

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)1368/17-18(01)號文件

To :

LC Paper No. CB(2)1368/17-18(01)

(1) Secretary for Constitutional and Mainland Affairs

12/F, East Wing, Central Government Offices,

2 Tim Mei Avenue, Tamar, Hong Kong

(Attention: Team 5)

upr_consultation@cmab.gov.hk

(2) Council Business Division 2

Legislative Council Secretariat

Panel on Constitutional Affairs

Legislative Council

panel_ca@legco.gov.hk

7 May, 2018

PFA's Submission to the Authority and Legco concerning Report of the Hong Kong Special Administrative Region for the United Nations Human Rights Council Universal Periodic Review (title amended)

Dear Sir/Madam,

1. This is Parents for The Family Association's (PFA) supplementary submission regarding the captioned subject to the HKSAR Authority and the Legco panel further to our earlier submission on 12th January 2018. I refer to your paper LC Paper No. LC Paper No. CB(2)1265/17-18(01) for discussion on 30 April 2018 which concerns "List of outstanding items for discussion". Among which, the paragraph with the heading "**Submission of reports by the Hong Kong Special Administrative Region Government to the United Nations under international human rights treaties**" attracts our attention. After some web search effort and noting from your relevant documents, we come across the mechanism of Universal Periodic Review under the ambit of which Secretary for Constitutional and Mainland Affairs is coordinating the current consultation and the drafting of the concerned review report.
2. Having downloaded the background UN Human Rights Council (HRC)

document¹ RES 5/1, we note from it the following paragraph as follows:

3. **The universal periodic review (UPR) should:**

(a) **Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;**

(b) **Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;**

(c) **Ensure universal coverage and equal treatment of all States;**

.....

(g) **Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;**

3. Let me first state here that PFA's slogan is "Love your family and contribute to your society". Regarding the UN HRC document (RES 5/1), we have the following comments:

a. While 3(a) of RES 5/1 claims that they would promote the **indivisibility and interrelatedness of all human rights**, there are situations where different kinds of rights do conflict with one another. For instance, the recent development of transgender rights does clash with that of the gender rights of women in UK². Other examples include reverse discrimination cases concerning the restriction of religious freedom and free expressions against same-sex marriages, sexual orientation and transgenderism³.

b. 3(b) of RES 5/1 asserts **a cooperative mechanism based on objective and reliable information for the UPR**. However, we note in HK that the surveys and forums organized or run by the pro-LGBT organizations (e.g. the Equal Opportunities Commission (EOC)) have a marked tendency towards biasedness as well as unsound information or data. I would like the HKSAR government to take note of it and help advance our question of how the UN Human Rights Commission can maintain a valid cooperative mechanism giving the aforesaid shortfall and partiality to the concerned agencies.

¹ http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc

² <http://www.theweek.co.uk/93286/hundreds-of-women-to-quit-labour-over-transgender-candidate-row>

³ <https://blog.scs.org.hk/category/逆向歧視/>

- c. It is admirable to note in 3 (c) of RES 5/1 that the UPR will **ensure universal coverage and equal treatment of all States**. Nevertheless, we doubt very much such a claim. The reason is quite straightforward as the UN is well known for its internal competition and conflicts among the participating nations, especially the leading powers in manipulating UN deliberation and decisions. For instance, the US was free from UN's sanction with its unsanctioned Operation Desert Storm (17 January 1991 – 28 February 1991) against Iraq in response to Iraq's invasion and annexation of Kuwait. One should note that Iraq had been openly condemned by the UN of its invasion while the US simply ran free. This is not only unfortunate but unjust and unfair.
- d. We agree that any valid and well-intended action should be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner as per 3 (g) of RES 5/1. **Unfortunately, the state of matters surrounding the UPR and its agenda is often filled with internal and external disputes, confrontations and politicized advocacy.** With HK as an example, the LGBT camp has been seen very active in bringing about judicial reviews and legal appeals of such cases conducive to major social controversies and disharmony. For instances, we have seen in January 2018 that 3 so-called transgender complainants, who have undergone only partial sex reassignment surgery, made claims by filing judicial reviews in the high court against the rejection to recognize them as trans-males by HK's authority (Q v. Commissioner of Registration – HCAL 229/2015, R v. Commissioner of Registration – HCAL 154/2017, TSE, Henry Edward v Commissioner of Registration – HCAL 189/2017). Should their cases be allowed, the existing gender definition and order would be overturned without consulting and negotiating with the general public in HK. Their acts are considered radical and extreme which might trigger legislating from the bench should the judgments were dealt with in a surprising and pro-LGBT manner! Indeed, HK is not alone in terms of such activism aiming at overturning the conventional order and traditions of a region or country. Some examples will be cited in the following paragraphs.
- e. PFA would like to comment that ideologies or legislations with an equality label do not always produce true, constructive and non-

