

**SUBMISSION OF DALY, HO & ASSOCIATES TO THE LEGISLATIVE
COUNCIL PANEL ON ADMINISTRATION OF JUSTICE AND LEGAL
SERVICES**

We make these submissions for your meeting on Monday, 20 November 2017 at 4:30 pm regarding the Consultation Paper on Gender Recognition issued by the Inter-departmental Working Group on Gender Recognition in June 2017.

Our initial submissions are as follow:-

1. We agree that there is a need for Hong Kong to introduce a gender recognition scheme that is backed by legislation with certainty and clarity.
2. The gender recognition scheme should be established on the fundamental principles that the transgender persons should not be subjected to cruel, inhuman and degrading treatment on self-determination. The following basic human rights must be protected, i.e. the rights to privacy, self-determination, bodily integrity, family life and equality on the ground of gender identity.
3. We support the self-declaration model. We find that it is difficult to justify why transgender persons should have to provide medical evidence to confirm their own identity. Further, we strongly oppose a surgery-requirement model. We consider this as an infringement of the basic human rights.
4. We consider that there should not be a mandatory requirement for hormonal treatment and/or other medical treatment(s) for gender recognition. The applicant should have autonomy in the choice of medical treatment he or she is to receive for the purpose of change of gender, upon having received medical advice. The requirement of a mandatory hormonal or medical treatment as an additional "safeguard" to prevent an applicant from reverting back to his assigned gender would breach the individual's fundamental human rights.

We will provide further submissions to the Panel in the meeting on 20 November 2017.

Dated this the 10th day of November 2017

Daly, Ho & Associates