

In-Person Oral Submission to Panel on Administration of Justice and Legal Services

On the Consultation Paper: Part 1 Gender Recognition of the
Inter-departmental Working Group on Gender Recognition
20 November 2017

Session Two: 6:20pm – 7:55pm
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To: Clerk to Panel on Administration of Justice and Legal Services
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road, Central, Hong Kong

In the event of insufficient time for the delivery of full oral submission from Community Business, we submit this full script long with copy of our LGBT+ Inclusion Index 2017 Report for the Panel's deliberation.

Dear Honourable Members,

Community Business is a non-profit organisation and registered charity based in Hong Kong and founded in 2003. Our organization works with companies to advance responsible and inclusive business practices and we aim to harness the power of business to drive social change. Spanning all industries, they include companies like Goldman Sachs, HSBC, Citibank, Visa, JP Morgan, Standard Chartered Bank, Microsoft, Google, Dell, Walmart, Adidas, Shell, GSK, Swire, Marriot, PwC, EY, Baker & McKenzie, Linklaters to name just a few of the hundreds that we work with.

Community Business is known for its groundbreaking work on LGBT+ inclusion. This work is part of our '**Creating Inclusive Workplaces for LGBT Employees Campaign**' which we started back in 2008. At that time, understanding and adoption of diversity and inclusion was at a very early stage, and few companies had LGBT+ on their agenda as a workplace issue. Sexual orientation and gender identity were seen as taboo subjects, poorly understood and rarely openly discussed in wider society – let alone in the workplace.

Over the last 9 years, this campaign has seen the establishment of our groundbreaking biennial **Hong Kong LGBT+ Inclusion Index** and annual LGBT+ awards, many events, and the publication of pioneering research including our **Hong Kong Climate Study** which we thank the Working Group for citing in the consultation paper. Like the EOC/CUHK survey published last year, our survey results showed that discrimination against LGBT+ individuals exists both at work and in society in Hong Kong. It also found that that lack of acceptance in the workplace harms productivity and the ability of companies operating in Hong Kong to attract and retain the best talent. This study provided companies with a compelling business case for LGBT+ inclusion.

We have been encouraged by the strong and growing interest in our LGBT+ Inclusion Index and Awards and how the most enlightened companies are very committed to creating an inclusive work place free of discrimination for all their employees, including LGBT+ individuals, and how they also want their company brand to be seen as LGBT+ friendly. Many of these leading companies wish to attract the best talent to work for them in Hong Kong. However, the current legal environment which fails to protect the LGBT+ community, including the transgender community, falls short and is not conducive to the kind of business environment that these companies expect.

In 2017, when we conducted the second iteration of our Hong Kong LGBT+ Inclusion Index, there was a significant increase in support by companies from all industries including engineering, automotive and hospitality. LGBT+ inclusion is no longer focused on by leading financial institutions, but is expanding across all industries. This year, we asked participating companies a number of questions specifically related to transgender inclusion and we were delighted to see many proactively implementing such policies and benefits for this employee demographic, even if they may not currently have any employees who were transitioning or that are identified as transgender.

Community Business wishes to underline the importance which the Gender Recognition Consultation Paper holds for businesses in Hong Kong.

Having a Gender Recognition System will help bring clarity and order to LGBT+ inclusion by businesses in Hong Kong, to the benefit to employers, employees, clients and stakeholders. We must leverage this great opportunity to build the most effective policies and system possible to generate better workplace inclusivity and keep Hong Kong as a leading hub for business in Asia.

Community Business supports a GRS that is in line with leading global standards. 47 countries worldwide already have official gender recognition systems in place that do not require SRS. If Hong Kong is to be truly Asia's world city and maintain its competitiveness, it must aim to implement world class standards on gender recognition. Anything short of this will erode Hong Kong's credibility as a global financial centre and as an attractor of leading foreign and local talent.

Times are changing. We know from our own research and that of other organisations and our ongoing engagement with leading companies that the LGBT+ community is increasingly accepted and that Hong Kong's legal framework must move ahead. We would like to see Hong Kong lead the way in Asia and the rest of the world in embracing diversity, inclusion and equality – and to achieve this, Hong Kong must move ahead with a progressive gender recognition scheme and anti-discrimination legislation.

Our full response with evidence will be submitted before the deadline of 31 December 2017.

I have brought copies of our Index for the honourable members' perusal.

Thank you for your time.