

**Meeting of the Legislative Council Panel on Constitutional Affairs
14 February 2018**

**Work Progress and Strategic Focuses of the
Equal Opportunities Commission**

Purpose

This paper provides an update on the work progress of the Equal Opportunities Commission (EOC), its strategic focuses and key initiatives in 2018/19.

Background

2. The EOC is a statutory body established in 1996 under the Sex Discrimination Ordinance (SDO) (Cap 480). The powers and functions vested in the EOC are set out in the anti-discrimination ordinances of Hong Kong. Currently there are four such ordinances, namely the SDO, Disability Discrimination Ordinance (DDO) (Cap 487), Family Status Discrimination Ordinance (FSDO) (Cap 527) and Race Discrimination Ordinance (RDO) (Cap 602). Through the years, the EOC has continued to deliver its full range of statutory responsibilities, working towards its vision of creating a pluralistic and inclusive society where there is no barrier to equal opportunities. Making effective use of its powers, the EOC strives to put the legislation at work by influencing public policy making, and working with employers, businesses and stakeholders in different sectors to embed equal opportunities in their organisational practices.

Handling Complaints

3. As set out in the anti-discrimination ordinances,¹ one major function of the EOC is to handle complaints lodged by members of the public against unlawful acts under the ordinances, and endeavour, by conciliation, to effect settlement of the complaints.

4. In 2017, the EOC received 544 complaints, as compared to 601 in 2016. The decline was due to the fact that the EOC received an exceptional large batch (174 cases) of complaints on racial vilification in 2016, as triggered by the oath-taking incidents in the Legislative Council. If these complaints were taken out, the number of complaints received by the EOC in 2016 would be 427, which was in fact lower than the figure in 2017. Together with the complaints carried forward from the previous year, the EOC handled a total of 743 complaints in 2017, as compared to 818 in 2016. A breakdown on the complaints handled under the four anti-discrimination ordinances is enclosed in **Annex A**.

5. Complaints handled under the DDO continued to take up the largest share in 2017. Over 60% of these fell under the employment field and were mainly about sick leave and work injuries, with the disputes over the ability of employees to perform the inherent requirements of a job, accommodation given to an employee, and unjustifiable hardship to the employers in giving the accommodation. For non-employment cases, these were mainly related to the provision of goods, services or facilities, and access to premises.

¹ s.84 of SDO, s.80 of DDO, s.62 of FSDO, s.78 of RDO

6. The second largest category of complaints belonged to those handled under the SDO. Similar to previous years, an overwhelming proportion (88%) of these fell under the employment field, with the alleged unlawful acts being sexual harassment (117 cases) and pregnancy discrimination (96 cases).

7. In contrast, there was a notable increase in complaints on racial vilification. In 2017, the EOC received 47 such complaints, almost all lodged by non-Chinese residents, as compared to 6 cases (excluding the 174 cases concerning oath-taking by elected legislators) in 2016 and 2 cases in 2015. As reported by the NGOs, there had been hate messages targeting persons making non-refoulement claims and ethnic minorities in Hong Kong on the social media platforms. The EOC is greatly concerned about these incidents, which indicate the persistence of racial prejudices in Hong Kong. Under the RDO, any person who, by any activity in public, incites hatred towards, serious contempt for, or severe ridicule of another person on the ground of that person's race, may constitute racial vilification. Such act includes any form of communication to the public, such as uploading posts of vilifying remarks on the Internet and social media platforms. To address this growing trend, the EOC conducted meetings with a major social media service provider, and lined up a roundtable session with the service provider and various NGOs working on EM matters in November 2017 to discuss ways of combating the problem.

Self-initiated Investigation

8. Besides handling complaints from the public, the EOC also initiated investigations into incidents involving unlawful acts. These incidents were noticed by the Commission, or brought to the attention of the EOC by third parties or aggrieved individuals who do not wish to be involved in the investigation. In 2017, the EOC conducted investigations into 47 cases. These were mainly related to the provision of goods, services and facilities, and the provision of access to premises. In light of the investigation findings, the EOC wrote to the parties concerned, including Government departments, and urged them to undertake improvement measures, even though there might not be violation of the legislation.

Conciliation Rate

9. To ensure timely and efficient handling of the complaints, the EOC has set a performance pledge of concluding 75% of the complaints within six months. In 2017, the EOC achieved 78%, with the average conclusion time being 154 days. Where appropriate, the EOC would help the parties concerned resolve the dispute through conciliation, which is entirely voluntary. The successful conciliation rate ranged from 60% to 70% in the past years. In 2017, the successful conciliation rate was 68%.

