

Legislative Council Panel on Constitutional Affairs

**Promotion of Equal Opportunities in relation to
Sexual Orientation and Gender Identity**

Purpose

This paper informs Members of the measures the Administration has been taking to promote equal opportunities in relation to sexual orientation and gender identity and related issues.

Public Education, Promotion and Publicity

2. The Government is committed to promoting equal opportunities for all, including people of different sexual orientations and transgendered persons. Through public education and publicity, we aim to promote non-discrimination and nurture a culture of greater objectivity, tolerance and mutual respect in the community.

3. As an integral part of our promotion effort, the Administration established the Gender Identity and Sexual Orientation Unit (“GISOU”) in May 2005 to provide dedicated service on this front. The GISOU maintains a hotline for handling enquiries and complaints on issues relating to sexual orientation and gender identity, and launches publicity and education programmes.

4. The publicity and promotion measures to promote equal opportunities for people of different sexual orientations and transgendered persons undertaken by the GISOU include:

- (a) promoting the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation (“the Code”). This includes promoting the implementation of the Code in the civil service, as well as promotion in the private sector through a human resources management institution

and Human Resources Managers' Clubs¹ organized by the Labour Department;

- (b) broadcasting radio Announcement in the Public Interest, organising a poster design competition and launching a poster advertising campaign to promote equal opportunities for people of different sexual orientations in the field of employment;
- (c) launching poster advertising campaigns and publicising promotional leaflets to increase public awareness of the GISOU's enquiries and complaints hotline; and
- (d) production and distribution of souvenirs which are aimed at promoting GISOU's work among sexual minorities groups, non-governmental organizations (NGOs), youths, and the general public.

5. The GISOU will continue to carry out various publicity and promotion measures. In particular, the GISOU will enhance its efforts in promoting the Code within the Government through organizing briefings for staff responsible for human resources management and promotional activities such as quiz for civil servants. It will also enhance the promotion of the Code in the private sector through different channels.

6. The GISOU is also responsible for managing and monitoring the Equal Opportunities (Sexual Orientation) Funding Scheme (the Funding Scheme). Established in 1998, the Funding Scheme provides funding support to worthwhile community projects which are aimed at promoting equal opportunities on grounds of sexual orientation and gender identity, or providing support services for sexual minorities. Over the years, we have approved \$ 6 million to fund activities dedicated to these objectives. In 2009-10, we have approved sponsorship for nine projects and the approved amount of sponsorship is about \$500,000. The approved

¹ The Labour Department has set up 18 Human Resources Managers' Clubs in various trades and industries (including three for small and medium-sized establishments on a district basis) to promote good people management practices through activities such as experience sharing sessions, workshops and seminars for the members.

programmes included drama performances, workshops, drama competition and production of booklets. Successful applicants included various sexual minorities groups and other relevant organizations.

7. The Funding Scheme will be continued in 2010-11 to support the work of community in the promotion of equal opportunities on grounds of sexual orientation and gender identity.

8. In September 2004, the Administration established the Sexual Minorities Forum to provide a channel for non-governmental organisations and the Government to exchange views on issues concerning sexual minorities and transgendered persons in Hong Kong. The GISOU provides secretariat support to the Forum. Various bureaux and departments have been invited to the meetings to exchange views with members of the Forum on a number of issues, including policy and services in combating violence involving same sex cohabitants, promotion of sex education in schools, support services provided by the Social Welfare Department (“SWD”) to sexual minorities, provision of social work services to students encountering sexual orientation discrimination in schools, equal opportunities in employment in the civil service, the mention of sex in official documents, and provision of medical and psychological services to transgendered people by the Hospital Authority.

Training for Social Workers

9. The “Code of Practice for Registered Social Workers” issued by the Social Workers Registration Board states clearly that social workers would respect the unique value and dignity of every human being irrespective of one’s sexual orientation. Social workers would handle all the cases in confidence according to the principles set out in the Code.

10. On social workers’ training, some local tertiary institutions providing social work programmes have already incorporated the subject of understanding homosexuality into their social work curricula. SWD and NGOs also provide in-service training to social workers and clinical psychologists, including courses on human sexuality, working with

people with different sexual orientations, exploration of sexual orientation, sexual identity and attraction, gender identity issues and trauma and adolescents sexuality, etc. Following the commencement of the Domestic Violence (Amendment) Ordinance 2009, SWD has also stepped up its training for social workers on the understanding of violence involving same-sex cohabitants and the intervention skills. These on-the-job training programmes can help social workers and clinical psychologists enhance their counselling skills towards people with different sexual orientations.

Training for Staff in Medical Services

11. In order to reinforce healthcare staff's awareness in providing patient-centred care, irrespective of patients' sexual orientation, gender identity, gender, religion or social class, the Hospital Authority has been organising training programmes on a continuous basis to enhance staff's communication skills and their awareness in respecting patients' rights and feelings.

12. The Department of Health also organises training to prevent discriminatory attitude among medical practitioners and other healthcare staff of the Department. It sends its staff to attend relevant workshops/seminars organised by the Civil Service Training and Development Institute and other external organizations, such as the Equal Opportunities Commission and local universities. Topics covered by such training include patient communication, gender awareness and equal opportunities.