confrontational equality. It is more often than not, when such equality concerns sexual orientation, gay marriage and transgender rights, that reverse discriminations and inequality would be generated as a result.

4. The examples pertaining to PFA's comment in the previous paragraph (3.d.) are many. We would only cite a few in order to illustrate our worry and point. They are:
 - a) W.W. Bridal Boutique in Bloomsburg, PA, USA to Close after Deadly Threats: <https://radio.foxnews.com/2018/03/30/bridal-shop-to-close-after-deadly-threats/>)
 - b) UK "Vue" Cinema bans ex-gay film: <http://www.christianconcern.com/press-release/vue-cinema-bans-ex-gay-film-response>)
 - c) Teacher accused of 'misgendering' child was told by police that she committed a hate crime: <https://www.telegraph.co.uk/education/2018/02/23/teacher-accused-misgendering-child-told-police-committed-hate/>)
 - d) AFL clears transgender footballer Hannah Mouncey to play in state women's leagues: <http://www.abc.net.au/news/2018-02-13/afl-transgender-player-hannah-mouncey-to-play-vflw-football/9443590>)
 - e) Controversy over Transgender women are welcome in the Ladies' Pond: <http://www.hamhigh.co.uk/news/transgender-women-are-welcome-in-the-ladies-pond-say-hampstead-heath-swimmers-1-5339359>)
 - f) The Ashers Baking Company's case (religious freedom vs inequality accusation): <https://www.christian.org.uk/case/ashers-baking-company/>

It is sad and unfortunate to say that we can easily add similar cases to our list. For instances, there are many other relevant cases as registered at <https://blog.scs.org.hk/category/逆向歧视/> To sum up, we do think that we have illustrated our worry and point with the above citations. We would summarize our observation by pointing out that the UN HRC's UPR principles are far from what they claim to be fair, constructive and non-confrontational. Indeed, they are unrealistic and often biased towards the LGBT agendas.

5. We wish to reiterate our former opinion of 12 Jan 2018 as per para. 3.d. in our previous submission, namely, Hong Kong is mainly a Chinese society and has returned to China since 1997. We are now under the One Country Two Systems 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 establishment⁴ 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).

6. As a matter of fact, UN is subjected to a number of controversies and criticisms ever since its establishment in 1945. It is stipulated in Article 2 of the UN Charter that:
 1. All the member states are equal.
 2. The member states shall fulfill their obligations to the UN honestly.
....., and
 7. No member state shall interfere in the internal affairs of any other state.

The reality is UN lacks adequate funds to meet all its objectives. The 5 permanent members of the UN Security Council have disproportional influences over UN decisions. Some critics have attributed the UN deficiency to its cumbersome and excessive bureaucracy. Probably the most controversial issue with the United Nations is the Oil-for-Food scandal⁵. It is sufficient to state here that **UN's performance and credibility are at risk** while UN does has an aspiration and profound goal for maintaining world peace and safe-guarding humanity with a set of common principles. As a contrast, we find the former Chinese premier Chou En-lai's Five Principles of Peaceful Coexistence⁶ much more agreeable, realistic and helpful in solving international disputes. One can also refer to the Guardian's report⁷ entitled "70 years and half a trillion dollars later: what has the UN achieved?" for a more in-depth look at the UN problem.

