

**Response to the Home Affairs Bureau's Paper on
Discrimination on the Grounds of Sexual Orientation**

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TO: Legislative Council Panel on Home Affairs

FROM: Rose Wu
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I am writing on behalf of the Hong Kong Christian Institute to express our concern about the issue of discrimination based on one's sexual orientation and our response to the paper of the Home Affairs Bureau on the same issue.

First of all, we want to query the government about its statements in the paper that it is firmly committed to promoting equal opportunities for all, including people of different sexual orientations, for the government once again uses many excuses to delay and block any legislation in the Legislative Council that would respond to discrimination based on sexual orientation. This lack of action only indicates that the government is being hypocritical and lacks any commitment to translate its words into policies.

The first point that we strongly oppose is the paper's basis for inaction. The paper notes that the majority of people in Hong Kong strongly oppose legislation to address discrimination based on sexual orientation, that divergent views were expressed on the issue, that there was unanimous support for the use of non-legislative measures to address this type of discrimination, and that complaints of discrimination on the grounds of sexual orientation have been few—all of which justifies the conclusion, the government believes, that there is not enough support to warrant legislation. We feel, however, that the views of the community expressed in the paper lead one to the opposite conclusion, for these opinions clearly reflect the presence of discriminatory attitudes in the community toward sexual minorities. Indeed, the paper shows that there are real and serious forms of prejudice in Hong Kong towards sexual minorities. Instead of taking action to protect those who are discriminated against, however, the government chooses to hide behind the purported views of the majority and to neglect its responsibility to protect minorities and their rights.

Secondly, the reason why the government has received so few complaints about discrimination is because sexual minorities in Hong Kong know that there is hostility in the community towards them. This hostility prevents them from coming forward and voicing their needs and suffering because, once when they come out, they will face even further marginalization. Their experience is similar to many victims of domestic violence who choose to keep silent instead of speaking up because society will make them feel full of shame if they expose their tragic experiences to the public even though they are forced to face their abusive husband day after day. We all

understand that unless the mentality of society changes it will be difficult for sexual minorities to come out and speak for themselves.

Thirdly, the government argues that the problem of discrimination based on sexual orientation lies in stereotypes and prejudices. Therefore, it is adequate, the government maintains, to just use the self-regulation and education approach. Like the government's arguments above, we think that this reasoning is also weak and invalid. Take the example of smoking. Is the government not using both education and legislation in order to change the smoking habits and attitudes of society? To us, unless the government is determined to pass legislation, the patterns of discrimination against sexual minorities will not change and will become even more ingrained.

Moreover, in regards to education on this social issue, we strongly feel that the government's efforts in the past few years to use public education to eliminate the prejudices and discrimination of Hong Kong's people toward sexual minorities has been woefully inadequate and insignificant. As we all know, this issue touches almost all corners of our lives, including our families, schools, the media, entertainment industry, religions, neighborhoods, workplaces as well as all government departments, etc. We are convinced that unless the government is determined to put a much more significant amount of money and human resources into education on this issue we will not be able to change the social stigmatization of sexual minorities in Hong Kong.

The last argument on which we want to comment is the government's use of the Hong Kong Bill of Rights as an excuse not to pass legislation against discrimination based on sexual orientation. We want to point out that the Bill of Rights only covers the government and public authorities, thus, exempting the private sector from any legal supervision and penalties. Secondly, because there is no Human Rights Commission like the Equal Opportunities Commission, people who suffer from discrimination will be exposed to a more vulnerable situation, except for those who are rich enough to hire a private law firm to prosecute their case or for those who are poor enough to apply for the assistance of the legal aid.

In view of the above comments, we want to make the following proposals:

- (1) The government should extend the existing Equal Opportunities Ordinance to cover sexual orientation as soon as possible and put it under the monitoring system of the Equal Opportunities Commission.
- (2) The government should make a comprehensive plan and put much greater resources into educating the public throughout all levels of our schools, starting from preschool education, so that children from a very young age learn to embrace and respect the diversity and beauty of different sexual expressions.