

The Guild of St Luke, St Cosmas and St Damian Hong Kong  
PO Box 11302,  
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The Secretary,  
Inter-departmental Working Group on Gender Recognition,  
5th Floor, East Wing, Justice Place,  
18 Lower Albert Road, Central, Hong Kong

23<sup>th</sup> October 2017

Dear Sirs,

**Re: Response on Gender Recognition Public Consultation**

The Guild of St Luke, St Cosmas and St Damian Hong Kong is an association of Catholic doctors formed in 1953, aimed at facilitating the intercourse between Catholic members of the medical profession of Hong Kong with a view to the study and discussion of bioethical issues, and of upholding the principles of Catholic morality.

**Preamble and petition to extend consultation period**

The Guild affirms the universal, inviolable and inalienable dignity of every man and woman, irrespective of their sex and gender, and stands up for and promotes the human flourishing of all people, especially those who are suffering, marginalized and vulnerable. The Guild also rejects all forms of bullying, hatred and unjust discrimination against those who suffer from gender Dysphoria. The people living in such difficulty deserve compassion, sensitivity and help from our society.

We recognize the distress and suffering of people, who experience a mismatch between the biological sex and gender identity as well as that of the ones close to them. Although gender identity confusion is no longer treated as a psychiatric disorder<sup>1</sup>, the associated afflictions (e.g. depression and suicidal ideations) should be treated as true maladies requiring charity and tender care.

We appreciate that the Inter-departmental Working Group on Gender Recognition has taken considerable time since it was formed to research on the subject with the help of experts. However,

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<sup>1</sup> We note that disease definitions take factors beyond biological and pathological factors into account, and some of these factors including political ones can be a fertile source of overt or covert conflicts of interests. (For further details, please refer to these articles on disease definition in the BMJ (2011), *BMJ 2011;342:d2974*; *BMJ 2011;342:d2548*). However, we do not wish to explore this matter further in this response.

for the lay public, a mere 4 months would hardly be enough to give this subject thorough consideration. Hence, we request for an extension of time at least until 31st March, 2018 to allow a bit more time for a more thorough response from the general public, taking in account some of the following factors in consideration.

The impact and consequences of gender recognition (GR) legislation on all walks of life may well be very great but cannot be studied or estimated in such short period of time and there is inadequate publicity of the public consultation by the government with most members of the general public not being aware of the public consultation; and inadequate public education, such that the general public does not have a thorough understanding of the implication of any GR legislations. The extension of the consultation period can allow more parties more time to prepare a thorough response. Due to the limited time available, the following is our initial cursory response.

### **Opposition to gender ideology and gender recognition schemes**

The sex of a human being is determined by its genetic makeup, which acts through the formation of the gonads, leading to secretion of sex hormones which directs the development of the sexual characteristics of the male or female human being concerned. It there are no problems with sexual development of the developing human (and it is acknowledged that just as with any other areas of development of organs and tissues , problems and errors may occur)<sup>2</sup>, a baby with a normal set of sexual organs and characteristics at birth will result. These babies then develop a gender, which correspond to their biological sex.<sup>3</sup> “Properly understood, persons are either male or female. The body (of the person) is a fundamental indication of what sex we belong to. It is a physical, empirically verifiable reality that does not change”.<sup>4</sup>

When a person develops a gender that conflicts with his or her biological sex, gender dysphoria results. However, such a “belief that he or she is something they are not is, at best, a sign of confused thinking. ... [It is] an objective psychological problem exists that lies in the mind not the body, and it should be treated as such.”<sup>5</sup> Such a person may develop “a self-hatred inconsistent with the charity we owe to ourselves”<sup>6</sup> so we must “the beliefs and self-understanding that give rise to this fundamental rejection of self.”<sup>7</sup> Gender confusion may be transitory or perhaps even form an abnormal stage through which some individuals develop on the way from a normal child to a normal adult, as the American College of Pediatricians then quoted the DSM-5 “as many as

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<sup>2</sup> It is noted that the problems of persons with such disorders is specifically excluded from consideration by the terms of reference of this working group.

<sup>3</sup> cf para 1 and 2 in Gender Ideology Harms Children, Position Statement of American College of Pediatricians, Sept 2017. (<https://www.acped.org/the-college-speaks/position-statements/gender-ideology-harms-children> )

<sup>4</sup> FIAMC FAQ on Gender Identity Disorder, “Does not the position outlined above put too much emphasis on the body and not on the person’s mind ...” (<http://www.fiamc.org/bioethics/faq-on-gender-identity-disorder/> )

<sup>5</sup> Gender Ideology Harms Children, op cit, para3.

