

愛護家庭家長協會
PARENTS FOR THE FAMILY ASSOCIATION

<http://parents-for-the-family.blogspot.hk/>

立法會 CB(2)680/17-18(09)號文件
LC Paper No. CB(2)680/17-18(09)

To :

(1) Secretary for Constitutional and Mainland Affairs
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(2) Council Business Division 2
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Dear Sir/Madam,

12 January, 2018

I refer to your paper LC Paper No. CB(2)446/17-18(01) for discussion on 4 January 2018 which concerns “An outline of the topics to be covered in the fourth report of the Hong Kong Special Administrative Region in the light of the International Covenant on Civil and Political Rights”

Paragraph 23 of the paper states that “The Committee is concerned about the absence of legislation explicitly prohibiting discrimination on the basis of sexual orientation and reported discrimination against lesbian, gay, bisexual and transgender persons in the private sector (arts. 2 and 26).

Hong Kong, China, should consider enacting legislation that specifically prohibits discrimination on ground of sexual orientation and gender identity, take the necessary steps to put an end to prejudice and social stigmatization of homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity. Furthermore, Hong Kong, China, should ensure that benefits granted to unmarried cohabiting opposite-sex couples are equally granted to unmarried cohabiting same-sex couples, in line with article 26 of the Covenant.

We, Parents for The Family Association (PFA), wish to express our deep concern and **objection** to the ideas of enacting legislation that specifically prohibits

discrimination on ground of sexual orientation and gender identity. The main reasons are as follows:

- a. At present, Hong Kong has really minimal and negligible discrimination of the sort on ground of sexual orientation and gender identity.
- b. Education and social harmony are good enough factors and instrumental to eliminate any residual discrimination of the said sort if at all existing.
- c. There are sharp controversies and disagreement over how and what should be introduced through written enactment on the said discrimination. Even more, there is significant worry and anxiety of promoting and escalating towards **reverse discrimination** for those members of the HK society who hold different moral or religious standards on matters of sexual orientation and gender identity. In the absence of legislations to safeguard conscience and the freedom of speech and opinion, reverse discrimination would become uncheckable and excessive should legislations against the discrimination of above said sort be enacted.
- d. Hong Kong is mainly a Chinese society and has returned to China since 1997. We are now under the One Country Two System constitutional setup. It is something unprecedented and unique in the world. The existing UN system with its instruments are mainly designed for independent countries having an undeniable presence and influence from the major western countries and principalities ever since its establishment¹ on 24 Oct. 1945. **Such a background has complex implications for UN's neutrality and unbiasedness.** As a result, many of its proclamations and instruments were not and have not been fully recognized or enacted by any particular country in the world. Accordingly, there is NO reason why HK should follow a strict and verbal adherence to the UN instruments or charters even though HK was signed into a number of its conventions by our former sovereign state (i.e. UK).
- e. More importantly, legislations (even enacted) under the auspices of human rights especially those of sexual orientation and gender identity

¹ <http://www.un.org/en/sections/history/history-united-nations/>

should not deviate significantly from or violate China's policies and norms as HK and China are united and linked together both in terms of cultural, political and historical connections and ancestry. Any imprudent act to bring in the entirety of the so-called western "standards" on human rights would likely bring into disharmony and even frictions with China, our motherland.

- f. The Equal Opportunities Commission (EOC) of HK has been entangled in a series of controversies and troubles including accusations against its bias towards the LGBT community in HK and abroad, its maladministration and even its ultra vires attempts and agendas to coerce in HK the so-called sexual orientation and gender identity discriminations legislations through unsound and unprofessional activities. As such, we are deeply troubled and aggrieved by many of its recent actions and agendas. To cite a latest one, EOC has, **without consent and consultation with the general public of HK as well as its house-keeping bureau** (i.e. CMAB), initiated and submitted written representations and views to the Interdepartmental Working Group on Gender Recognition (IWGGR) of the HKSAR government. In its submission, it even venture to advocate the so-called self-declaration scheme without any requirement of medical diagnosis and intervention as the best scheme for gender recognition in HK. This is a blatant mischief on the part of EOC as Dr. Alfred Chan, its Chairman, had acknowledged quite recently that the concerned scheme is new and controversial in HK in a press interview². However, it was also almost at the blink of an eye that EOC did submit its submission to the IWGGR right afterward! This is ridiculous and merits for the CMAB's serious follow-up with EOC before the public can entrust in such a biased and irresponsibly led publicly funded agency!

We also note that in the Legco paper reference LC Paper No. CB(2)602/17-18(01) of 3 January 2018, para. 10 thereof on Discrimination Law Review, namely, "At the meeting on 12 October 2017, Hon IP Kin-yuen proposed To be confirmed that the Panel should follow up on the recommendations under the Discrimination Law Review ("DLR"). Hon CHAN Chi-chuen requested that the Administration should consult the Panel before it commenced drafting the bill for implementing the nine prioritized recommendations under DLR. The Administration has

² <http://news.now.com/home/local/player?newsId=247972&refer=Share>

indicated that it will consult the Panel on the relevant bill in due course.”

PFA would suggest that the government should conduct an independent review and scrutiny by relevant independent experts on the legitimacy of the content of DLR to see if EOC has any ultra vires motions or actions in producing the said DLR. We see that legal experts and academic and medical experts should be hired to do the review and scrutiny. The government should withdraw the DLR in question if the experts come to the conclusion that EOC is engaged in ultra vires activities or it has acted in bad faith.

Submitted by

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President, PFA