

**Excluded lives:
The largest scale survey on
the social and legal
marginalisation of
transgender people in Hong
Kong so far**

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May 2021

Executive Summary:

The latest survey of 234 transgender people in Hong Kong carried out between 2019 and 2020 found that transgender people in Hong Kong faced substantial social and legal marginalisation. Rejection, victimisation and discrimination were the rule rather than the exception in many transgender people's lives in Hong Kong.

Transgender people in Hong Kong reported great difficulties in using a toilet which matches their self-identified gender, or even simply accessing toilets in public spaces. Worse still, when using the toilet, transgender people in Hong Kong were subjected to verbal assault, physical violence, or even sexual contact against their wishes.

A substantial proportion of the respondents had not undergone, were not sure or did not want to undergo gender-affirming medical interventions because of a variety of reasons, which means they were excluded from being eligible for a change of the sex entry on the identity card based on the current regulations set out by the Hong Kong government.

All of such social and legal marginalisation took a toll on transgender people's mental health in Hong Kong. 42.8% of the respondents showed moderate-to-severe levels of depressive symptoms, and 34.7% showed moderate-to-severe levels of anxiety symptoms. 31.2% of the respondents reported non-suicidal self-injurious behaviour in the past 12 months. 76.9% had contemplated suicide, 25.6% had made a suicide plan, and 12.8% had attempted suicide in their lifetime. However, some transgender people displayed agency as one-third of them took action to resist transgender-related discrimination/cisgenderism.

Education and awareness-raising is urgently needed to enhance public understanding of transgender people. Besides, the substantial discrimination that transgender people face in Hong Kong shows that legislation against discrimination on the grounds of gender identity is urgently required. In addition, access to accessible toilets and gender-neutral toilets also need to be improved.

This study also shows heterogeneity among transgender people in the desire for different gender-affirming medical interventions, and thus argues that the legal gender recognition debate needs to consider transgender people's concerns and self-determination. The findings suggest that an overwhelming majority of transgender people in Hong Kong are excluded from being eligible for a change of the sex entry on the identity card based on the current regulations set out by the Hong Kong government, which fundamentally affect their civil, political, economic, social and cultural rights. In the meantime, mental health support for transgender people is urgently needed.

Background:

It is not known how large Hong Kong's transgender population is, because social stigma and the lack of acceptance have greatly reduced the visibility of transgender people. Previous studies on the lived experiences of transgender population in Hong Kong has been few and far between. In recent years, the rights of the transgender population in Hong Kong has been a subject of heated public policy debate. However, there remains little empirical evidence on the lived experiences of transgender people in Hong Kong to inform such a debate.

Hong Kong residents are required by law to carry their identity card with them at all times. To date, to change the sex entry on their identity card in Hong Kong, a person must produce medical evidence that they have undergone medical surgeries. In the case of a change of the sex entry from female to male, this must include removal of the uterus and ovaries and construction of a penis or some form of a penis. In the case of a change of the sex entry from male to female, this must include removal of the penis and testes, and construction of a vagina (Immigration Department, HKSAR, 2016). Furthermore, until the Court of Final Appeal's judgment in the case of *W v. Registrar of Marriages* (Court of Final Appeal of the HKSAR, 2013), the sex entry on an identity card did not establish a person's sex/gender status for marriage purposes in Hong Kong. The Court thus further recommended that the government should develop a comprehensive gender recognition legislation setting out the procedures for changing gender and other legal provisions relevant to the rights of transgender people. In January 2014, the government established an Inter-Departmental Working Group to follow up on the *W v. Registrar of Marriages* decision (Legislative Council Panel on Security, 2014). Its role is to consider the legislation and incidental administrative measures that may be required to protect the rights of transgender people in all legal contexts and to make appropriate recommendations for reform. It was due to report in 2016, and it eventually launched a public consultation on gender recognition in June 2017. However, at the time of the writing in May 2021, the public consultation has not resulted in any conclusions yet and not a report or a single statement has been released after the consultation.

This report is the largest-scale and the most comprehensive report on transgender people's lives in Hong Kong to date, with a view to contribute to policy and legal debates about their rights.