Providing Legal Assistance

10. A large majority of the complaints were able to be resolved without recourse to legal assistance or actions. Where conciliation was unsuccessful, a complainant or aggrieved party may apply to the EOC for assistance in taking legal action on the complaint. The EOC is obliged under the Ordinances to consider an application for legal assistance. The Legal and Complaints Committee (LCC) of the EOC, having considered the information gathered by the Complaint Services Division (CSD) and the legal analysis provided by the Legal Service Division (LSD) of the Commission, will make a decision on whether or not assistance should be given to the applicant. The forms of legal assistance may include legal advice, legal services relating to the gathering and assessment of further information or evidence, or

representation in legal proceedings – by the EOC lawyers or lawyers in private practice engaged by the EOC.

11. In 2017, the EOC processed 47 applications and gave legal assistance for 26 cases. A breakdown on the applications by Ordinances is enclosed in **Annex B**. While the figure was 62.5% higher than that of 2016 (16 cases), it should be noted that the number of legally assisted case varies each year, as the decision on granting legal assistance depends on a number of factors, including the complexity of the case and the strength of evidence to support a good prospect in court. Consideration will also be given on whether the case involves a question of principle, whether the applicant can deal with the case unaided, having regard to the complexity of the case and/or the applicant’s position in relation to the respondent or other persons involved, and whether litigation can lead to effective remedy for the applicant and help raise public awareness of discriminatory issues. For example, the EOC issued legal proceedings in June 2017 under the DDO on behalf of a woman suffering illness and injury at work, who was harassed by her immediate supervisor on the ground of her disability. In July 2017, the EOC issued legal proceedings under the SDO on behalf of a woman who was dismissed by her employer before she resumed work from her maternity leave. In both cases, the EOC, besides providing redress for the complainants, hoped to raise awareness that discrimination at work, whether on the ground of disability or pregnancy, is unlawful.

12. In addition to handling applications for legal assistance and the necessary follow-up actions, including providing legal advice, facilitating settlement of the cases and issuing legal proceedings, the LSD of the EOC is also responsible for offering internal legal advice, such as on prima facie cases of discrimination, and for conducting research and review of the Ordinances, including the Discrimination Law Review.

Process Review

13. The EOC regularly reviews its performance, including its operational procedures, with a view to maintaining and enhancing the quality of its services. In light of the feedback from Legislative Councillors, NGOs and community members, the EOC has embarked on a comprehensive review of its complaint-handling functions. The review aims to examine the entire process of complaint-handling and providing legal assistance – from the initial handling of the complaint to bringing the case to Court. The purposes are to assess whether the current process is the most efficient and effective in fulfilling the EOC’s statutory role and functions, while ensuring fairness and consistency in the performance of its duties, and to identify possible enhancement measures.

14. The review, which is being undertaken by a Chief Project Manager and overseen by the EOC Board, is expected to complete around mid-2018. Upon completion of the review, the EOC will carefully study the findings and recommendations, as well as the financial and staffing implications involved. The EOC will also solicit external independent advice from a legal and ADR (alternative dispute resolution) professional, who will provide advice on a pro-bono basis. The recommendations will then be submitted to the EOC Board for endorsement before implementation.

Strategic Work Plan 2018-19

15. Other than enforcing and ensuring compliance with the laws, the EOC continues to press the Government to bring forward and enhance policies on gender, disability, race and

family, and urge that legislation be extended to afford protection to people of different sexual orientation, gender identity and intersex status. The Commission also undertakes researches and studies to identify the discriminatory issues affecting people, which findings provide the basis for policy recommendations and raising community awareness. Furthermore, the EOC actively works with employers and service providers to help them put in place equal opportunities policies, and pushes for actions on strategies for people experiencing discrimination, including the ethnic minorities (EM) and people with disabilities (PWD).

16. As mentioned in the paper submitted to this Panel in April 2017 (LC Paper No. CB(2)1180/16-17(05)), the EOC devised and issued a Strategic Plan for 2016-19 in 2016, which provides the roadmap and directions of the EOC's work. The Plan establishes the Commission's priority work areas and actions around five strategic goals:

- (a) Driving legislative improvement – pursue with the Government on the recommendations under the Discrimination Law Review (DLR);
- (b) Advancing the rights of ethnic minorities (EMs) – advocate the equal educational and employment opportunities of EMs and their access to services;
- (c) Promoting the rights of persons with disabilities (PWDs) – advocate equal educational and employment opportunities and access to public services for PWDs;
- (d) Addressing prevalent discrimination and harassment issues and promoting diversity and inclusion – foster safe environment free from discrimination and harassment; and
- (e) Striving for organisational excellence – deliver better services for the community.