⁴ <http://www.un.org/en/sections/history/history-united-nations/>

⁵ <https://www.cfr.org/backgrounder/impact-un-oil-food-scandal>

⁶ https://en.wikipedia.org/wiki/Five_Principles_of_Peaceful_Coexistence

⁷ <https://www.theguardian.com/world/2015/sep/07/what-has-the-un-achieved-united-nations>

7. The government's "Third Report of the Hong Kong Special Administrative Region of the People's Republic of China in the light of the International Covenant on Civil and Political Rights" (The 3rd Report) (http://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/the_rights_of_the_individuals/ICCPR_3rd_report_en.pdf)

Pertaining to which, we have a special opinion on Article 26: Right to equal protection before the law. We agree to the government's stance as prescribed in para. 26.10, namely, "at this stage, self-regulation and education, rather than legislation, are the most appropriate means of addressing discrimination in this area. We will continue to address discriminatory attitudes and promote equal opportunities on ground of sexual orientation through public education and administrative means, with a view to 120 fostering in the community a culture of mutual understanding, tolerance and mutual respect."

8. PFA wishes to express our deep concern and **objection** again to the ideas of enacting legislation that specifically prohibits discrimination on ground of sexual orientation and gender identity. We are equally opposed to the legalizing of same sex marriages. The main reasons are as per items (a)-(f) of para. 3 of our earlier submission of 12 Jan. 2018. We would like to emphasize again that marriage between one man and one woman is of paramount importance as it, as an institution, is the foundation of families. In turn, families are the foundation of our society as spelled out in Article 23 of INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR). Any imprudent and rush effort to interfere or upset the aforesaid marriage institution would result in grave consequences to our society at least in the medium to long term (if not immediate)!
9. We agree with Legislator Dr. Priscilla Leung's comment⁸ that it is unsuitable to push forward for the so-called anti-discrimination laws on either sexual orientation or other gender equality grounds including transgenderism. Reverse discrimination is certainly one of the drawbacks of such legislation. However, it is even more detrimental to our education system and its autonomy will be at stake. PFA has to point out also that the extended consequences of such anti-discrimination legislation are

⁸ <https://www.facebook.com/Leungmeifun/videos/1281944005271128/>

much more than the average citizen can foresee. With solid and relevant examples from the western world where such legislations are in place, we are worried and agitated to say that the LGBT(+) agendas are catalysts toxic to the natural marriage of one man and one woman. It would overturn the sexual order and deprive parents of our conventional and appropriate rights (right to choose the type of schools for our children, right to know about our children's privacy for purposes of protection, etc.). For both the religious institutions and the average citizen, the concerned legislation would confine and limit our freedom in terms of speech, conscience and religion. Things as put forward in para. 4 of this submission are typical examples of the various infringing consequences.

10. We also note that Legislator Mr. Raymond CHAN Chi-chuen urged the government to produce a timetable on enacting the anti-discrimination laws regarding sexual orientation and related LGBT agendas (<https://m.youtube.com/watch?v=eVJ9yzLvwNM>). We strongly oppose to such a request with the various reasons put forward in this submission, especially those highlighted in the previous paragraph.
11. PFA would reiterate again that the government should conduct an independent review and scrutiny by relevant independent experts on the legitimacy of the content of so-called discrimination law review (DLR) and consultations done by the Equal Opportunities Commission (EOC) to see if the EOC has any ultra vires motions or unjustifiable actions in producing the relevant DLR reports. We would urge the government to take a proactive stance to bring about well-intended peer review to scrutinize the operation and mandate of EOC. For instance, Dr. Alfred Chan, the chairman of EOC, has been criticized and involved in a number of allegations. The following links are brief reports for reference:
<http://www.scmp.com/news/hong-kong/article/1939581/more-apologies-scandal-plagued-hong-kong-equality-chief> ,
<http://www.scmp.com/news/hong-kong/politics/article/2133418/hong-kongs-equality-watchdog-head-slammed-cronyism-and-poor>; and
<http://www.scmp.com/news/hong-kong/community/article/2126652/let-transgender-people-have-status-recognised-without>

