

10 November 2017

BY E-MAIL (panel_ajls@legco.gov.hk)

To: Clerk to Panel on Administration of Justice and Legal Services
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Re: Consultation Paper on Gender Recognition issued by the Inter-departmental Working Group on Gender Recognition in June 2017

This is a joint submission by the individuals whose names are listed in Schedule 1. We come from all walks of life in Hong Kong and we are permanent residents of Hong Kong. We would like to express our views on the proposed gender recognition scheme in Hong Kong.

We have serious reservations over the establishment of a gender recognition scheme in Hong Kong. The following are our main reasons:

1. At the Forum on Consultation Paper on Gender Recognition (Part 1) on 19 October 2017, a participant, who appeared to be working in the Hospital Authority, stated that there were 158 and 171 registered cases of gender dysphoria under HA's gender clinic's management in years 2015-2016 and years 2016-2017 respectively¹. This represents less than **0.002%** of the population in Hong Kong based on a population of approximately 7,389,500 in mid-2017². Whilst this number may not be accurate in terms of the actual number of people suffering from gender dysphoria in Hong Kong, it gives a fairly good indication of the proportion and number of people that may suffer from this condition in Hong Kong and the answer is, **not very many at all**. Therefore, we highly query whether there is any need or any urgent need to establish a gender recognition scheme in Hong Kong, the establishment of which is highly controversial and has the potential to, as we shall explain in the paragraphs below, disrupt the traditional family values, privacy, freedom of speech and freedom of religion of the people in Hong Kong, and which may lead to an irrational spending of the Hong Kong taxpayers' money and most importantly, may not even be the best solution for people suffering from gender dysphoria.
2. Medical research indicates that there are many causes of gender dysphoria, such as inborn causes to do with genes, hormonal and chromosomal abnormalities, and extrinsic causes such as exposure to progesterone or other estrogenic drugs, and environmental factors (such as family and peer relationships, in particular, defects in normal human bonding and child rearing or the experience of any form of abuse)³. While inborn causes such as genes and hormones influence behavior, they do not hard-wire a person to think, feel, or behave in a particular way. In fact, twin studies of adult transsexuals prove definitively that prenatal

¹ Based upon a Legco paper <http://www.legco.gov.hk/yr13-14/english/bc/bc52/papers/bc520605cb2-1708-2-e.pdf>, there were 121 cases under HA's management in 2013-2014. Therefore the numbers stated by the HA person above appeared accurate.

² <https://www.censtatd.gov.hk/hkstat/sub/so20.jsp>

³ <https://www.news-medical.net/health/Causes-of-Gender-Dysphoria.aspx>

genetic and hormone influence is minimal⁴. Twin studies alone establish that an “innate gender identity” arising from prenatally “feminized” or “masculinized” brains trapped in the wrong body is in fact an ideological belief that has no basis in rigorous science⁵. Therefore, rather than focusing on legislating and thus arguably “normalizing” gender dysphoria based upon the belief that such condition is innate or unchangeable, the Hong Kong government should seek ways to help such people, such as by providing them with counselling and psychiatric help and when dealing with children with gender dysphoria, it is important not to encourage them to impersonate the opposite sex, because medical research and evidence suggests that 80% or more of these children will naturally be freed of such symptoms by the time they reach adolescence^{6,7}.

3. Whilst the international trend and so-called human rights bodies appear to be in support of gender recognition, Hong Kong can also learn from the effects / aftermath of countries which have adopted some form of gender recognition schemes. For example:
 - a. Public money is spent on subsidizing transgenders for their hormone therapies and sex reassignment surgeries (e.g. In the Australian Defence Force, the ADF has treated 27 personnel for gender dysphoria in the past five years at a cost of AUD\$1m⁸ and in the Netherlands, 2.8 million euros is available for subsidizing breast prostheses for transgender women⁹);
 - b. Schools are encouraged to be “inclusive” and to teach concepts of gender neutrality, gender choices, which may simply lead to confusion amongst children¹⁰ and which may be contrary to the school’s religious background¹¹;
 - c. People who do not fully embrace these “values” suffer adverse career consequences (e.g. Google employee James Damore was fired by Google for writing a memo critical of the company’s diversity efforts¹², ESPN baseball analyst Curt Schilling fired for his anti-transgender comment¹³);
 - d. Laws and regulations for upholding gender recognition are oppressive to freedom of speech (e.g. Canada Bill C-16, compelling people to use pronouns ascribed by transgender / gender fluid people; New York City Human Rights Law requires employers, landlords, and all businesses and professionals to use an employee’s, tenant’s, customer’s, or client’s preferred name, pronoun and title (e.g., Ms./Mrs.) regardless of the individual’s sex assigned at birth, anatomy, gender,

⁴ <https://www.acped.org/the-college-speaks/position-statements/gender-dysphoria-in-children>

⁵ <https://www.acped.org/the-college-speaks/position-statements/gender-dysphoria-in-children>

⁶ <https://www.acped.org/the-college-speaks/position-statements/gender-dysphoria-in-children>

⁷ <http://dailysignal.com/2017/07/03/im-pediatrician-transgender-ideology-infiltrated-field-produced-large-scale-child-abuse/>