The paragraphs below set out in details the initiatives of the EOC under each strategic goal and priority work area.

Strategic Goal 1: Driving legislative improvement

17. The EOC continued to pursue with the Government on taking forward the recommendations under the DLR in 2017. Making use of various channels, the EOC advocates the importance and urgency of implementing its 27 priority recommendations on law reforms, which are essential for modernising and strengthening the protection of the anti-discrimination ordinances. In October 2017, the Chief Executive announced in the Policy Address that the Government would submit legislative amendment proposals to the Legislative Council in the 2017-18 legislative session, for implementing nine priority recommendations under the DLR. These include: prohibiting direct and indirect discrimination on the ground of breastfeeding; prohibiting direct discrimination on the ground of race by association, perception or imputation; and expanding the scope of protection from sexual, disability and racial harassment to cover situations of harassment between persons in a common workplace.

18. While welcoming the Government's undertaking to take forward these nine recommendations, the EOC urged the Government to seriously consider and implement the other priority recommendations at an early date, and provide a clear timeline on their implementation. These reform proposals are not only evidence-based, but also supported by NGOs, concerns groups and Legislative Councillors. They include introducing a statutory right for women to return to their previous role at work after maternity leave, and a distinct duty to provide reasonable accommodation for persons with disabilities across multiple domains. Also, it is recommended that the exercise of Government functions and powers be included under the RDO, so are the characteristics of nationality, citizenship and residency

status. Furthermore, the EOC recommended that in relation to protection from marital status discrimination under the SDO, consultation be conducted on providing protection from discrimination for persons in cohabiting relationships. Indeed, at the meeting of the Legislative Council Subcommittee on Rights of Ethnic Minorities on 6 November 2017, Members voted unanimously for a motion urging the Government to take forward the recommendations related to the RDO, including prohibiting race discrimination in the exercise of Government functions and powers and repealing the exception in vocational training and education in relation to medium of instruction. The EOC will continue to follow up with the Government on the progress and provide information relating to the reforms as and when needed.

Strategic Goal 2: Advancing the rights of ethnic minorities (EMs)

19. The EOC is committed to driving improvement in the equality of opportunities for EMs in Hong Kong. In 2015, the EOC established a dedicated EM Unit. Since then, the Unit has been using a three-pronged approach of policy recommendation, training and outreach to address the concerns of ethnic minorities in the areas of education, employment, provision of goods, services or facilities, and community integration.

Policy Recommendation

20. On policy recommendation, the EM Unit has made 16 submissions to the Legislative Council so far, and met with various Government departments and public organisations to present its views and suggestions on policy measures and practices for fostering racial integration. In line with the EOC's recommendations, various measures have been introduced by the respective parties, as listed below:

- (a) Education – In 2011, the EOC submitted the report of its Working Group on Education for EM to the Government, detailing a number of recommendations on Chinese curriculum and qualifications for non-Chinese speaking (NCS) students. These recommendations, along with those of NGOs and stakeholder groups, contributed to the introduction of the Chinese Language Curriculum Second Language Learning Framework (“Learning Framework”) by the Government in the 2014/15 school year. Since then, the EOC has been closely monitoring the effectiveness of the Learning Framework through meetings with stakeholder and EM community groups. Based on their comments and feedback, the EOC further recommended the Government to make clear the performance targets of the Learning Framework in order to evaluate its effectiveness; ensure the schools have a certain percentage of teachers equipped with the necessary skills through formal training; and undertake the development and publishing of more appropriate teaching materials for NCS students. The EOC is pleased that the Education Bureau (EDB) has commissioned a tertiary institution to develop, in collaboration with primary schools, a series of textbooks pegged at Level 2 and 3 of the Learning Framework, with the objective of issuing the first textbook to schools and students in 2017/18. It is hoped that this will also motivate publishers in the market to develop and publish more Chinese language textbooks for NCS students.