It is worth noting that Dr. Alfred Chan was of the opinion that he and the general public of HK has yet to decide on whether it was right to accept self-declaration as a means of gender identity in a media interview on 23

Dec. 2017. It is just about 10 days away on 2 January 2018 that EOC announced that it supported self-declaration as a means of gender identity⁹. We reason that either Dr. Alfred Chan has changed his mind rapidly or the EOC management was out of his control so that his view is no longer representative. As such, the government has a due responsibility to find out the actual reason behind this weird event. Perhaps, **the EOC really needs a timely overhaul.**

12. PFA wish to bring up the importance of Article 27 of the Basic Law guaranteeing HK residents shall have freedom of speech, of the press and of publication; freedom of association, etc. Article 141 of the Basic Law stating that community organizations and individuals may, in accordance with law, run educational undertakings of various kinds in the Hong Kong Special Administrative Region is also relevant. Furthermore, Article 5 states clearly that the previous capitalist system and way of life shall remain unchanged for 50 years in Hong Kong. This promise should include the one man and one woman marriage institution as marriage is the foundation of the natural family which in turn is the foundation of the society. Indeed, both the government and HK citizens should endear and honour the Basic Law as our mini-constitution.

13. As HK is still subject to the British Common Law practices, we wish to cite Lord Penzance's classic judicial definition of a "Christian Marriage" in *Hyde v Hyde*¹⁰ (1866), namely,
"Marriage is an institution. It confers a status on the parties to it, and upon the children that issue from it. Though entered into by the individuals, it has a public character. It is the basis upon which the framework of the civilized society is built;"
Lord Penzance rightly and sharply pointed out the importance of marriage as a foundation of the society. Besides, it is through marriage that our children are to be born and bred legally. Thus, the family arising from such natural marriages would be the core and facility for reproduction, education and upbringing of our children who would become the successors of the human society at large.

⁹ [01 博評-政經社/150364/lgbt-來稿-平機會倡自我聲明變性-意識形態主導應撥亂反正](http://01.博評-政經社/150364/lgbt-來稿-平機會倡自我聲明變性-意識形態主導應撥亂反正)

¹⁰ Family Law for The Hong Kong SAR, HKU Press (1999), p.73.

14. **In terms of child protection, we would opine that the best way to do so is through a positive interaction and promotion in the community level.** Thus, the general citizens should have easy access to facilities or organizations designed with a view to promote family values and assist needy families. The average citizen coming of age for marriage should be encouraged to receive marriage counselling and sound family value courses. Such counselling and family value elements could be taught through the education system of HK. As HK is a rather busy and stressful society, post-marriage and family support services should be made available to the needy ones. Hopefully, the society and the average citizen would then be well aware of the importance and contributions of marriage and family to the wellbeing of our society which in turn would increase the sense of belonging of Hong Kong residents. Legal or government control should be seen as the background support and the last resort to uphold child protection otherwise HK will become a very legalistic society where coherence and harmony would likely be superficial and costly. **We therefore agree with the authority that there is no need for establishing another human rights institution to duplicate the functions of or supersede the existing human right mechanism in HK** (see para. 2.3 of The 3rd Report).
15. Last but not least, the government should be held accountable for any misleading and false claims or information as submitted by organizations such as the EOC or any person with a personal interest should such claims or information be accepted without vetting or factual verification. **In terms of changes especially those radical changes** such as gender recognition and the so-called comprehensive sex education as pushed forward by liberal activists from either the UN or the western world, **we would humbly request the government to conduct comprehensive scientific and fact finding studies before any official endorsements are granted.**

Submitted by

Mr. Howard Lai,
President, PFA
Email: parents4family@gamil.com