同性發生性行為，而答「是」者，「不代表今天或以後不可以捐血」，將由護士決定他是否適合捐血。

此事為一批同性戀者及性工作者非議，並於紅十字會舉辦的活動中舉行示威，「抗議紅十字會歧視」，紅十字會應針對不安全性行為及共用針筒等傳染途徑，而非針對捐血者的性傾向。

據 生署資料，這兩三年來愛滋病毒感染個案，異性性接觸與同性性接觸的個案約為六比一，雖然愛滋病毒感染個案中異性性接觸的比例高，但有論者認為，雖然同性性接觸的個案為小，但若以同性性接觸者之中的愛滋病毒感染者，其比例則算高。

而紅十字會秘書長方敏生的回應，卻說這是要保障用血者的權利，而拒絕同性戀者捐血是合乎國際標準的做法。其實紅十字會要捐血者填寫的表格，都是由捐血者自由作答，當然大家會相信填表者是誠實作答，但也不能否定有人會含糊其詞又或「講大話」，況且紅十字會收到的捐血，都會經過嚴格的檢驗過程，才會使用。故此紅十字會在市民捐血前，不止採取一些



## b 頁 2-4(B)

基本需要的提問，並盡量減去有「性傾向」的字眼，免人誤會歧視！

【東方日報】劉天賜：胡亂衝擊

紅十字會舉辦活動時，二十多名抗議者到，認為「捐血新修訂表格」換湯不換藥，仍然歧視男同性戀者及性工作者，要求作出修改。場面一度混亂。看到爭議性的問卷有如下的問題：「如屬男性，你是否曾與另一男性發生性行為？」「在過去十二個月內你是否曾與下列人士發生性行為：有雙性行為的男士、從事提供性服務的男或女士……」看來，此兩條問題使示威者覺得受到歧視也。示威者須冷靜下來，清洗偏見的腦袋，以理性思考一下，捐血者的願望是甚麼？總的來說是善良的，希望所捐的血液能夠幫助有需要的人，此乃慈悲心腸。如是，則慈悲心應掩蓋一切其他猜疑了。

紅十字會的提問，是出於慈悲的心腸，希望所得的血液清潔，毋須花費重大的人力物力鑑定每一滴血的清白。捐血者宜盡量及自覺地協助紅十字會保障血液清白的措施，沒有人希望把不潔的血液輸送到病人身上，更沒有人蓄意利用捐血散播不可治療的病毒。故此，保障血液乃第一優先，比歧視不同性向、職業重要。能分辨輕重，則紅十字會問卷哪管有針對男同性戀及性工作者之嫌，宜加諒解。譬如，患了傳染病的人，或懷疑感染傳染病的人不宜到公眾地方，這是以公眾生為第一優先的心理，捨己為人的心腸。為爭取同性戀或性工作者權益自有其原因，可是不宜在捐血這種關係人命的事件中胡亂衝擊呀！

【新報】賤人〔名家雜文〕 C07 2001-05-13

少數族群，不一定是弱勢社群，其所作所為也不一定是‘有對無錯’的！現坊間一片認同，好似‘少數’的，就是‘弱勢’，一定‘對’的！而且，只因弱小無力，常被大多數欺負，‘對’都被逼變成‘錯’！

這是一群有心人做出來的‘錯覺’，有誤導成份，例如，我們不支持同性戀濫交，就會變成打壓逼害同性戀；難道，香港政府反吸煙、嚴懲垃圾蟲、通緝罪犯，都是一種逼害手段？

當看到那個叫 TOMMY 仔的陳諾爾，打著甚麼‘彩虹行動’成員的招牌，早前，鼓動兩名中學生向校長老師同學派發同性戀刊物時，我就心如刀割，為何要打攪兩名純潔的學子呢？為何要利用未知世途險惡的小朋友去做你們的棋子呢？

除了卑鄙無恥之外，別無其他詞語可用！

這位 TOMMY 仔，最近不斷破壞社會安寧，尤其在一份周刊接受訪問時，直認自己當男妓，常到酒店被人‘睇辦’，還搔姿弄首拍照。現今，世人不再會歧視當娼妓的可憐人，只怕那些自卑的人，常說自己被歧視。

早前，這位常被人睇辦問價的男妓，帶隊搗亂紀念紅十字會之父亨利杜南誕辰的活動，真令人光火！

一個人為了出風頭，為了曝光，為了做新聞人物，多人識之後，身價會提高的嗎？有人這樣想，但卻令人更加鄙視！

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**【新報】雞姦**

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兩個男人幹那令人噁心的行爲，強令人身的器官做違反自然的事，有如野狗吃腐屍，其臭無比。如果他們安分守己在家中依法行事，就算自己殘害身體，旁人也管不上來。正如有些人壽星公吊頸嫌命長，在家中燒炭，政府也無能爲力，唯一可以做的是勸喻大家愛惜生命，若真的非死不可，也不要連累無辜，尤其是無知的小孩。