Other than the Learning Framework, the Government also introduced the Applied Learning (Chinese) (“ApL(C)”) subjects for NCS students at senior secondary level. This is in line with the EOC's recommendation that the Government should develop workplace Chinese courses that are tied to relevant industries and are brought under the Qualification Framework so as to help EMs reach the functional Chinese level to

cope with their work. Currently the Government accepts “Attained” and “Attained with Distinction” results respectively as meeting the Chinese language proficiency requirements of Level 2 and 3 in Chinese Language in the Hong Kong Diploma of Secondary Education Examination (HKDSE). In addition, the ApL(C) is also pegged to the Qualifications Framework Levels 1-3.

- (b) Employment – To promote equal employment opportunities of EMs, the EOC has been urging the Government to take the lead and recruit more EMs. Through policy submission to the Legislative Council and meeting with the Civil Service Bureau (CSB), the Hong Kong Police and other departments, the EOC has repeatedly asked the Government to review critically the Chinese language proficiency requirement (LPR) for civil service posts on a regular basis. The EOC is pleased to note that the Government has responded positively to the Commission’s call. In the Policy Address announced in October 2017, the Chief Executive mentioned that the CSB has started to co-ordinate a comprehensive review of the entry requirements relating to Chinese proficiency for all the grades of the civil service, with a view to increasing Government job opportunities for EM. Besides, the Hong Kong Police will launch a regular cross-disciplined forces training programme targeting EM youths to provide them with discipline, physical and team-building training. This new initiative, along with the ongoing Project Gemstone and Project Himalaya that provide Chinese language training and activities to EM youths, will definitely empower EM youths who want to pursue a career in the Police and other disciplined services.

As for the private sector, in order to broaden the career choices of EMs, the EOC is exploring a model for mainstreaming employment of EMs in the health care service sector, in view of the ageing population and the sharp growth of EMs aged 55 and above over the past decade. To this end, the EOC has set up a working group in 2017 to examine the essential Chinese requirements for positions in the health care service sector, such as nurses, health workers and care workers; devise training programmes for EMs with language support; and advise relevant registration bodies, such as the Social Welfare Department, Nursing Council, etc. on reviewing the registration requirements on Chinese proficiency for related posts. In light of the manpower shortage in the health care service sector, increasing the employment of EMs will certainly be a win-win solution for both the EM and mainstream communities.

The EOC is also planning to organise a seminar on “Corporate Role in Promoting Racial Diversity” with the support of HSBC in March 2018. The seminar will introduce some of the corporate practices on promoting a racially inclusive workforce identified by the EM Unit, to serve as examples and encourage other enterprises to hire more EMs.

To ensure adequate employment support to EMs, the EOC has been liaising closely with the Labour Department on the provision of interpretation services and dedicated full-time EM staff at the department’s Job Centres, besides offering training to the youth ambassadors stationed at the centres. Since 2017, the Labour Department has created new job positions dedicated to serving EM job seekers.

- (c) Access to Services – Owing to their language barriers, many EMs continue to face discrimination when acquiring services, as shown in the “Study on Discrimination

against Ethnic Minorities in the Provision of Goods, Services and Facilities, and Disposal and Management of Premises” released by the EOC in September 2016. In response to the call by legislators, NGOs and organisations including the EOC, more Government departments have formulated and reviewed guidelines on the provision of interpretation services. The Hospital Authority is also actively considering the recommendation to simplify procedures for booking interpretation services in public hospitals.

Further to the above, the EM Unit has been working with the Hong Kong Monetary Authority and Hong Kong Association of Banks on translating the essential banking information, such as opening an account and how to use the automated teller machine, into seven EM languages. The translated materials are also available from the websites of the two organisations and the EOC.

Training

21. The EOC’s training on race-related topics targets both the mainstream and EM communities. From April 2015 to end 2017, the EM Unit conducted 248 training sessions for various sectors and organisations. These included 123 training sessions for the mainstream community, including Government officials, teachers and school administrators, as well as managerial staff of enterprises. For example, training was conducted for:

- (a) all front desk staff of Student Finance Office, as well as Labour Department’s Job Centres and Work Incentive Transport Subsidy Division;
- (b) banking staff through the collaboration with the Hong Kong Monetary Authority, The Hong Kong Association of Banks and The Hong Kong Institute of Bankers;
- (c) real estate agents through the arrangement of the Estate Agents Authority; and
- (d) teachers and school administrators on inclusive school policies.

Indeed, there have been increased requests for training on the RDO and cultural sensitivity by a number of Government departments and public organisations. The EOC also organises training for the EM communities, with a view to enhancing their knowledge of their rights and obligations under the RDO. For example, talks were given to EM parents and NGOs on fair kindergarten admission policies.

