

**Legislative Council Panel on Home Affairs**  
**Discrimination on the Ground of Sexual Orientation**

**Purpose**

The purpose of this paper is to inform Members of the measures the Administration has taken to address the issue of discrimination on the ground of sexual orientation.

**Equal Opportunities**

2. The Government is firmly committed to promoting equal opportunities for all, including people of different sexual orientations. We are opposed to any form of discrimination on the ground of sexual orientation.

**Publicity and educational measures**

3. Over the years, the Administration has adopted various publicity and educational measures to promote equal opportunities for people of different sexual orientations. Examples of such measures include:

- (a) An Equal Opportunities (Race and Sexual Orientation) Funding Scheme has been established to support worthwhile community projects to promote equal opportunities on the grounds of race or sexual orientation. A total of \$1.38M has been allocated in the past three years to fund activities dedicated to the promotion of equal opportunities on the ground of sexual orientation;
- (b) We have been assisting homosexual groups in seeking funding support from charitable organizations for projects that serve the needs of the sexual minorities as well as their families. Some \$530,000 have been made available to groups such as Horizons, Satsanga, Queers Sisters, Hong Kong Ten Percent Club, Freeman, and Over the Rainbow in the past years;
- (c) We produced publicity and educational materials to drive home the message of equal opportunities in this aspect, e.g. a pamphlet to dispel common misunderstanding of the homosexual community, a

storybook on equal opportunities with sexual orientation as one of the main themes, and a new comic book to advocate non-discriminatory attitudes as well as mutual respect and tolerance of people of different sexual orientation in our daily life; and

- (d) We published a Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation to promote self-regulation by employers and employees. In the preparation of the Code of Practice, various organisations such as homosexual groups, labour unions, trade associations and chambers of commerce were widely consulted and they offered valuable inputs and comments.

4. In addition to these specific measures on sexual orientation, the Committee on the Promotion of Civic Education offers a Community Participation Scheme under which funds are made available to various groups, including homosexual groups, to organise worthwhile community projects. Through exhibitions, publicity booklets, teaching kits, radio and television programmes, the Committee has been striving to instil equal opportunities concepts among the general public, and to promote public awareness and acceptance of minorities in the community.

### **Education**

5. Education Department issued in 1997 Guidelines on Sex Education in Schools to enhance teachers' understanding of and capability for handling related topics in the school curriculum. Teaching aids have also been produced to support the teaching on sexual orientation, including homosexuality, bisexuality and heterosexuality. This aims at helping students recognise the diversity of lifestyles, sexual preference and demonstrate tolerance towards people with different sexual orientations.

6. Relevant elements on sex education and appreciation of individual differences have also been incorporated into various subjects. These include General Studies, Science, Social Studies, Civic Education and Liberal Studies.

7. It is noteworthy that the Curriculum Development Council is now considering a new curriculum framework which would combine related subjects into core learning areas. Attitudes and values such as respect, individualism, human dignity and equality, which are highly relevant to promotion of non-discrimination on the ground of sexual orientation, would

form an essential part of the new curriculum framework now under consideration.

### **Employment**

8. Under the labour legislation, all workers irrespective of their sexual orientation enjoy the same employment rights and benefits. The Labour Department (LD) published a Guide to Good People Management Practices to promote, among others, the concept of equal opportunities. In 1999 and 2000, the Good People Management Awards organised by LD laid emphasis on the adherence to the principle of equal opportunities in employment as one of the assessment criteria. In dealing with its employment services, LD ensures that vacancy orders placed by employers do not impose discriminatory requirements such as those relating to sexual orientation.

### **Housing**

9. The current public housing policies do not discriminate against any person on the ground of sexual orientation. Applicants for public rental housing and various subsidised home ownership schemes are not required to reveal their sexual orientation. Any person may apply for public housing as long as they meet the relevant eligibility criteria, such as income and asset limits.

### **Legislation**

10. The Administration published a consultation paper on discrimination on the ground of sexual orientation in 1996. During a two-month consultation period, a total of 10,014 submissions were received. The submissions came from homosexual groups, women's groups, educational bodies, religious bodies, employer organisations, labour unions, chambers of commerce, politicians and individual members of the public.

11. An overwhelming majority was strongly opposed to legislation in respect of sexual orientation. The educational and religious sectors considered legislation to protect the rights of the homosexuals a form of 'reverse discrimination' against the rights of the majority who choose not to accept non-heterosexuality. There were also concerns about possible impact on young people and on the traditional institutions of family and marriage if non-heterosexual behaviour was recognised through legislation.

12. Those in support of legislation, however, saw it as a tool to ensure equal opportunities for all and to regulate discriminatory behaviour in this area. It was also argued that legislation might as well be an educational tool to cultivate in the community a proper attitude towards sexual minorities.

13. While divergent views were expressed on the legislation option, there was unanimous support for the use of non-legislative measures to address discrimination on the ground of sexual orientation.

14. As far as we know, not many overseas countries adopt anti-discrimination legislation to tackle discrimination on sexual orientation. Those who have such legislation include USA, Canada, New Zealand and Australia. However, there are cases where only some parts of a country adopts anti-discrimination legislation on sexual orientation (for example, only eight states in USA have such legislation); and the scope of application varies from one state to another (for example, discrimination in employment based on sexual orientation is not covered in Northwest Territories in Canada).

15. In Hong Kong, the Hong Kong Bill of Rights Ordinance (BORO) provides that the rights recognised by the Bill of Rights shall be enjoyed without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. As BORO binds the Government and all public authorities, all people, irrespective of their sexual orientation, are protected against infringement of their rights on the part of the Government and public authorities.

## **Conclusions**

16. Complaints of discrimination on the ground of sexual orientation have been few and far between in the past three to four years. There have not been any indications that discrimination of that sort is prevalent or frequent. As the root of the problem of discrimination on the ground of sexual orientation lies in stereotypes and prejudices, we remain convinced that self-regulation and education are the preferred approach. Our initiatives are intended to promote awareness and understanding with a view to fostering a culture of greater objectivity, tolerance and mutual respect in the community. Inevitably, this necessitates community participation and will take time to take effect as we cannot expect public attitudes to change overnight. The Administration will continue its efforts through the above various publicity

and educational measures and initiatives to encourage the public to discard discriminatory attitudes and behaviours towards people of different sexual orientation.

Home Affairs Bureau  
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