Methodology:

A web-based survey examining the lived experiences of transgender people in Hong Kong – the 2019/20 Hong Kong Transgender Survey (HKTS) – was designed and conducted in collaboration with Transgender Resource Center, the largest group working with and for transgender people in Hong Kong. The study was designed with a careful review of existing research literature, with additional feedback from the leaders of Transgender Resource Center and pilot interviewees. Data collection was conducted from May 2019 to June 2020. Participants were recruited through online postings distributed to transgender-related listservs, service organisations, and by transgender community leaders. Participants were included if they reported (1) being 16 years of age or above, (2) having a gender identity and/or expression that is different from those typically associated with their sex assigned at birth, (3) living in Hong Kong, and (4) being able to understand Chinese. After providing informed consent, participants completed the online survey hosted by Qualtrics. They received HK\$50 as a compensation for their time and effort. The study protocol and materials

were approved by the Survey and Behavioural Research Ethics Committee of the Chinese University of Hong Kong. The demographic characteristics of the participants can be found in Table 1.

Table 1. Demographic characteristics of the participants (N = 234)

	n (%)
Sex assigned at birth	
Male	93 (39.7%)
Female	141 (60.3%)
Self-identified gender	
Transwoman	33 (14.1%)
Transman	58 (24.8%)
Woman	38 (16.2%)
Man	30 (12.8%)
Non-binary	35 (15.0%)
Genderqueer	18 (7.7%)
Others	22 (9.4%)
Age group	
25 and below	113 (48.3%)
26 – 40	89 (38.0%)
41 and above	32 (13.7%)
Education level	
Secondary or below	64 (28.3%)
Post-secondary	28 (12.4%)
Bachelor's degree or above	134 (59.3%)
Monthly income level	
No income	50 (25.3%)
HK\$1 – HK\$19,999	96 (48.5%)
HK\$20,000 or above	52 (26.3%)

Note. The percentage may not add up to 100% because a small proportion of respondents did not respond to all the questions.

Findings:

Experience of rejection, victimisation and discrimination

76% of the respondents reported facing **rejection** in different dimensions of social life in their lifetime. 39.7% of them reported being rejected by their family member(s) and 46.2% reported being rejected by their partner(s).

62% of the respondents reported having experienced different forms of **victimisation** in their lifetime. 59% of them reported having experienced verbal assault. 14.1% of them reported having experienced physical assault and 11.5% reported having been subjected to physical harm by others. In addition, 13.7% of them reported having been threatened or blackmailed by others to disclose their gender identity, while 8.5% of them reported having been subjected to sexual contact against their wishes.

51.1% of the respondents reported facing **discrimination** in at least one of the following four domains in the previous year: Employment (34.8%), education (34.8%), provision of goods and services (36.9%) and disposal and management of premises (26.2%). 41.5% of the respondents reported having experienced different forms of negative treatment from immigration officers when they crossed the border in the previous year. For example, the immigration officers questioned the sex entry on their identity documents excessively.

Nowhere to pee?

Around one-third of the respondents (33.8%) reported that they had never used **a toilet which matches their self-identified gender** in the previous year. Only 38% reported that they often/always used a toilet which matches their self-identified gender in the previous year.

There were diverse views towards the use of **accessible toilets** among the respondents. 60.7% of the respondents said they seldom/sometimes used an accessible toilet in the previous year, and 22.6% of them said they often/always did so. However, 65.8% of the respondents reported different levels of difficulty in accessing and using accessible toilets.

Only 5.6% of the respondents said they often/always could use a **gender-neutral toilet** in the previous year, and 40.2% of them said they were never able to do so.

32.9% of the respondents said they had experienced difficulty in **accessing toilets in public spaces** in the previous year.

41.4% of them reported having been told or asked if they were 'using the wrong toilet', 28.7% of them reported having been stopped from using the toilet, 24.3% of them reported having been subjected to verbal assault, 9.8% of them reported having been subjected to physical violence, and 9% of them reported having been subjected to sexual contact against their wishes, when using the toilet in the previous year.

Do all transgender people want medical interventions?

Non-surgical medical interventions: More than one-fourth of the respondents (28.4%) had had or were having **hormone treatment** and 31.0% wanted it some day. More than one-third of the respondents had had or were having **counselling** (35.9%) or wanted to have it some day (31.6%).

Feminising surgeries: Among the respondents who were assigned as male at birth (n = 93), 8.8% had undergone or were having top/chest/breast surgery, 13.0% had undergone or were having orchidectomy, and 13.0% had undergone or were having genital surgery. While around 40% of the transgender people surveyed who were assigned as male as birth wanted to have some of the feminising surgeries some day, there were a substantial proportion of them indicating that they were not sure (ranging from 19.6% to 29.7%) or did not want to undergo the medical procedures (ranging from 24.7% to 29.3%).

