

Transcript of media session by Secretary for Justice

Following is the transcript of remarks by the Secretary for Justice, Mr Rimsky Yuen, SC, at a media session after the opening ceremony of Prosecution Week 2017 today (June 23):

Reporter: About the gender recognition consultation the Government just launched, will the future Government's action be driven solely on public consensus?

Secretary for Justice: First of all, thank you for your question. You are perfectly right in pointing out that this afternoon the Inter-departmental Working Group on Gender Recognition has issued and published the consultation paper. But if I may stress a few points before I answer your question. First of all, the work of the IWG, the Inter-departmental Working Group, can be divided into two parts. What we have done thus far is a study on the first part, which focuses solely on gender recognition, which means that we focus on the question of whether Hong Kong should, like some other jurisdictions, have a legal gender recognition scheme. Example includes whether we should follow the scheme in UK or in some other jurisdictions. And if the answer to this first question is in the positive, in the affirmative, then the next question will be what should be the content of the gender recognition scheme, what should be the requirement, what should be the criteria before one can be allowed to change one's gender identity. And we stress, if I may take this opportunity to stress that, we are solely responding to the remarks and observations made by the Court of Final Appeal in the *W's* case which was decided a few years ago. We are solely confining ourselves to the questions of transgender. We are not dealing with the issues of same sex marriage or questions of discrimination. Those issues we recognise are important, but we also recognise they are controversial and they fall within the portfolio of other government departments or other

government bureaux. So what we are trying to do now is to facilitate a rational and objective discussion in the community. And at the same time, we hope that the discussion in the community can be an informed discussion. And that is the reason why you would have seen from the press release, or alternatively, the executive summary that we have studied the situations in over a hundred jurisdictions, over a hundred places, where they have similar issues or similar gender recognition schemes or legislations. The whole point of embarking upon such an extensive, and if I may say comprehensive exercise, in studying over a hundred jurisdictions, is to make sure we know what is going on around the world. So that as I said earlier, people in Hong Kong can have an informed discussion. And I don't think we can have an objective or a rational discussion unless our discussion is an informed one. And in response more specifically to your question, as to whether the Government would be solely driven by the public consensus, I am afraid the answer cannot be an entirely yes. I think on the one hand, public consensus is definitely important. As it is pointed out in our press release, we recognise that gender recognition issue is a very controversial issue. And therefore we need to consult the community, and that is exactly the reason why we published the consultation paper today. But on the other hand, while it's very, very important to solicit, to invite views from the community as well as extremely important to take into account the views of the general public of Hong Kong, I think it's equally important to study the matter from the legal perspective and also from the perspective of the public interest. So we need to balance everything and I am sure at the end of the consultation period, we are going to receive views from a wide range of different angles. I anticipate we would have views on the one hand fully in support of the gender recognition scheme, and I suppose there will also be views which are in opposition. We have to analyse the views we got after the consultation period before we can decide what to do. But ultimately, what we

wish to do is to have a rational, informed and objective discussion, so that we can take the next steps. Thank you.

(Please also refer to the Chinese portion of the transcript)