

**Legislative Council
Panel on Constitutional Affairs**

**Progress of Work on Anti-discrimination on Grounds of
Sexual Orientation and Gender Identity**

Introduction

This paper updates Members of the Administration's work in promoting equal opportunities for people of different sexual orientation and transgenders.

Initiatives pursued

2. The Administration has been adopting a multi-pronged approach to promote equal opportunities for people of different sexual orientation and transgenders and this includes:

- (a) launching various public education and publicity activities with a view to nurturing a culture of diversity, tolerance and mutual respect in the community;
- (b) funding worthwhile community projects through the Equal Opportunities (Sexual Orientation) Funding Scheme to widen the impact;
- (c) setting up the Advisory Group on Eliminating Discrimination against Sexual Minorities to advise on the longer term strategy and measures to take forward the objective;
- (d) conducting research into overseas practices with a view to learning from the experience of other jurisdictions; and
- (e) maintaining liaison with stakeholder groups with a view to better understanding their views and concerns.

Public education and publicity

3. Over the past years, we have launched various public education and publicity activities targeting different sectors of the community. These

include Announcement in the Public Interest ("API") on radio, poster campaigns, exhibitions, various forms of competition, etc. The more recent initiatives include producing a new API in late 2013 which is broadcast on television, radio, in government venues and on public transport. To tie in with the API, poster campaigns were launched at various public venues to promote the message of non-discrimination against and equal opportunities for people of different sexual orientation and transgenders.

4. On the employment front, we have promulgated the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation ("the Code"). The Code seeks to eliminate discriminatory practices in employment and promote equal employment opportunities among all persons, irrespective of their sexual orientation. In addition to publicising the Code through various channels such as websites and magazines of chambers of commerce, we have written to the top management of major public and private sector organisations in Hong Kong drawing their attention to the Code and appealing to them to adopt the measures therein. We have also organised different seminars and briefings for the middle management in public and private sector organisations, in particular those responsible for human resources matters.

Equal Opportunities (Sexual Orientation) Funding Scheme

5. The Equal Opportunities (Sexual Orientation) Funding Scheme ("Funding Scheme") was established to provide funding support to worthwhile community projects which aim at promoting equal opportunities on grounds of sexual orientation or gender identity, or seek to provide support services for the sexual minorities. Amounts earmarked under the Funding Scheme have increased steadily in recent years, from \$620,000 in 2012-13 to \$800,000 in 2013-14. For 2014-15, we have earmarked \$1.25 million under the Funding Scheme.

6. In the past three years, 39 projects were approved under the Funding Scheme. These projects vary in nature and target different sectors of the community. They include essay writing competition, song composing competition, drama and concert performances, exhibitions, talks, production of short films, educational leaflets, publications, etc. to disseminate the message of equal opportunities; as well as various kinds of support services for sexual minorities and their families such as talks, counselling, workshops, support groups, sharing sessions, outreach services, home visits for singleton and elderly homosexuals, production of information materials and teaching kits, etc.

Advisory Group on Eliminating Discrimination against Sexual Minorities

7. In the last few years, there have been increased calls for the Administration to enact legislation to safeguard equal opportunities for sexual minorities. At the same time, there were serious concerns expressed over the implication this may have on traditional family values and freedom of religious belief. The society is deeply divided over this. We are sensitive to the strong views of different stakeholder groups, and understand that this is a highly controversial issue which must be tackled cautiously.

8. To better address the issue of discrimination faced by sexual minorities and provide a platform for informed discussion, we have set up the Advisory Group on Eliminating Discrimination against Sexual Minorities ("Advisory Group") in June 2013 to advise on matters relating to concerns about discrimination faced by sexual minorities in Hong Kong, notably to advise on the aspects and extent of discrimination faced by sexual minorities in Hong Kong; and on the basis of that, to advise on the strategies and measures to tackle the issues identified with a view to eliminating discrimination and nurturing a culture of diversity, tolerance and mutual respect in the community. The Advisory Group comprises a chairperson and 13 members, all non-officials, from the academic and business sectors, the sexual minority community and the Legislative Council.

9. Since its establishment, the Advisory Group has met four times. Amongst other things, the Advisory Group has decided that a study on discrimination experienced by sexual minorities should be carried out using individual interviews and focus group method to provide a deeper understanding of their experiences. These findings could then provide a basis for further discussion and consideration on appropriate approaches to take forward the work of the Advisory Group. The study aims to recruit no less than 200 sexual minorities from different socio-economic background to ascertain, inter alia, whether they are discriminated against in Hong Kong and, if so, the specific domains and forms of discrimination they experienced and how they responded to it. The study is conducted under the auspices of the Advisory Group and would provide a solid basis to facilitate the Advisory Group to consider and formulate recommendations on strategies and measures to address any discrimination sexual minorities face. The study is now under way and is expected to be completed by end of 2014.

Research on overseas experience

10. Whilst stocktaking local situation, we have embarked on a desktop research to look into the experience in tackling discrimination on grounds of sexual orientation and gender identity in other jurisdictions. Where there is anti-discrimination legislation on this front, we will study the scope of the legislation including the conduct covered, the domains, and the exceptions as well as the application of the legislation. This could provide reference information on measures adopted elsewhere and lessons, if any, that could be learned from their experience. Regular progress on the findings has been presented to the Advisory Group for information.

Liaison with stakeholder groups

11. We understand that this subject is an area where stakeholders hold strong views on. In the past months, we have met different sexual minority groups, family values and religious groups as well as other concern groups to listen to their views and concerns on the subject.

12. The Advisory Group has also met with various stakeholder groups, including the New Creation Association, Post Gay Alliance, and Diocesan Committee for the Pastoral Care of Persons with Same Sex Attraction as well as the Equal Opportunities Commission ("EOC")¹ to exchange views with them so that the views and concerns of different stakeholders could be taken into account as the Advisory Group takes forward its work.

Views sought

13. Members are invited to note the progress of work relating to promotion of non-discrimination on grounds of sexual orientation and gender identity.

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¹ The EOC will undertake a feasibility study on legislating against discrimination on the grounds of sexual orientation and gender identity, and will co-organise a symposium in late August 2014 - see paragraphs 9 and 10 of EOC's paper [CB(2)1314/13-14(05)] discussed at the Panel meeting held on 23 April 2014.