As aforementioned, in Hong Kong, in the case of a change of the sex entry from male to female on the identity card, it must include removal of the penis and testes and construction of a vagina of a person. Therefore, it means only 13.0% of the respondents who were assigned male at birth could fulfil such a requirement.

Masculinising surgeries: Among the respondents who were assigned as female at birth (n = 141), 14.2% of them had undertaken or were having top/chest/breast surgery, whereas only very few or even none had undertaken or were having hysterectomy (2.8%), genital surgery (0.7%) and phalloplasty (0.0%). 36.9%, 46.8% and 52.5% of them expressed that they did not want hysterectomy, genital surgery and phalloplasty respectively (see Table 2).

As aforementioned, in Hong Kong, in the case of a change of the sex entry from female to male on the identity card, it must include removal of the uterus and ovaries and construction of a penis or some form of a penis of a person. As none of the respondents who was assigned female at birth had undergone construction of a penis or some form of a penis, all of them could not fulfil such a requirement.

Reasons for not undertaking gender-affirming medical interventions

The study examined the availability barriers, accessibility barriers, affordability barriers, acceptability barriers, contextual constraints, and personal considerations associated with the desire for gender-affirming medical interventions. Financial reasons (43.2%) and reservations about surgical risks and/or techniques (40.6%) were the most commonly cited reasons for not undertaking the medical interventions.

Table 2. Gender-affirming medical interventions

	Have had it / Having it n (%)	Want it some day n (%)	Not sure if I want it n (%)	Do not want it n (%)
<u>Non-surgical medical interventions (N = 234)</u>				
Hormone treatment	66 (28.4%)	72 (31.0%)	34 (14.7%)	60 (25.9%)
Counselling	84 (35.9%)	74 (31.6%)	33 (14.1%)	43 (18.4%)
Voice therapy	29 (12.6%)	56 (24.2%)	63 (27.3%)	83 (35.9%)
<u>Feminising surgeries (n = 93)</u>				
Facial feminisation surgery	9 (9.7%)	35 (37.6%)	26 (28.0%)	23 (24.7%)
Top/chest/breast surgery (breast augmentation)	8 (8.8%)	30 (33.0%)	27 (29.7%)	26 (28.6%)
Orchidectomy (removal of the testes)	12 (13.0%)	36 (39.1%)	18 (19.6%)	26 (28.3%)
Genital surgery (removal of the penis and creation of a vagina, labia, etc.)	12 (13.0%)	34 (37.0%)	19 (20.7%)	27 (29.3%)
<u>Masculinising surgeries (n = 141)</u>				
Top/chest/breast surgery (chest reduction or reconstruction)	20 (14.2%)	66 (46.8%)	19 (13.5%)	36 (25.5%)
Hysterectomy (removal of the uterus and/or ovaries)	4 (2.8%)	52 (36.9%)	33 (23.4%)	52 (36.9%)
Genital surgery (clitoral release/metoidioplasty/creation of testes)	1 (0.7%)	30 (21.3%)	44 (31.2%)	66 (46.8%)
Phalloplasty (creation of a penis)	0 (0%)	38 (27.0%)	29 (20.6%)	74 (52.5%)

Table 3. Reasons for not undertaking the medical interventions (N = 234)

	n (%)
Availability barriers	
It is not available in Hong Kong	17 (7.3%)
Long waiting time	48 (20.5%)
Accessibility barriers	
I cannot get it when I need it	17 (7.3%)
Affordability barriers	
I cannot afford it due to financial reasons	101 (43.2%)
Acceptability barriers	
I have reservations about surgical risks and/or techniques	95 (40.6%)
I am not ready for the medical procedures	70 (29.9%)
I do not like or am afraid of doctors	17 (7.3%)
Contextual constraints	
Family responsibilities	42 (17.9%)
Opposition from parents	61 (26.1%)
Opposition from partners	13 (5.6%)
I do not have enough time	29 (12.4%)
Personal considerations	
I think the medical procedures are not important	65 (27.8%)
I decided not to receive the medical procedures	20 (8.5%)
I have already undertaken all the medical procedures that I wished to have	10 (4.3%)
Others	29 (12.4%)

Views on policies related to gender recognition

Only 5.6% of the respondents had changed the sex entry on their identity card, and another 6% said they were in the process of doing so. 75% of the respondents agreed that the government should recognise non-binary gender options.

