

Public Attitudes Towards Transgender People and Antidiscrimination Legislation

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Introduction

Discussion about transgender issues in Hong Kong has increased in recent years. This development was spurred in part by the Hong Kong Court of Final Appeal's decision in *W v Registrar of Marriages*,¹ which held that a transgender woman had a right to be recognized as a woman for the purpose of marriage. In light of these changes, we conducted a survey to gauge Hong Kong people's awareness of what the term "transgender" means. The survey also investigated Hong Kong people's attitudes towards transgender people and towards anti-discrimination legislation to protect transgender people.

This paper proceeds in three parts. First, we provide background on our survey. Second, we present our findings. Third, we conclude by commenting on the relevance of our findings to public policy debates about transgender issues.

Survey Background

As part of a project housed in the Centre for Comparative and Public Law in the Faculty of Law at the University of Hong Kong, we commissioned the Social Sciences Research Centre (SSRC) at the University of Hong Kong to conduct a public opinion telephone survey of Hong Kong residents between 12 May and 6 June 2017. SSRC called both mobile and fixed line phones to obtain a representative sample of Hong Kong residents age 18 and over. A total of 1,437 people completed the survey (719 from mobile phones and 718 from fixed line phones) in either Cantonese or English.²

On average, respondents took 10.8 minutes to complete the survey. The survey asked 26 questions about transgender issues, gay and lesbian issues, and respondent demographics. This report is focused on the survey questions about transgender people and related antidiscrimination legislation.³

¹ [2013] 3 HKLRD 90.

² The cooperation rate (the number of people who completed the survey divided by the number of people who answered the phone) was 53% and the response rate (the number of people who completed the survey divided by the number of all phone numbers dialed) was 11%. We used standard statistical weighting techniques to adjust for non-response that is common in phone surveys.

³ We previously reported our research findings concerning same-sex couples' rights. See Lau, H., Lau, C., Loper, K., & Suen, Y., *Support in Hong Kong for Same-sex Couples' Rights Grew Over Four Years (2013-2017): Over Half of People in Hong Kong Now Support Same-Sex Marriage*. Centre for Comparative and Public Law, University of Hong Kong. Available at <https://ssrn.com/abstract=3207048>.

Results

We present results of the public opinion survey below in three sections: Awareness; Attitudes Towards Transgender People; and Support for Anti-discrimination Legislation.

A. Awareness

As shown in Table 1 below, about two thirds (64%) of Hong Kong people have heard of the term “transgender.” After respondents answered the survey question about awareness, interviewers provided all respondents with a common definition of “transgender.” (See Appendix for exact wording.) Respondents were asked to use this common definition when answering subsequent questions about transgender people and antidiscrimination legislation. In other words, regardless of whether respondents were previously aware of the term “transgender,” they received an explanation of the term for the purposes of completing our survey.

Table 1. Awareness about Term Transgender <i>Now I'm going to ask you a few questions about transgender people. First, have you ever heard of the term "transgender?"</i> 我地而家會問你幾條有關跨性別人士嘅問題。首先，你有冇曾經聽過「跨性別」呢個詞語？	
Yes 有	64%
No 冇	36%
Total	100%

B. Attitudes Towards Transgender People

As Table 2 indicates, a large majority of Hong Kong people (80%) are very accepting, moderately accepting, or a little accepting of transgender people, and only 20% are not at all accepting.

Table 2. Acceptance of Transgender People <i>How accepting are you of transgender people?</i> 你有幾接受跨性別人士？	
Very accepting 非常接受	20%
Moderately accepting 中等接受	38%
A little accepting 少少接受	22%
Not at all accepting 完全唔接受	20%
Total	100%

The results in Table 3 show that 72% of the public completely or somewhat agrees that people should be able to express their gender identity, 15% are neutral, and only 13% somewhat or completely disagree. Similarly, 69% either completely or somewhat agree that they would openly accept a transgender work colleague, 15% are neutral, and 16% either completely or somewhat disagree. The majority of Hong Kong people somewhat or completely *disagree* that transgender people should be avoided (62%) and that transgender

people are immoral (64%). The results of the other questions detailed in the table show similar levels of acceptance.