男同志要唱後庭花，只要不觸犯現行法例、不傷害小孩，大家隻眼開、隻眼閉就是了。現在一小撮人硬要捐血，監人賴厚，恐怕不見得是本地男同志的主流意願。至於意圖外行領導內行，高舉反歧視的旗幟打壓醫學界，不知居心何在。不幸的是醫學界正受手機醫生事件影響，形象低落，平機會和劉慧卿之流正好乘機奪權。男同志的行爲違反自然，實無可議，就算要求社會對身心有病的人包容，也不能強迫所有人顛倒黑白。

我有個朋友對同性戀問題甚有研究，便向他請教兩個男人亂搞，爲甚麼要叫做雞姦。朋友說動物進化，越高級的生物器官分工越精，變形蟲、細菌就不必有眼耳口鼻、不必有雌雄之分。人類進化成爲萬物之靈，最主要有一個發達的大腦、靈活的雙手、以及精良的發聲系統。因此人會思考、講說話、寫字。人和其他高等哺乳類動物的下身器官分工精細，所以產道和便道分開；較低級的動物就混在一起，鳥類生蛋、排大小便都在同一個出口，學名叫泄殖腔。原來雄雞是沒有雞巴的！這位博學的朋友說雞是人類最熟悉的鳥類動物，搞斷袖分桃的人既將大便道當作產道來用，他猜想古人就爲了這個原因說他們產道便道不分，自貶爲雞，所以稱之爲雞姦！

好雞姦的人不一定有愛滋病，但是既然普遍健康不佳，又何必強行捐血呢？回饋社會還有許多途徑吧？

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**【新報】支持紅十字會**2001-05-12

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紅十字會，是爲救人而設的組織，稍有零點零零幾危險性的事情，也不去博，這個善良的宗旨，不只他們捏得緊，也是全人類擊節支持的決定。

不容有失，是錯的嗎？

紅十字會徵收救命的血液時，有嚴格的規定和甄選，是必然的；這種謹慎態度，和保障使用血液的病人之安危責任，是非常令人欽佩。

同性戀者可以捐血，但請根據人家救世的規格，去填寫有關資料，這並沒有歧視意味，例如我們在飛機上填寫任何一張入境紙表格，上面總會問有何病症，如咳嗽、肺病或愛滋病一樣，難道，又話人家歧視你是病人嗎？

入境表格上，還會問你帶多少錢，或首飾入境，咁又算看不起窮人嗎？

神經過敏、自卑、身有屎或乘機搞事圖利的人，才有意見。

連諮詢的機會也不讓人家問一句，這是甚麼的世界？

## b 頁 4-4(B)

我不會歧視同性戀者，因他們不值得歧視；但我會鄙視那些連狗智商也不如的低等動物。

當紅十字會根據國際標準，男同性戀者和當娼的人，均屬愛滋病及傳染病高危人士時，我極之贊同紅十字的宗旨：‘保障血液使用者安全，是我們首要工作。’

【新報】男同志的飲食健康

2001-05-12

世界紅十字日將至，香港紅十字會便舉辦了一個宣揚飲食健康的活動，引來二十多個男同志和社工示威，他們聲大夾惡，叫口號的聲音不單蓋過嘉賓致辭，後來還與保安人員推撞，將楊鐵樑法官和楊永強局長都嚇跑了。示威的原因是說紅十字會歧視男同志和‘性工作者’，不肯接受這些人捐血。一眾男同志眾志成城，令鐵樑也要落荒而逃。

示威者說捐血指引歧視男同志，無事生非的平基會也表示贊同。紅十字會的發言人回應說要保障用血者的權利，拒絕男同性戀者捐血合乎國際標準。

報上說示威發言人認為香港染愛滋病的人以異性戀者為多，同性戀者為少。這個說法大有語病，談戀愛是不會傳染性病，性行為才可以！實情是所謂‘異性戀者’染愛滋，無非是嫖妓出事為主，再加嫖客回家傳給老婆，一般男女談戀愛豈能染愛滋？就算不問張三李四的一夜情，只要做足安全措施，感染愛滋的機會減低。

紅十字會的捐血登記表只提醒男同志不要捐血，女同志卻不在此限，這算不算性別歧視？當中另有玄機。報上說那個未成年的小同志自稱只用口和手，不怕感染愛滋，但是你不唱後庭花，卻又怎能保證對手不唱？對於那些將攪屎棍放入口的男同志來說，吞糞、吞精是家常便飯，口水、大便、小便、精液大混合的雞尾酒交叉感染，於是乎許多原本只生在人身腰以下的‘生果病’、‘蔬菜病’便長到口腔裡面去。

女同志為甚麼可以捐血呢？知情者說她們沒有那麼複雜，只需要勤洗手、勤剪指甲便是。