22. On public education, the EM Unit has developed a series of guidance materials for the banking, education and other sectors. Following the release of the guidance booklet “Promotion of Racial Integration & Prevention of Racial Discrimination in Schools” in 2016, the EOC published an “Easy Guide on Promoting Racial Equality in Schools: Kindergarten Admission” in 2017, which sets out the practices that kindergartens should adopt and avoid when handling enrolment applications from non-Chinese speaking (NCS) students.

Outreach

23. Other than training and education, the EOC also actively engages the EM communities in order to understand their concerns and needs. In addition to networking meetings and community events, the EOC leverages on social media to expand its reach. In March 2017, the EOC launched a citywide EMbRACE campaign featuring facebook and video promotions to spread the messages of racial integration. The EOC also instigated the formation of leadership groups within different EM communities, including a Nepalese community group, Pakistani women’s group and Sikh women’s group. Members of these groups act as ambassadors to raise awareness and provide information to members of their

communities, and channel feedback to the EOC. Furthermore, a Youth Consultative Group on Racial Equality and Integration was formed in 2017. Bringing together both Chinese and non-Chinese youths, who were nominated by their schools and universities, the Group gathers perspectives from young people on EM-related policies, while empowering the younger generation to raise their causes.

24. In 2018/19, the EOC will make use of the additional one-off funding allocation of \$3M from the Government to strengthen the promotion of racial integration. Major initiatives include:

- (a) Media campaign – Targeting the mainstream community, with particular focus on employers, service providers and landlords, the campaign will feature radio promotion, advertisement in public transport and public event, designed to encourage the community to remove their stereotypical views and prejudices of EMs.
- (b) Educational publications – To facilitate employers, human resource personnel and school administrators to formulate equal opportunities policies in the workplace and schools, the EM Unit will produce guidance booklets/leaflets, and an audio-visual kit for schools. The Unit will also arrange for publications on the anti-discrimination ordinances and other related materials to be translated into EM languages.
- (c) Accreditation of interpreters – In view of the fact that the quality control, pre-requisite skill testing, training and qualifications of interpreters of EM languages are largely non-standardised or informal at present, the EOC plans to conduct a tie-up research with a local university, with a view to recommending a potential model and mechanism for providing accreditation for interpreters of EM languages in Hong Kong.
- (d) Integrated research – With due regard to the employment difficulties faced by EMs, the EOC plans to conduct an integrated research on the difficulties and barriers in employment faced by EMs, the education strategies for EM students and academic pathways for EM youths. The research report, along with the recommendations, will be deliberated in a seminar and presented to the Government in due course.

25. While the one-off additional funding will enable the EM Unit to undertake the above new initiatives, there is yet no recurrent funding for the Unit to carry out its work of policy advocacy, training and education, as well as community outreach. Although the Government has provided the EOC with a funding of \$4.69 million each year starting from 2014/15 for enhancing publicity and education on the RDO (LC Paper No. CB(2)1495/16-17(01)), the amount has been used for the establishment and operation of the EM Unit, which comprises seven full-time staff. In the absence of recurrent funding for its programmes, it would be difficult for the EOC to make long-term planning or commitment to recurrent projects. As such, the Commission hopes that the Government can consider the provision of recurrent funding for the EM Unit's programme cost in the longer run.

Strategic Goal 3: Promoting the rights of persons with disabilities (PWDs)

Education

26. In promoting and advocating the rights of equal opportunities of PWDs, the EOC focuses on three major areas, namely education, employment and the provision of goods, services and facilities. In respect of education, the EOC has been advocating for greater support measures for students with disabilities and/or special educational needs (SEN) by the Government, while promoting the importance of an inclusive school environment. The EOC is also engaged in discussions on support measures for NCS students with SEN. In the Policy

Address delivered by the Chief Executive in October 2017, it was mentioned that the Government would regularise and strengthen the Pilot Scheme on On-site Pre-school Rehabilitation Services, with a view to achieving “zero waiting time” for pre-school rehabilitation services. The EOC will continue to monitor the implementation of these initiatives and relay feedback to the Government.