⁸ <https://www.theguardian.com/australia-news/2017/oct/16/marise-payne-defends-adf-provision-of-gender-reassignment-surgery>

⁹ <https://nltimes.nl/2017/06/16/netherlands-subsidize-breast-prostheses-transgender-women>

¹⁰ <http://www.independent.co.uk/news/education/education-news/transgender-policies-school-gender-identity-neutral-toilets-waste-of-time-money-dr-joanna-williams-a7805511.html>

¹¹ <https://www.churchmilitant.com/news/article/transgenderism-attacking-catholic-schools-globally>

¹² <https://www.cnn.com/2017/08/14/fired-google-engineer-james-damore-says-this-.html>

¹³

<http://www.google.com.hk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjHgoPitP7WAhUBvZQKHV3dBmQQFgkMAA&url=http%3A%2F%2Ftime.com%2F4302735%2Fcurt-schilling-espn-fire-transgender%2F&usg=AOvVaw1OU9ocZGcbAogYVOLYakew>

medical history, appearance, or the sex indicated on the individual's identification.¹⁴)

4. As seen from paragraph 3(a) above, public money may be spent (or wasted, as gender identity is such a fluid concept¹⁵) not for public good, but on a very small minority of people.
5. As seen from paragraph 3(b) above, there will very likely be a negative impact on religious freedom, affecting schools and churches.
6. As seen from paragraph 3(b) above, parents may be left in limbo as to how to teach their children and grandchildren what is most logical, natural and understandable to them (e.g. that female has female genitals, male has male genitals, someone who wears a dress is a girl; when a man and woman loves each other and get married, they may produce children). They may be forced to inculcate concepts which they totally disagree with simply because the schools are required under the revised law to uphold gender recognition.
7. As seen from paragraphs 3(c) and (d) above, in countries where gender recognition laws have been enacted, "thoughtcrimes" are real now. Non-acceptance of transgenderism is not taken as "difference of opinion", rather, it is labelled as bigotry / transphobic, and which could entail grave social or even legal consequences.
8. The privacy of an individual is severely negatively impacted where public toilets / change rooms and bathrooms can be used by transgender people. How uncomfortable a female or young girl would be to see an obviously male-looking person coming into their bathroom?
9. What's more, how can the government guard against criminals taking advantage of this system? (e.g. a man pretending to be transgender to enter a female bathroom and sexually harass or rape a little girl)(e.g. a man pretending to be a female by changing his HKID to escape from tracing his crimes)
10. If as a result of the *W v Registrar of Marriages* case, gender recognition is recognized and legalized in Hong Kong, would this lead to recognizing same sex marriage in Hong Kong?
11. As we understand it, gay pride / same sex marriage / gender identity, they are all part of the postmodernist, nature-denying, virtue-signalling ideologies permeating through western political discourse of late. IWGGR may have received many letters or emails from individuals with little nexus to Hong Kong and yet want to expand gender recognition to Hong Kong. We would urge the IWGGR to place more emphasis on the wishes and sentiments of those who are permanent residents of Hong Kong or with strong connections to it, rather than those who are transient and have no long term commitment to Hong Kong.
12. The current legal system in Hong Kong, with its administrative measures such as allowing transsexuals to change their gender on HKID cards and having transgender offenders detained in the Vulnerable Prisoner Unit of Siu Lam Psychiatric Centre, arguably provides adequate protection and rights to transgender people in Hong Kong, whilst balancing the overall interests of the public in Hong Kong.

¹⁴ https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/05/17/you-can-be-fined-for-not-calling-people-ze-or-hir-if-thats-the-pronoun-they-demand-that-you-use/?utm_term=.519e1140775c

¹⁵ Most individuals and many transgender people use female or male pronouns and titles. Some transgender and gender non-conforming people prefer to use pronouns other than he/him/his or she/her/hers, such as they/them/theirs or ze/hir. [Footnote: Ze and hir are popular gender-free pronouns preferred by some transgender and/or gender non-conforming individuals.]

13. If a gender recognition scheme is recognized in Hong Kong, we would venture to say that the core values and rights so important to us Hong Kong people (such as freedom of speech, freedom of religion and freedom of thought) will sadly and slowly be eroded away.

Lastly, we want to emphasize that we do recognize that people suffering from gender dysphoria need our love, tolerance and support. They should not be marginalized or discriminated in the society just because of their preferred gender. There should be public education to ensure that they are respected as individuals and not ridiculed.

This submission and the issues are very close to our hearts because a lot of things (freedom of speech, freedom of thought, privacy, religious freedom) are at stake here. Compassion is important, but it is not the only quality needed in a functioning society.

Thank you.

<<End of Submission>>

Schedule 1

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CHAN, Kin Chung
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CHENG, Ken
CHIU, Wan Yee
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HO, Connie
HUI, Max
IP, Irene
IP, Robert
KONG, Miranda
LAM, Christina
LAM, Susanna
LAM, Virginia
LAW, Lai Chun
LEE, Eva
LEE, Paul
LEE, Siu Luen Cecilia
LI, Augustine
LUI, Yvonne
MAK, Kim
NG, Louise
SHE, Anna
WONG, Ivy
WONG, Michele
WONG, Peter
YEUNG, Winnie
YU, Yim To Alice
ZHANG, TingTing