Mental health

42.8% of the respondents showed moderate-to-severe levels of depressive symptoms, and 34.7% showed moderate-to-severe levels of anxiety symptoms. 31.2% of the respondents reported non-suicidal self-injurious behaviour in the past 12 months (e.g. intentionally punched themselves or intentionally banged their heads or other parts of the body fiercely thereby causing a bruise). 76.9% of them contemplated suicide, 25.6% made a suicide plan and 12.8% attempted suicide in their lifetime.

Agency

Overall, 37.3% of the respondents often/always took individual action to resist when they encountered transgender-related discrimination/cisgenderism. For example, they indicated that they often/always stood up for themselves and told someone to stop when the person was telling a transphobic joke or making fun of them because of their gender identity.

Summary:

Based on the findings of the study, we conclude that transgender people in Hong Kong face substantial social and legal marginalisation. Rejection, victimisation and discrimination were the rule rather than the exception in many transgender people's lives in Hong Kong.

Transgender people in Hong Kong reported great difficulties in using a toilet which matches their self-identified gender, or even simply accessing toilets in public spaces. Worse still, when using the toilet, transgender people in Hong Kong were subjected to verbal assault, physical violence, or even sexual contact against their wishes.

A substantial proportion of the respondents had not undergone, were not sure or did not want to undergo gender-affirming medical interventions because of a variety of reasons, which means they were excluded from being eligible for a change of the sex entry on the identity card sex entry based on the current regulations set out by the Hong Kong government. Only 5.6% of the respondents had changed the on their identity card, and another 6% said they were in the process of doing so. 75% agreed that the government should recognise non-binary gender options.

All of such social and legal marginalisation took a toll on the transgender people's mental health in Hong Kong. 42.8% of the respondents showed moderate-to-severe levels of depressive symptoms, and 34.7% showed moderate-to-severe levels of anxiety symptoms. Besides, 31.2% of the respondents reported non-suicidal self-injurious behaviour in the past 12 months. There were 76.9% of them contemplated suicide, 25.6% made a suicide plan, and 12.8% attempted suicide in their lifetime. However, transgender people displayed agency and one-third of them took action to resist when facing transgender-related discrimination/cisgenderism.

Recommendations:

Rejection, victimisation and discrimination against transgender people are deeply rooted in public misunderstanding and stereotypes against transgender people in society. Despite research showing that public attitudes towards transgender people in Hong Kong are turning more positive in Hong Kong, a lot remains to be done to enhance public understanding of transgender people. Education and awareness-raising are urgently needed.

51.1% of the respondents reported facing discrimination in at least one of the following four domains in the previous year: Employment, education, provision of goods and services, and disposal and management of premises. This adds to previous research which shows that transgender people face substantial discrimination in Hong Kong, and legislation against discrimination on the grounds of gender identity is urgently needed.

41.5% of the respondents reported having experienced different forms of negative treatment when they went through the customs in the previous year. As Hong Kong often claims to be an international world city, the mobility of transgender people into and out of Hong Kong is a topic that needs to be addressed. This shows the wider need for training for service providers in public and private sectors.

The research findings also revealed that transgender people faced substantial issues when they used the toilet. Access to accessible toilets and gender-neutral toilets needs to be enhanced.

A substantial proportion of the respondents had not undergone, were not sure or did not want to undergo gender-affirming medical interventions because of a variety of reasons, which means they were excluded from being eligible for a change of the sex entry on the identity card based on the current regulations imposed by the Hong Kong government. The legal gender recognition debate needs to consider transgender people's concerns and self-determination. The findings suggest that an overwhelming majority of transgender people in Hong Kong are excluded from being eligible for a change of the sex entry on the identity card based on the current regulations adopted by the Hong Kong government, which fundamentally affect their civil, political, economic, social and cultural rights.

The level of mental health issues that the respondents reported shows that mental health support for transgender people is urgently needed.

37.3% of the respondents often/always took action to resist when they encountered transgender-related discrimination/cisgenderism. This shows the agency of transgender people, and that there is the potential to further mutual support among transgender people.

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About Sexualities Research Programme:

Sexualities Research Programme is the first research programme in Hong Kong dedicated to conducting rigorous, independent research on sexuality issues, with a particular focus on sexual orientation, gender identity, law and social policy.

To cite the report:

Suen, Y.T., Chan, R.C.H., and Wong, E.M.Y. (2021). *Excluded lives: The largest scale survey on the social and legal marginalisation of transgender people in Hong Kong so far*. Hong Kong: Sexualities Research Programme, Chinese University of Hong Kong

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