Table 3. Attitudes Towards Transgender People	
<i>How much do you agree or disagree with the following statements?</i>	
請你以完全同意，有啲同意，中立，有啲唔同意，完全唔同意來表示你對以下句子嘅同意程度。	
A. People should be free to express their gender identity	
所有人應該可以自由地表達對自己認同嘅性別	
Completely Agree 完全同意	50%
Somewhat Agree 有啲同意	22%
Neutral 中立	15%
Somewhat Disagree 有啲唔同意	4%
Completely Disagree 完全唔同意	9%
B. I would accept an openly transgender work colleague	
我會接受一個公開自己係跨性別嘅同事	
Completely Agree 完全同意	46%
Somewhat Agree 有啲同意	23%
Neutral 中立	15%
Somewhat Disagree 有啲唔同意	4%
Completely Disagree 完全唔同意	12%
C. Transgender people should be avoided whenever possible	
盡可能都會避開跨性別人士	
Completely Agree 完全同意	10%
Somewhat Agree 有啲同意	9%
Neutral 中立	19%
Somewhat Disagree 有啲唔同意	20%
Completely Disagree 完全唔同意	42%
D. Transgender people are immoral	
跨性別人士係唔道德嘅	
Completely Agree 完全同意	8%
Somewhat Agree 有啲同意	6%
Neutral 中立	22%
Somewhat Disagree 有啲唔同意	16%
Completely Disagree 完全唔同意	48%
(Table continued on following page)	

Table 3 (continued from previous page)	
<i>E. If a male friend wanted to live as a woman, I would support the friend</i> 如果我嘅男性朋友想要做一個女人，我會支持佢	
Completely Agree 完全同意	26%
Somewhat Agree 有啲同意	17%
Neutral 中立	31%
Somewhat Disagree 有啲唔同意	7%
Completely Disagree 完全唔同意	19%
<i>F. If a female friend wanted to live as a man, I would support the friend</i> 如果我嘅女性朋友想要做一個男人，我會支持佢	
Completely Agree 完全同意	26%
Somewhat Agree 有啲同意	17%
Neutral 中立	31%
Somewhat Disagree 有啲唔同意	7%
Completely Disagree 完全唔同意	19%
<i>G. Transgender people make me nervous</i> 跨性別人土會令我緊張	
Completely Agree 完全同意	8%
Somewhat Agree 有啲同意	14%
Neutral 中立	18%
Somewhat Disagree 有啲唔同意	15%
Completely Disagree 完全唔同意	45%

C. Support for Anti-discrimination Legislation

As shown in Table 4, 67% of Hong Kong people completely or somewhat agree that Hong Kong should have a law that protects people from being discriminated against because they are transgender, 19% are neutral, and 14% completely or somewhat disagree.

Table 4. Support for Transgender Anti-Discrimination Legislation <i>Do you agree or disagree that Hong Kong should have a law that protects people from being discriminated against because they are transgender?</i> 請問你同唔同意香港應該有法例保護因跨性別而被歧視嘅市民?	
Completely Agree 完全同意	45%
Somewhat Agree 有啲同意	22%
Neutral 中立	19%
Somewhat Disagree 有啲唔同意	4%
Completely Disagree 完全唔同意	10%
Total	100%

Conclusions

Without survey data, it is difficult to ascertain the level of public awareness of what it means to be transgender. It is also difficult to gauge public opinion without survey data; public debates about transgender issues might not accurately reflect public opinion because individuals who hold the majority viewpoint might be relatively quiet while holders of the minority viewpoint might be relatively outspoken. By providing survey data, this paper seeks to facilitate understanding of the public's awareness and opinions about transgender issues and legal protection against discrimination on the basis of being transgender.

There are currently government deliberations concerning gender recognition legislation. Such legislation would allow transgender people to modify the gender marker on identity documents so that their documents comport with their gender identity. When discussing the possibility of enacting gender recognition legislation, commentators sometimes wonder about the public's attitudes towards transgender people. This briefing paper does not directly address the normative question of whether public acceptance of transgender people is necessary before introducing legal measures to protect their rights. Arguably, legal protection for minority groups should not be contingent on majority support. To the extent, however, that the Hong Kong government insists on considering public opinion when developing policy, our data sheds light on these attitudes. It shows that only a minority of the public (20%) say they do not accept transgender people. Likewise, only a minority (26%) say they would not support a male friend who wants to live as a woman, or a female friend who wants to live as a man. Meanwhile, a majority of the public (72%) believed that people should be free to express their gender identity. A majority of the public (67%) also support legislation to protect transgender people from discrimination.

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Appendix: Definition of “Transgender” Used in Survey

Interviewers read the following definition of “transgender” to all respondents before asking questions about transgender people and related anti-discrimination legislation:

Transgender individuals are persons whose identity differs from what is typically associated with the sex they were assigned at birth.

A transgender man is a person who identifies as a man, but who was assigned female at birth.

A transgender woman is a person who identifies as a woman, but who was assigned male at birth.

跨性別人士係指是佢地認同自己嘅性別身份同出生時被定義嘅生理性別係唔同。

即係跨性別男士，出生時嘅生理性別係女性，但佢會認同自己係男性。

跨性別女士，出生時嘅生理性別係男性，但佢會認同自己係女性。