

Consultation period on gender recognition issues extended to December 31

\*\*\*\*\*

The Inter-departmental Working Group on Gender Recognition (IWG) announced today (October 30) that the deadline for submission of responses on the consultation paper on gender recognition has been extended to December 31, 2017.

The Consultation Paper: Part 1 on Gender Recognition was published on June 23, to seek the views of the community on a number of issues concerning legal gender recognition, including whether a gender recognition scheme should be established in Hong Kong and, if so, the contents of the scheme.

A spokesman for the IWG said, "Having considered requests made by different groups interested in this matter, we have decided to extend the consultation period for two more months, so that the public could have more time to submit their written views on the consultation paper."

In May 2013, the Court of Final Appeal (CFA) ruled in *W v Registrar of Marriages (W's case)* that a transsexual person who had undergone full sex reassignment surgery (SRS) should be entitled to marry a person of the sex opposite to his or 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 have not undertaken any SRS or have not fully completed SRS. The CFA observed that the Government should consider how to address problems facing transsexual persons in all areas of law by drawing reference to overseas law and practice, such as the United Kingdom's Gender Recognition Act 2004.

In response, the IWG was set up in January 2014 to follow up on the observations of the CFA. It is tasked to

consider legislation and incidental administrative measures that may be required to protect the rights of transsexual persons in Hong Kong in all legal contexts and to make such recommendations for reform as may be appropriate.

Chaired by the Secretary for Justice, the IWG comprises representatives from relevant policy bureaux including the Constitutional and Mainland Affairs Bureau, the Security Bureau and the Food and Health Bureau, as well as two non-official members from the legal sector.

The work of the IWG has been divided into two parts: Recognition and Post-recognition. For Part 1 on Gender Recognition, the subject of the consultation paper, views of the public are invited on a number of issues including:

(a) whether a gender recognition scheme should be established in Hong Kong;

(b) the criteria for determining whether a person is eligible for gender recognition (which may include medical requirements, residential requirements, minimum age, marital status and the number of years the person has lived in the reassigned, acquired or preferred gender); and

(c) the procedure for gender recognition (including evidential requirements, what type of authority should be given the power to determine applications for gender recognition and whether foreign gender recognition decisions should be recognised in Hong Kong).

After studying the results of the public consultation, the IWG will proceed to the second part of the study concerning the impact of gender recognition on existing laws and practice in the event that a gender recognition scheme is to be established in Hong Kong.

Members of the public may send in their views to the

Secretary, Inter-departmental Working Group on Gender Recognition by mail (5/F, East Wing, Justice Place, 18 Lower Albert Road, Central), by fax (3918 4799) or by email (iwggr@doj.gov.hk).

The consultation paper can be obtained from the Internet at [www.iwggr.gov.hk](http://www.iwggr.gov.hk).

Ends/Monday, October 30, 2017