

**Using a public toilet should not be a trial**

*Alfred Chan says the hurdles set in front of some groups when using such facilities in Hong Kong – a right many others take for granted – signal the need to update our laws and raise awareness*

For most people, the natural thing to do when nature calls is to go to the bathroom. But, for transgender people and especially those going through gender transitioning, a visit to a public bathroom often entails jitters, embarrassment and even encounters with the police.

In May, the media reported that a transgender woman was stopped by law enforcement officers after using the female bathroom in a shopping mall, and then advised to have the “gender” indicator on her identity card changed and use accessible bathroom facilities in the future to avoid confusion. The incident highlights important issues of equality for transgender people in using single-sex facilities, such as bathrooms and changing rooms. They also raise questions about what steps should be taken to improve the facilities in Hong Kong, and how public understanding of the issues transgender people face can be enhanced.

Transgender people continue to face prejudice, harassment and discrimination in their everyday life. In a study on local laws against such discrimination, initiated by the Equal Opportunities Commission and conducted by The Chinese University of Hong Kong, 88 per cent of the lesbian, gay, bisexual, transgender and intersex (LGBTI) respondents reported encountering discrimination of some form in the past two years, most notably in employment, education and access to services and facilities.

Under the existing legal requirement, a transgender person diagnosed with gender dysphoria can only change their gender by undergoing genital sex reassignment surgery. This causes further difficulties for transgender people for whom surgery is not possible.

To address the challenges faced by transgender people, the commission recommends that the government consults the public on introducing comprehensive LGBTI anti-discrimination law as soon as possible. The government should also change its policy of requiring genital sex reassignment surgery, which is increasingly considered to be a breach of human rights internationally, and introduce comprehensive legislation to set out the process and rights around gender recognition.

In view of the embarrassing and at times undignified experiences of transgender people in using public bathrooms, the government should introduce more unisex public bathrooms and changing rooms. In this regard, the commission has written to the relevant government bureaus on building more such facilities, and adding appropriate signage to them.

We appreciate the concerns of some rehabilitation and disability rights groups about the insufficient number of accessible unisex bathroom facilities, who are worried that opening up such bathrooms to others may further restrict access for people with disabilities. We have indeed called for better maintenance of these facilities as well as high-standard compliance with the government's own design manual for barrier-free access, to meet the needs of people with disabilities. Yet such facilities are also important for a number of other groups in society, including parents accompanying their children, people accompanying their elderly relatives or friends, and transgender people.

While the government works towards providing more accessible, universal bathroom facilities for all who need them, consistent with the existing requirements in its design manual, we, too, must build a more caring and inclusive society, where there is greater understanding and care for the needs of others, and where transgender people and other disadvantaged groups can use public facilities without the fear of discrimination.

Since assuming office at the commission, I have often been asked about my vision and particularly my stance on LGBTI issues. I firmly believe all human beings, regardless of their sexual orientation and gender identity, are born equal in dignity and rights. LGBTI individuals deserve and are entitled to the same human rights as everyone else.

Indeed, in our world today that is increasingly divided and torn by fear and prejudice, it is all the more important for us to let empathy, kindness and respect for others lead our way.

The values of equal treatment and equal opportunity should be reflected in our policymaking and the fabric of everyday life in Hong Kong. This will be the overarching objective of my term.

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**Chairperson of the Equal Opportunities Commission**

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