<sup>6</sup> especially if they want to seek gender reassignment surgery

<sup>7</sup> FAQ on Gender Identity Disorder, op cit, What is immoral about a sex-change operation?

98% of gender confused boys and 88% of gender confused girls eventually accept their biological sex after naturally passing through puberty”.<sup>8</sup> Even when society changes to accept their gender confusion, “[r]ates of suicide are nearly twenty times greater among adults who use cross-sex hormones and undergo sex reassignment surgery, even in Sweden which is among the most LGBTQ – affirming countries.”<sup>9</sup> This would suggest a psychological morbidity due to this gender confusion per se, independent of any societal pressures, bullying or discrimination. It is not logical to change the way the majority of a community behaves towards the confusion of a small minority of individuals, with the expressed intention of helping them, only to find that confirming their confusion still leaves them with important psychological morbidity. Surely the better way is to tackle the psychological issues head on.

Apart from the medical dimension, the Guild also opposes gender ideology on account of how that conflicts with their world view informed by faith. Human beings, made in the image and likeness of God, are created “male and female”<sup>10</sup>. However recently, the idea of biological sex has been increasingly replaced by the concept of gender, with the biological differences between sexes being denied, “viewed as mere effects of historical and cultural conditioning. In this perspective, physical difference, termed *sex*, is minimized, while the purely cultural element, termed *gender*, is emphasized to the maximum and held to be primary. The obscuring of the difference or duality of the sexes ... has in reality inspired ideologies which, for example, call into question the family, in its natural two-parent structure of mother and father, and make homosexuality and heterosexuality virtually equivalent, in a new model of polymorphous sexuality.”<sup>11</sup> This in turn promotes the idea that “all persons can and ought to constitute themselves as they like, since they are free from every predetermination linked to their essential constitution.”<sup>12</sup> This is however contrary to our conception of the inherent human dignity:

Learning to accept our body, to care for it and to respect its fullest meaning, is an essential element of any genuine human ecology. Also, valuing one’s own body in its femininity or masculinity is necessary if I am going to be able to recognize myself in an encounter with someone who is different. In this way we can joyfully accept the specific gifts of another man or woman, the work of God the Creator, and find mutual enrichment. It is not a healthy attitude which would seek “to cancel out sexual difference because it no longer knows how to confront it”.<sup>13</sup>

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<sup>8</sup> Gender Ideology Harms Children, op cit, para 5.

<sup>9</sup> Ibid, para 7.

<sup>10</sup> Gen 1:27

<sup>11</sup> Letter to the Bishops of the Catholic Church on the Collaboration of Men and Women in the Church and in the World, Congregation for Doctrine of Faith, 2004, para 2

([http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20040731\\_collaboration\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20040731_collaboration_en.html))

<sup>12</sup> Ibid, para 3.

<sup>13</sup> Encyclical “Laudatio Si”, 2015, para 155

([http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.html](http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html))

Hence we utterly reject “an ideology of gender that “denies the difference and reciprocity in nature of a man and a woman and envisages a society without sexual differences, ... that promote a personal identity and emotional intimacy radically separated from the biological difference between male and female ... [where] human identity becomes the choice of the individual, one which can also change over time”. ... It needs to be emphasized that “biological sex and the socio-cultural role of sex (gender) can be distinguished but not separated”. ”<sup>14</sup>

The above is a cursory summary of our position on gender ideology; we resolutely **reject** gender ideology on which gender rights and its advocacy depend and reiterate our opposition to **any and all forms of gender recognition**. The essence of our **response to the first issue is an absolute NO**.

### **Issues 2 to 15**

We recognize that society may disagree with us and forge ahead with gender recognition (GR) despite our opposition. It is in our opinion that this will bring great harm to society and for this reason we will offer some thought on how to limit the damage to society should GR schemes be implemented. There is no disregard for those who suffer greatly from their gender dissonance; we feel they need help of another form. We can never agree with gender ideology because it is objectively wrong.

