



Paper No. CB(2)201/99-00(02)

THE UNIVERSITY OF HONG KONG  
POKFULAM ROAD  
HONG KONG  
Tel and Fax: 2859-2965

25 October 1999

Members of the Legislative Council Panels on Education and Home Affairs:

Re: Submission of Women's Studies Research Centre to  
Joint Panel Meeting, 26 October, 1999, 10:45 a.m.

As early as 1993 (at pp 23-4 of the *Green Paper on Equal Opportunities for Women and Men*), the Government insisted that women had equal educational opportunities and that the Education Department had adopted "a policy of strict equality". More recently, at para 62 of its *Initial Report on the Hong Kong Special Administrative Region Under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women*, the Government boldly asserted that the Sex Discrimination Ordinance would preclude any sex discrimination in respect of admissions to educational institutions.

Unfortunately, the Government misled the public. The EOC's Formal Investigation reveals that the Education Department has been violating the SDO and that it does, indeed, discriminate on the basis of sex in admission policies. Students are not admitted on the basis of merit. A different "cut-off" score is applied, depending upon the applicant's sex. As a result, although girls achieve *higher scores* than boys, girls are actually *less likely* to be admitted to their preferred schools. This violates the SDO, the Basic Law, the ICCPR, and CEDAW. It is also morally reprehensible. Affirmative action is only justifiable on behalf of *victims* of discrimination. It is women, not men, who suffer discrimination in our society. As a result, men still earn more and hold a far greater share of economic and political power. By giving preferential treatment to boys when they apply to secondary schools, the Government perpetuates that discrimination, as the band of school that a student attends significantly impacts upon her future opportunities.

It has been suggested that the entire "banding system" should be reviewed. We would support any sincere effort to reform our educational system. However, as long as the Government continues to use the SSPA to allocate students to secondary schools, it must do so in a manner that does not discriminate against girls. The Education Department is *capable* of doing that immediately - it can simply stop processing girls' and boys' applications separately and give them the places they have earned. We fear, however, that the Government may instead seek an exemption from the SDO. We urge legislators to reject any such request. The Government's CEDAW Report assured us all that there was no sex discrimination in admissions to schools. It should be held to that promise and be compelled to comply with the law.

Carole J. Petersen, on behalf of the Organizing Committee,  
Women's Studies Research Centre, University of Hong Kong