

WOMEN'S COMMISSION
Notes of the 88th Meeting held on 6 September 2017

<u>Present:</u>	Mrs Stella LAU Ms CHANG King-yiu	(Chairperson) Permanent Secretary for Labour and Welfare (Vice-Chairperson)
	Ms Leona LAM Mrs Miranda LEUNG Ms WONG Shu-ming Ms Rabi YIM Ms Yolanda NG Ms WONG Siu-wah Ms Aruna GURUNG Professor Shirley HUNG Ms Yvonne YEUNG Ms Scarlett PONG Dr Loletta SO Ms Elaine LO Mrs Emily LAM HO Ms Carol YIP	Director of Social Welfare
<u>Absent with</u>	Mr Philip TSAI Ms Juan LEUNG	
<u>Apologies:</u>	Professor Cecilia CHAN Ms Angelina KWAN Ms CHAN Yuen-han Dr Kevin LAU Ms Susanna CHIU Mr CHEUNG Doi-ching	Principal Assistant Secretary (Constitutional & Mainland Affairs)5, Constitutional & Mainland Affairs Bureau
<u>In attendance</u>	Miss Leonia TAI Miss Agnes CHEUNG	Deputy Secretary for Labour and Welfare (1) Principal Assistant Secretary (Welfare) 2

	Mr Huggin TANG	Assistant Secretary (Welfare) 2A (Secretary)
	Mr Mickey WAI	Assistant Secretary (Welfare) 2C
	Mrs Annie CHAN	Chief Executive Officer (Welfare)2
For Agenda Item 1	Mr LAM Ka-tai	Deputy Director of Social Welfare
	Mr Kenneth CHENG	Principal Assistant Secretary for Labour and (Welfare) 1
For Agenda Item 2	Ms Michelle AINSWORTH	Secretary of the Law Reform Commission
	Ms Jenny LAW	Senior Government Council
	Mr Winson SO	Government Counsel

Item 1: Suggestions on the Agenda and Priorities of Family, Child and Youth Welfare Services for 2018-19 (WoC 08/2017)

1.1 The Government conducted a consultation earlier on the agenda and priorities of welfare services for 2018-19. With the aid of a powerpoint presentation, Mr LAM Ka-tai, Deputy Director of Social Welfare (DDSW), briefed Members on the related government welfare initiatives and services.

1.2 A Member raised concern on whether there was sufficient manpower for the residential care services for children and youth. She suggested that with sufficient training, women in various districts might be a good source of

manpower for supporting these services. DDSW responded that the provision of residential child care services required stable environment and staffing. It might be more suitable for these women be engaged in day care services for the elderly in view of the staff shortage in the provision of these services.

1.3 In response to a Member's enquiry, DDSW shared the experience of the Pilot Project on Children Contact Service. He said that the most challenging task of the service was to facilitate the separated / divorced parents in reaching a consensus on the children contact arrangement amidst their conflicting views and emotions.

1.4 Noting the Government's effort in promoting co-parenting after divorce, a Member opined that the Government should also put more effort in strengthening marriage. DDSW responded that integrated family services and professional services provided by clinical psychologists were put in place under relevant non-governmental organisations and Social Welfare Department to help the couples in need.

1.5 The Chairperson thanked DDSW for his briefing and

Members for their views.

Item 2: Briefing by the Inter-departmental Working Group on Gender Recognition

2.1 With the aid of a powerpoint presentation, Ms Michelle AINSWORTH, Secretary of the Law Reform Commission, briefed Members on the background and the major issues of the on-going consultation on gender recognition launched by the Inter-departmental Group on Gender Recognition (IWG). The IWG was set up in January 2014 to study legislation and incidental administrative measures that may be required to protect the rights of transsexual / transgender persons in Hong Kong in all legal contexts and to make recommendations for reform. The study was divided into two parts. The first part focused on the need to establish a gender recognition scheme, if any, and the procedure for legal gender recognition, and the second part on issues arising in consequence of legal gender recognition. In view of the complexity of the subjects, the IWG had launched a public consultation exercise in June 2017 which would last till 31 October 2017 to gather the views of stakeholders and members of the public on the first part of the study. Ms AINSWORTH emphasized that the scope of the

study was confined to problems facing transsexual / transgender persons. Other issues such as same sex marriage, civil partnership and discrimination against sexual minorities were outside the scope of the study. Given the controversial nature of the issues involved, the IWG did not have any preferred position at this moment and would welcome the views of the public.

2.2. In response to a Member's enquiry, Ms AINSWORTH explained that in accordance with the ruling of the Court of Final Appeal (CFA) in the case of W v Registrar of Marriages, a person who had undergone full sex reassignment surgery (SRS) had the legal right to marry another person who was opposite to his / her reassigned sex. The CFA also commented on the problems facing transsexual persons in other areas of law, as well as the treatment of persons who had not undertaken any SRS or had not fully completed SRS (including those who might not be able to undertake SRS on medical reasons). The CFA observed that the Government should consider how to address problems facing transsexual persons in all areas of law.

2.3 Some Members expressed their concerns of the impact of the gender recognition scheme, if introduced, on social and

family values, for example, whether sex reassignment that was undertaken after marriage would nullify the marriage in terms of its legal status as well as social meanings, and whether sex reassignment would affect one's parental status and his / her adoption right.

2.4 In view of the complexity, controversy and far reaching ramification of the issues of gender recognition, some Members were of the view that the authority should enhance public education and publicity on the issues with a view to ensuring that various sectors of the society could fully understand the issues at stake before embarking on an informed discussion. Some Members also suggested that the IWG might consider providing more findings of researches on the long-term impact of the gender recognition schemes in countries where such mechanisms had been introduced to facilitate understanding and further deliberation by the public.

2.5 The Chairperson thanked Ms AINSWORTH for her briefing.

[Post-meeting note: On Members' request, a hardcopy of the bilingual "Consultation Paper: Part 1: Gender Recognition" of IWG was mailed to each Member after the meeting. Members were also invited to express their views on the consultation issues to IWG via the Secretariat of Women's Commission (WoC).]

Item 3: Confirmation of Minutes of the 87th Meeting (WoC 09/17)

3.1 The minutes of the 87th Meeting was confirmed without amendments.

Item 4: Secretary's Report (WoC 10/17)

4.1 The Meeting noted the Secretary's Report. Noting the increasing number of meetings and/or activities which Members had attended on behalf of WoC, the Chairperson expressed her gratitude to Members for their participation. She remarked that Members' participation to these meetings and/or activities was important as it showcased WoC's support to the community and the women-related groups.

Item 5: Any Other Business

5.1 The Meeting noted that the retreat of WoC was tentatively scheduled for November 2017.

5.2 There being no other business, the meeting was adjourned at 4:15 p.m

**Women's Commission Secretariat
September 2017**