The Church teaches that when legislation that is harmful to society is being considered, “the Catholic law-maker has a moral duty to express his opposition clearly and publicly and to vote against it. To vote in favour of a law so harmful to the common good is gravely immoral.” When such legislation “is already in force, the Catholic politician must oppose it in the ways that are possible for him and make his opposition known; it is his duty to witness to the truth. If it is not possible to repeal such a law completely, the Catholic politician, recalling the indications contained in the Encyclical Letter *[Evangelium vitae](#)*, “could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality”, on condition that his “absolute personal opposition” to such laws was clear and well known and that the danger of scandal was avoided. This does not mean that a more restrictive law in this area could be considered just or even acceptable; rather, it is a question of the legitimate and dutiful attempt to obtain at least the partial repeal of an unjust law when its total abrogation is not possible at the moment.”<sup>15</sup> <sup>16</sup>

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<sup>14</sup> Apostolic Exhortation “Amoris Laetitia”, 2016, para 56  
([http://w2.vatican.va/content/dam/francesco/pdf/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20160319\\_amoris-laetitia\\_en.pdf](http://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf))

<sup>15</sup> Considerations Regarding Proposals to give Legal Recognition to Unions between Homosexual Persons, Congregation for Doctrine of Faith, 2003, para 10  
([http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20030731\\_homosexual-unions\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20030731_homosexual-unions_en.html))

<sup>16</sup> Although the document is about homosexual unions, this also applies to gender recognition. Similarly, although addressed to Catholic politicians, its principles also apply to associations of the faithful like the Guild.

Bearing the above principle in mind and with the view of minimising the negative impact of GR scheme on society after implementation by advocating for the maximum restrictions on GR, we offer the following cursory comments on selected areas of issues 2 to 15:

**Issue 2-5:**

As we would want the most restrictive scheme, we would want medical diagnosis, “*real life test*”, hormonal treatment and psychotherapy as well as finally completion of the full complement of gender reassignment surgery as minimum requirement before applying for GR. However, we regard gender reassignment surgery as illicit and unjustifiable mutilation which goes against the principle of totality<sup>17 18 19</sup> With the current situation of medical resources being stretched even to cope with life threatening diseases, we would argue for such surgery to be given a low priority for public resources.

**Issue 8:** Age requirement for gender recognition

We cannot accept GR for children and adolescents and so suggest that the minimum age be set at **the age of majority**. As the American College of Pediatricians noted that “as many as 98% of gender confused boys and 88% of gender confused girls eventually accept their biological sex after naturally passing through puberty.”<sup>20</sup> Adolescence is a time when many influences (biological, peer- pressure, societal etc) can cause confusion on the developing minds and bodies of young people. Stopping young people from changing genders when they are in a confused state which may be transitory, gives these young people the opportunity to work through their confusions at their own pace, without giving society a chance to confirm them in a confused position that they may then grow out of.

**Issue 9:** Marital status requirement for gender recognition

**Married persons** should be **ineligible** for gender change.

**Issue 10:** Parental status requirement for gender recognition

If GR is allowed for minors, we would advocate for **parental consent being required**. However, we do not feel that minors should qualify for gender change; see response to issue 8 above.

**Issue 11:** Recognition of foreign gender change

**No**, but persons satisfying local requirements may be allowed to apply *de novo*.

**Issue 13:** Type of gender recognition scheme, if adopted

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<sup>17</sup> See Catechism of the Catholic Church Para 2297

<sup>18</sup> See also whole of FIAMC response referenced in footnote 7.

<sup>19</sup> An account of how we see gender reassignment surgery can be found at 歐陽嘉傑:變性人 – 醫學和倫理的探索 (<http://archive.hsscol.org.hk/Archive/periodical/spirit/S101g.pdf> )

<sup>20</sup> See footnote 8.

We would opt for the most restrictive scheme and it would seem that this would be **(b) a judicial scheme**, whereby issues related to gender recognition are considered by the courts on a case by case basis as it seems to be the most restrictive

**Issue 14:** Adopting a scheme similar to overseas gender recognition scheme

**No**

**Issue 16:** Adopting a possible dual-track gender recognition scheme

**No**

We also add that in the event of gender recognitions schemes being forced onto society despite our gravest reservations, measures must be put in place which will secure freedom of religion and conscience, as both rights are protected by international treaties (to which the Hong Kong SAR is a signatory) as well as local law.<sup>21</sup> Of the different schemes including opt-out and opt-in that can be considered for religious bodies, we would prefer the idea of opting in for gender recognition schemes.

**In conclusion**, we absolutely and resolutely oppose the implementation of any form of gender recognition scheme. We would like to lobby for an extension of the consultation period and in the event of the scheme being implemented despite our opposition, we would like to reduce the harm done to society at large by option for the most restrictive terms possible for the scheme.

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<sup>21</sup> Article 18 of both the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights (to both of which Hong Kong is a signatory) as well as article 15 of the Hong Kong Bill of Rights.