Education

13. The Education Bureau ("EDB") has provided guiding principles for textbook publishers to comply with, to ensure that the value of non-discrimination is also promoted in textbooks. Among these guiding principles, under the existing textbook review system, textbook publishers are required to observe that the content and illustrations in textbooks should not carry any form of discrimination on the grounds of

sexual orientation, gender identity, etc, nor should they suggest exclusion.

14. As regards support to schools, the EDB has been organising professional development programmes on various themes, such as equality and gender awareness, to provide school heads and teachers with updated knowledge and pedagogy in promoting non-discrimination in schools. A total of about 50 professional development programmes have been organised and a total of about 6 000 school heads/teachers have been trained since 2001. Besides, resource materials in support of the promotion of values education have been produced for schools' reference, such as the website on "Understanding of Human Rights", education television programmes entitled "Equality for the New Generation" and "Equality for Everybody".

15. The Hong Kong school curriculum has been revised and updated and students are provided with ample opportunities to develop concepts and values in relation to non-discrimination through the school curriculum:

- (a) the promotion of values, such as "Respect for Others" and "Responsibility" are highlighted in the school curriculum since the curriculum reform in 2001;
- (b) revision made in the curriculum on the subject General Studies at Primary level was effected in 2002, covering non-discrimination in themes such as uniqueness of an individual, differences among people and the need to respect the rights of others;
- (c) revision to the Moral and Civic Education Curriculum framework was made in 2008. More priority values, such as "Care for Others" and "Integrity", are added to further encourage the creation of a caring and inclusive school environment to develop non-discriminative school culture;
- (d) implementation of the New Senior Secondary Curriculum in 2009 will help strengthen the promotion of non-discrimination in schools. For example, personal and

social issues relating to non-discrimination such as protection of individual rights and minority rights and equality before the law are included for discussion in Liberal Studies which is a core subject for all senior secondary students; and

- (e) a new subject, “Life and Society”, will be offered in the junior secondary curriculum in 2012. One of its curriculum aims is to encourage students to appreciate multiple values and learn how to maintain harmonious relationships with others.

16. In 2003, the EDB issued a circular on The Principle of Equal Opportunities to remind all schools that, in formulating and revising their school policies on respective areas such as staff recruitment, student admission, curriculum design, teaching arrangements, internal assessment and handling of students and staff affairs, they should observe the principle of equal opportunities and avoid any form of discrimination.

Employment

17. All employees, irrespective of their sexual orientation and gender identity, are protected under the Employment Ordinance (“EO”). They enjoy the same employment rights and benefits and may seek redress if they are deprived of their benefits and protection under the EO or their employment contracts.

18. In order to promote equal opportunities in employment, the Administration strives to promote the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation (“the Code”) among employers and employees. Employers are encouraged to follow the practices set out in the Code, including:

- (a) to adopt consistent and objective selection criteria in all aspects of employment;
- (b) to avoid assumptions about the ability of persons of different

sexual orientations;

- (c) to train their personnel/human resources staff in ways of avoiding discrimination when they handle applications and conduct interviews;
- (d) to state clearly in job advertisements that the vacancies in question are equally open to all persons, regardless of their sexual orientations;
- (e) to ensure that employees of a particular sexual orientation are not disciplined or dismissed for performance or behavior which would be overlooked or condoned in those of other sexual orientation; and
- (f) to establish internal grievance procedures to deal with complaints.

Mention of Sex in Official Documents

19. Some sexual minorities groups have raised concerns about the mention of sex in official documents. We have discussed with them and explained the Administration's position on the issue at the meeting of the Sexual Minorities Forum in December 2009. There is no general requirement on whether sex should be mentioned in all forms, correspondences or documents used or issued by the Government. The personal particulars to be included in certain documents issued by the Government are specified in the respective legislation. For instance, the information to be furnished for the registration of an identity card is specified in the Registration of Persons Ordinance (Cap. 177) and the Registration of Persons Regulations (Cap. 177A). According to the relevant provisions, "sex" is one of the personal particulars that would be included on an identity card. On the other hand, some service providers may need to identify the sex of persons concerned through relevant documents to facilitate the provision of services and facilities to the public. For instance, relevant service providers would need to quickly identify the gender of the casualties or patients in emergency situations

for the accurate delivery of medical treatment and diagnosis.

Film Censorship

20. The Television and Entertainment Licensing Authority (“TELA”) applies the same set of practices and censorship standards to all films and posters for category III films regardless of whether the films are related to homosexuality or heterosexuality.

21. TELA conducts public opinion survey on the film classification system (including the film censorship standards) from time to time to assess the community’s acceptance of the existing system and standards. In a survey conducted in 2007, about three-fifths of the respondents opined that the current film censorship standards were “just right”. With regard to the public acceptance of the titles of the current films and the packaging of videotapes / laserdiscs or advertising materials of Category III films, more than half of the respondents opined that the standards are “acceptable” or “very acceptable”.

Way Forward

22. Discrimination on grounds of sexual orientation and gender identity originates from stereotypes and prejudices. Public education and publicity is important to promote equal opportunities in relation to sexual orientation and gender identity. We will continue to promote equal opportunities for people of different sexual orientations and transgendered persons through public education and publicity to build greater community understanding and foster a culture of mutual respect and tolerance within the community. Relevant bureaux and departments will also continue their work in this regard.

Constitutional and Mainland Affairs Bureau
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