

# LCQ19: Protecting rights and interests of intersex persons

Following is a question by the Hon Doreen Kong and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (November 20):

Question:

In November 2023, the Office of the United Nations High Commissioner for Human Rights issued a Technical Note on the Human Rights of Intersex People, recommending ensuring that no one is subjected to unnecessary medical and surgical treatment during infancy or childhood, and guaranteeing bodily integrity, autonomy and self-determination for the children concerned. In early April this year, the United Nations Human Rights Council also adopted a resolution to combat discrimination against intersex persons. In this connection, will the Government inform this Council:

(1) whether it has compiled statistics on the current number of intersex persons in Hong Kong and the number of persons who have undergone relevant medical treatment or surgery; if not, whether it will consider establishing a relevant database to facilitate the timely formulation of effective policies;

(2) how the Government currently protects the rights and interests of intersex persons; whether there are legal and administrative measures in place to protect intersex persons from discrimination; if so, of the details; if not, the reasons for that;

(3) whether it has assessed if the Government's existing guidelines on public education on gender, as well as awareness and rights and interests of intersex persons, are timely and adequate; and

(4) whether the authorities will, by making reference to the recommendations of the relevant United Nations organisations, consider enacting legislation to prohibit unnecessary genital reconstructive surgery on intersex persons in their childhood, so as to protect their physical and mental health as well as their rights and interests; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Health Bureau, a consolidated reply in response to the questions raised by the Hon Doreen Kong is as follows:

Intersex people generally refer to persons with ambiguous genitalia, which are appearances caused by many different underlying conditions, such as genetic or metabolic diseases. It is not a specific disease. The numbers of

cases diagnosed as indeterminate sex and pseudohermaphroditism by the Hospital Authority (HA) in the past 10 years are set out in the table below:

Year	Number of babies diagnosed as indeterminate sex or pseudohermaphroditism upon birth
2014-15	9
2015-16	7
2016-17	4
2017-18	2
2018-19	5
2019-20	8
2020-21	9
2021-22	6
2022-23	2
2023-24	7

(Note: As intersex babies are induced by different underlying clinical conditions, including indeterminate sex or pseudohermaphroditism, the figures are for general reference only.)

Regarding medical decisions for intersex children, if ambiguous genitalia are found on a baby upon birth, the HA's multi-disciplinary team will discuss with the baby's parents and assess the gender and the sexual function which the baby may develop in the future. A treatment decision will be made in the baby's best interests with the parents' consent. In the course of gender determination, the factors to be taken into consideration include diagnostic results, masculinisation of external genitalia secondary to prenatal androgen exposure, response to exogenous androgen stimulation, sexual function and fertility potential. Although early surgical treatment for gender determination may reduce the risks of surgery, the treatment is determined on a case-by-case basis. When providing surgical treatment options for the parents, the team will consider whether the baby's ambiguous genitalia will give rise to serious or life-threatening medical complications etc., and act in the best interests of the baby.

On protecting medical rights and interests of intersex persons, the Government has provided training materials for relevant healthcare personnel of the Department of Health and the HA. Such materials touch on sensitivity towards sexual minorities, enabling the healthcare personnel to better understand sexual minorities (including intersex adults and children) and learn more about the skills to deal with them, including obtaining consent prior to medical examinations on intersex persons. As for making medical decisions for intersex children, the healthcare personnel will advise parents of intersex children to give serious thought before making major and irreversible medical decisions for their intersex children, encourage parents to be open and candid to let intersex children know about their conditions,

and provide parents of intersex children with information on all medical options.

Respecting the protection against discrimination, the Government has been enhancing public awareness about sexual minorities through public education, including the videos and posters that promote the message "Eliminate Discrimination, Embrace Inclusion". The Government has also implemented the Equal Opportunities (Sexual Orientation) Funding Scheme, which provides funding support to projects and activities that aim to enhance public awareness about sexual minorities. For example, an organisation was subsidised to draw up guidelines for the media about what they should bear in mind when interviewing or reporting on sexual minorities, in a bid to avoid misunderstanding about sexual minorities by the community. Furthermore, a hotline for sexual minorities, PRIDE Line, operated by the Tung Wah Group of Hospitals and subsidised by the Government has been launched to provide support, counselling and referral services for sexual minorities and their families. Since 2018, the hotline has handled calls from around 20 intersex persons, offering emotional support and counselling services, and when necessary, referring cases to the HA, the Social Welfare Department and other social service agencies for provision of more appropriate services.