

**Progress on The Discrimination Law Review**

**Purpose**

1. The Equal Opportunities Commission (EOC) has been asked to meet with the Legislative Council Panel on Constitutional Affairs to discuss progress on the Discrimination Law Review (DLR). This discussion paper provides a progress report on the DLR.

**Background**

2. The EOC is Hong Kong's statutory equality body with duties to promote equality and prevent discrimination throughout society. One of its key duties is to keep under review the working of the Anti-Discrimination Ordinances and where it thinks necessary, draw up and submit to the Chief Executive proposals for amending the Anti-Discrimination Ordinances.<sup>1</sup> On 21 March 2013 the EOC announced that it would be conducting the DLR.

3. The EOC has previously made submissions to the government proposing to amend provisions in the Sex Discrimination Ordinance and the Disability Discrimination Ordinance in 1999 and most recently in 2011. However it has not previously conducted a comprehensive review of all four Anti-Discrimination Ordinances.

4. There are a number of reasons why the EOC believes that it is an appropriate time to conduct a comprehensive review and make proposals to the government on reforming the anti-discrimination laws. Our reasons for the DLR are based on: the EOC's statutory duty to review anti-discrimination laws and

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<sup>1</sup> The Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO), and the Race Discrimination Ordinance (RDO). See section 64(1)(e) of the SDO, section 62(1)(e) of the DDO, section 44(1)(e) FSDO and section 59(e) RDO.

the experience of previous reviews; to strengthen protection due to ongoing evidence of inequality and discrimination in Hong Kong society; the experience of developing anti-discrimination laws in Hong Kong and international jurisdictions; and Hong Kong's international and domestic human rights obligations.<sup>2</sup> Further, we also believe that the DLR is a very important opportunity to improve public understanding of the current anti-discrimination laws, as well as how they can be improved so as to promote and mainstream equality.

5. The EOC has planned a number of phases for the DLR:

- Phase 1: An internal review by the EOC of the anti-discrimination laws and its operation in practice;
- Phase 2: A public consultation with all stakeholders and the general public on their views as to how the anti-discrimination laws should or could be modernized;
- Phase 3: an assessment of all the submissions and views expressed during the public consultation;
- Phase 4: publishing a factual report on the nature of the consultation responses received;
- Phase 5: drafting submissions and recommendations to the government on how the anti-discrimination laws should be modernized;
- Phase 6: liaising with and advising the government on how the recommendations can be implemented.

6. The public consultation phase took place from 8 July 2014 to 31 October 2014. The initial closing date for receiving submissions of 7 October 2014 was extended until 31 October 2014, due to the very large number of submissions received and requests from the public for the consultation period to be extended.

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<sup>2</sup> Please see Chapter 1 of the DLR Public Consultation document for further details of the rationales and principles of the DLR, <http://www.eocdlr.org.hk/en/document-00-foreword.html?f=s&c=white>

7. A number of different versions of the consultation documents were developed in order to facilitate participation by the maximum range of groups in society. This consisted of: (a) the full Consultation Document: available in Chinese & English and six ethnic minority languages (Hindi, Indonesian, Nepali, Tagalog, Thai and Urdu); (b) the Executive Summary version of the consultation document available in Chinese & English and six ethnic minority languages; and (c) an Easy Read Guide: available in a bilingual version and six ethnic minority languages. Braille and audio versions were also available upon request.

8. During the public consultation exercise, the EOC held four public consultation sessions (9 August 2014, 16 August 2014, 23 August 2014, and 30 August 2014) with a total attendance of 406 persons. A further seven public sessions were held with the major ethnic minority communities in Hong Kong (Filipinos, Thais, Indonesians, Sikhs, Hindus, Muslims, Nepalese).

9. Additionally, we met with over 140 stakeholder group representatives, including groups representing persons with disabilities, women's groups, ethnic minority groups, employees' and employers' groups, non-government organisations, members of the legal profession, schools, universities and public bodies. These arrangements enabled the Commission to collect views from members of the public extensively and thoroughly.

10. To educate and improve understanding of the public on the issues raised by the DLR the EOC also employed a number of other methods. It created a dedicated section on the EOC's website with information about the DLR, Frequently Asked Questions (FAQs), the timetable for the work and press releases. It issued TV and radio APIs as well as thoroughly engaging with a wide range of media to explain the issues, particularly the areas which raised the greatest interest or concerns.

## **Progress since the public consultation**

11. A very large number of responses have been received of approximately 122,000. We believe that this demonstrates the significant level of interest in issues of equality across society in Hong Kong, and that it affects people in many aspects of their lives from employment, to education and obtaining services. Approximately 120 submissions from organisations have been identified to date and the remainder are from individuals. There are a wide range of organisations that have made submissions (non-government organisations representing women, persons with disabilities, ethnic minorities, human rights organisations, religious and family organisations, employer and employee groups, corporations, legal organisations, Universities, Public Bodies and Political Parties. Based on the analysis to date, the vast majority of responses from individuals have used a similar format to provide responses. This means many of the responses from individuals are very similar and sometimes identical on particular issues or questions.

12. Based on the analysis to date, the issues that appear to have generated the largest numbers of responses from individuals and organisations are: the possible extension of protection from discrimination under the Race Discrimination Ordinance to nationality, citizenship, residency or related status; and the possible extension of protection from discrimination under the Sex Discrimination Ordinance to persons that are in a de facto relationship similar to marriage. However there have also been a wide range of views expressed on the large number of other issues raised in the 77 questions of the public consultation.

13. The EOC is now in the process of analyzing and recording the responses in a database. The analysis is both quantitative and qualitative. Given the large number of responses, in addition to the EOC's internal full time staff,

up to 24 temporary part time staff have or are being recruited to conduct the analysis and recording of responses.

14. The next phases of work are:

- Drafting and publishing a report which provides a factual quantitative and qualitative analysis of the responses received; and
- Internal EOC discussions and the drafting and publishing of a submission to the government on our findings and recommendations (by the end of 2015).

15. The EOC initially planned to publish the factual report on the consultation responses in mid 2015, however given the very large number of responses received and the workload created by those responses, it is possible that the report on consultation responses may be published later in 2015, either before or at the same time as the submission to the government with proposed reforms.

16. The EOC will forward copies of the report on the consultation and the submissions to the government in due course when they are published.

Equal Opportunities Commission

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