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5 July 2004

Mrs Constance Li
Clerk to Panel
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Li,

**Panel on Home Affairs
Final Report of the Subcommittee
to study discrimination on the ground of sexual orientation**

I refer to your letter of 14 February 2004 requesting the Administration to provide a written response to the concerns and issues raised in the captioned report and whether the Administration would consider conducting a large-scale public consultation exercise to gauge the views of the community and those affected on the issues raised in the report. The Administration's response is at the Annex for Members' information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hedy Chu'.

(Mrs Hedy Chu)

for Secretary for Home Affairs

Blood donation

Within the blood donor screening process, there is an ongoing practice of reviewing and monitoring the screening criteria and the wording of the Blood Donation Registration Form to ensure that they follow the best international practice and are fully justified on grounds of safety. The current Blood Donation Registration Form recognizes the latest international guidelines and has been developed from continuing objective review by the Hong Kong Red Cross Blood Transfusion Service (BTS) Expert Panel on Blood and Blood Products Safety.

2. Question 23 in the current version of the form asks prospective donors, strictly objectively, whether they have been engaged in certain types of high-risk behaviour that might pose a risk to the safety of any blood donated. The high-risk behaviour described is not restricted to male homosexuals. The wording is not biased in any way and is thus not discriminatory towards any category or group of blood donor.

3. It is the BTS's duty to ensure that all the blood it collects is, as far as can be ascertained by its screening and testing processes, safe for its intended use and meets all the latest scientific criteria, standards and practices to provide confidence in its safety. It is necessary to defer some potential blood donors and to reject some blood donations, for a wide range of reasons, but those who are deferred or rejected must understand the paramount and over-riding importance of blood safety, and the avoidance of any element of risk, that governs the BTS in its work.

Film censorship

4. Although posters of Category II films are not required to be submitted to the Film Censorship Authority for approval under the Film Censorship Ordinance (FCO), they are subject to the regulation of the Control of Obscene and Indecent Articles Ordinance (COIAO). Under

the COIAO, a person who publicly displays indecent materials, including posters, commits an offence and is liable to a fine of \$400,000 and to imprisonment for 12 months on first conviction, and to a fine of \$800,000 and to imprisonment for 12 months on a second or subsequent conviction. As such, there does not exist any loophole for regulating the display of film posters to the public.

5. The Administration would continue to conduct public opinion survey on the film classification system on a biennial basis to assess the community's acceptance of the existing film classification system (including the film classification standards).

6. Appropriate action would be taken against film posters which are found to contravene the COIAO.

Medical services

7. The Hospital Authority has in place a series of programmes to foster awareness among front-line staff and equip them with essential service and communication skills to build partnership with patients and patients' relatives. These series of patient-centred communication skills programmes not only focus on the practical steps and skills for effective two-way communication, but also address the importance of appropriate attitude in addressing patients' rights and feelings as highlighted in the Patients' Charter promulgated by the Hospital Authority.

8. Moreover, in order to cultivate the proper patient-centred mindset for our newly recruited staff, relevant training elements are included in the Central Orientation and Induction programmes for Medical officers, Interns and Nurses. A self-learning courseware on "Better Patient Partnership" is also developed to enhance health care providers' competencies in addressing patients' clinical and emotional needs.

9. Apart from organizing these skills-building programmes regularly, a number of reinforcement activities like topical seminars and

setting up of self-learning resources corner will be arranged to provide continuous learning opportunities for health care professionals to sustain the momentum of patient-centred drive in hospitals. A number of refresher skills-building workshops will also be developed for specific staff groups in order to strengthen their communication skills in addressing patients' rights and feelings.

Education

10. The Education and Manpower Bureau conducted a survey on value education in schools with a focus on the core value "Respect for Others" including sexual orientation in the 2002-2003 school year. The summary findings of the survey are as follows:

- (a) a majority of the schools surveyed have developed their own Moral and Civic Education Curriculum and related activities to help students cultivate positive values and attitudes, in particular, the core value of "Respect for Others";
- (b) most of the teachers agree that developing the value of "Respect for Others" is conducive to building a non-discrimination attitude towards people with different sexual orientation;
- (c) "sexual orientation" is not a common topic in primary schools as teachers opined that these topics are too remote to primary students and beyond their comprehension; and
- (d) about 40% of secondary school teachers surveyed have taught topics relating to "Sexual orientation" through different channels.

11. The findings reflect that the current curriculum reform aims at helping students develop positive values and attitudes is on the right direction. Considering the uniqueness of every school, an open and flexible Moral and Civic Education Curriculum Framework focusing on

values education can meet the different needs of schools including different ways to approach the topic of sexual orientation.

12. To assist schools to develop their own school-based Moral and Civic Education Curriculum in helping students develop positive values and attitudes, including non-discrimination of people with different sexual orientation, the Education and Manpower Bureau has been making continuous effort to provide teacher training programmes to cover topics like homosexuality and sexual orientation during the past two years. Other than compiling teaching kits for promoting value education including sex education, our latest initiative is to develop the Moral and Civic Education Resources Net (<http://resources.cmb.gov.hk/mce>) in which related reference materials on “respect for others” and “sexual orientation” in the form of photos, cartoons, statistical figures, stories or case studies, lesson plans and news rewrites are provided.

Application of the offences of homosexual and heterosexual buggery

13. The Administration is prepared to continue to listen to the views from various sections of the community regarding section 118C(b) of the Crimes Ordinance, which provides that a male person under the age of 21 may be liable to prosecution for buggery.

Housing

14. As the Housing Department has explained to the Subcommittee, the requirement for family applicants for public housing to produce documentary proof of the family relationships among household members is necessary to prevent false or loose claims. Allocation of heavily subsidised social benefits like public housing should continue to be guided by the prevailing marriage system in Hong Kong and only those with legal marital status will be accorded family status for the purpose of application for public housing.

Civil service medical benefits and Employment

15. The Administration has no further comments on these two parts of the report.

Legislation against discrimination on the ground of sexual orientation

16. The Home Affairs Bureau conducted a survey and a public consultation exercise on sexual orientation in 1995 and 1996 respectively. The result showed that the majority of the respondents indicated strong opposition to anti-discrimination legislation in respect of sexual orientation. In order to better understand the latest public opinion in this area, we will consider conducting a large-scale survey in the next financial year, subject to resources being available.