



To: Panel of Constitutional Affairs

Subject: Compliance to the ICCPR by the Hong Kong SAR Government

Recently, we came across the following link and understood that the Panel of Constitutional Affairs is reviewing Hong Kong's status in terms of compliance to the ICCPR (International Covenant of Civil and Political Rights)

<https://www.legco.gov.hk/yr17-18/english/panels/ca/agenda/ca20180104.htm>

In this aspect, we have the following comments for your consideration:

1. About the LGBT agenda being pushed forward

In recent years, some local LGBT rights organizations, including EOC (Equal Opportunities Commission) have been pushing forward the LGBT agenda.

The agenda includes (but not limited to):

- a. the enactment of Sexual Orientation (and Gender Identity) Discrimination Ordinance.
- b. the establishment of Gender Recognition Scheme, including the relevant legislation. (the public consultation just ended on 31 Dec 2017)
- c. de facto marriage – which was proposed by EOC, includes the recognition of de facto marriage (probably including same-sex de facto relationship). De facto couples are entitled to the same rights as married couples.
- d. same-sex marriage or same-sex civil union.

According to our analysis, the establishment of any item of the above mentioned agenda may put HKSAR government in a position of violating the International Covenant of Civil and Political Rights.

In recent years, we have expressed the above views in different occasions publicly and submitted papers to the Legco about the rationale. In case you want to know our view, we can arrange a meeting to explain to you in more detail.

Our recommendation to the HKSAR Government is:

- We should stand firm on human rights and resist the introduction of any laws or measures related to the above mentioned agenda that may

intrude the human rights of the citizens.

2. About the comment from the Committee of United Nations

We (Family School SODO Concern Group) are aware that some people (often LGBT activists) always claim that the United Nations is asking Hong Kong Government to enact discrimination laws on Sexual Orientation and Gender Recognition.

We doubted such claims and in fact we have sent numerous emails to the United Nations to request for clarification on their position on Hong Kong, yet we have not received any reply so far.

As far as we know from the Covenant, although Article 2 requires each State Party to adopt laws or other measures to give effect to the rights recognized in the Covenant, it does not require “a separate discrimination ordinance for Sexual Orientation and Gender Identity.” My understanding is, as long as the so-called discrimination is under effective control by any means, there is no strict mandate on the necessity of establishment of any discrimination ordinance, not to mention that the ordinance itself should not be established to violate the human rights of others.

As far as we know, in Hong Kong, there is no substantial evidence to prove the existence of any significant discrimination in the above mentioned areas, namely sexual orientation and gender identity. Yes, there is a biased report from EOC saying that there is “serious” discrimination in Hong Kong. However, at the time when this report was published, we have already held 2 press conferences to criticize the contents of the report in detail. In fact, if we look at that report objectively, that is not a report based on professional academic research, but only the advocacy of LGBT agenda, yet disguised in the format of an academic report.

If necessary, we could provide a detailed analysis on that report to substantiate our view.

Interestingly, from the very same report from EOC, if we could interpret correctly on some of the facts about the research they conducted, we could conclude that there is virtually no discrimination based on sexual orientation and gender identity in Hong Kong. Why do we say so?

In one main section of the report, EOC listed out 86 discrimination cases which they took more than one year to collect. EOC claimed that these discrimination

cases “prove” the seriousness of discrimination in Hong Kong. However, after looking into the details of all the cases, we found that not a single case could sustain and prove to be a valid discrimination case. This very fact can reflect the non-existence (or rarity) of discrimination cases in Hong Kong.

We are glad to discuss with the Committee of the United Nations directly, if we are allowed to. In fact, we have sent numerous emails to the relevant committee of the United Nations, trying to explain the situation about Hong Kong and also asking for clarification about the position of United Nations on Hong Kong’s situation, yet there is no response from them.

We have reason to suspect that the Committee of the United Nations may not have the chance to collect views from different angles, but is only biased to listen to those LGBT movement activists from Hong Kong.

3. About the existing transsexual procedure

Due to the recent public consultation about Gender Recognition, we became more aware of the existing governmental procedure in handling cases about Gender Dysphoria.

We are aware that the Government is now paying the full cost of transsexual surgery for the Gender Dysphoria patients.

As you may be aware, this surgery is not without dispute. Many people, including us, think that this surgery (including the lifelong hormone treatment afterwards) is not beneficial to both the patient as well as to the society. If you think that this kind of surgery can release the pain of the Gender Dysphoria patients, you may think twice bearing in mind the fact that patients after the surgery still have a high suicide rate, which is 20 times compared to the average population.

The very fact that the Government is paying that in full is no different from forcing every taxpayer to support this controversial surgery indirectly. From the ICCPR perspective, the Government is now in fact intruding the freedom of conscience of a large number of citizens who think that the surgery is not good.

We suggest the Government should stop such subsidizing this surgery in order to eliminate the risk of non-compliance with the ICCPR.

The above are some of our opinions for your consideration. In case you have any queries, we are ready to explain every point in more detail, either in writing

or in person.

Regards,

Roger Wong

Convener of Family School SODO Concern Group