27. At the tertiary level, the EOC, acting as a co-ordinator, has teamed up with the local universities in the “Network for Promoting Equal Opportunities in Local Universities”, which offers a platform for the universities to share their best practices on providing support for students with disabilities and/or SEN. For instance, the universities were invited to share the measures they introduced with the one-off special grant from the University Grants Committee (UGC) in 2017. The UGC has provided special grants (Phase Two) to its funded universities to implement measures for further enhancing the support for students with SEN. The EOC also collaborates with the universities on activities to promote the messages of equal opportunities on campus.

Employment

28. Improving the employment opportunities of PWDs remains a major area of work of the EOC. Utilising different channels, the EOC has consistently called on both public and private organisations including the Government to increase job openings for PWDs. To promote understanding of the DDO, and highlight the importance of equal employment opportunities, the EOC launched a one-year “Employment Equality Project” in collaboration with Radio Television Hong Kong Radio 1 in mid-2017. The EOC has enlisted the support of 22 rehabilitation groups and NGOs for this integrated campaign, which features radio drama series, video interviews of employers of PWDs, a writing competition and a public event. The EOC will continue to work with stakeholders in both public and private sectors to advance the equal opportunities of PWDs, and motivate more employers to hire them.

Accessibility

29. Another area of concern is the accessibility to goods, services and facilities for PWDs. While Hong Kong is known for its modern and efficient public transport system, many PWDs continue to encounter barriers in getting around. In May 2017, the EOC met the Commissioner for Transport and senior officials of the Transport and Housing Bureau, to follow up on its study on the accessibility of taxi, which showed that only 0.5% of the city’s taxis are accessible to wheelchair users. In December 2017, the EOC released an “Easy-to-Read Guide for Accessible Air Travel in Hong Kong”. Based on the “Guidance for Airline Operators in Hong Kong: Facilitation of Persons with Reduced Mobility in Air Travel” issued by the Civil Aviation Department in 2015, the Easy-to-Read Guide provides an overview of the rights and obligations of PWDs and those with reduced mobility as air passengers, and offers tips on planning a safe and smooth journey.

30. Under the DLR, the EOC recommended that the DDO be amended to cover persons being accompanied by assistance animals such as guide dogs as a category of protection from discrimination. The EOC’s recommendation is based on the fact that there is a large number of persons with visual impairment in Hong Kong, and that there have been calls to increase the number of guide dogs. Currently, there is no express provision in the DDO that discrimination against persons being accompanied by assistance animals is a form of disability discrimination. From time to time the EOC receives enquiries and complaints from persons accompanied by guide dogs, who were denied access to premises or services. The EOC hopes that the Government would consider and implement this priority recommendation under the DLR at an early date.

Strategic Goal 4: Addressing prevalent discrimination and harassment issues and promoting diversity and inclusion

31. Currently, about 67% of the complaints handled by the EOC fall under the employment field. To tackle discrimination in the workplace, the EOC has been engaging employers to put in place equal opportunities policies and practices. In addition to general and tailor-made training, consultancy advice is provided to enterprises and organisations on formulating their policies and complaint-handling mechanism.

Sexual harassment

32. Among the various discriminatory issues, sexual harassment continues to raise widespread concern across the society. In particular, the recent high-profile incidents, notably the #Me Too campaign originated in Hollywood, served as a reminder of the ongoing prevalence of sexual harassment and the need to put in place strategies for preventing this in the workplace. Since 2012, the EOC has implemented an Anti-Sexual Harassment Campaign. Using a sector-specific approach, the EOC conducts surveys and studies to examine the prevalence of sexual harassment in the education, business, sports and social service sectors; organises seminars and workshops for both the management and frontline staff of organisations in these sectors; and develops guidelines on the formulation of policies for preventing sexual harassment. In addition, talks and training covering sexual harassment are given to Government departments, public bodies, NGOs, law firms, airlines, banks, hotels, retailers, property management companies, insurance companies, manufacturing companies, as well as ethnic minorities including foreign domestic workers on an ongoing basis.

Social Service Sector

33. In July 2017, the EOC announced the findings of “Sexual Harassment – Questionnaire Survey for Social Service Sector”. The results showed that there is a lack of comprehensive measures on preventing sexual harassment in the social welfare sector, with only 51% of the responding non-governmental organisations (NGOs) having developed a written anti-sexual harassment policy. In addition, about half (51%) of the responding NGOs have never provided any form of sexual harassment awareness training to their employees. To follow up on the survey findings, the EOC collaborated with the Hong Kong Council of Social Service on organising a series of workshops for NGOs in the social service sector. Furthermore, the EOC organised a seminar for parents and carers of persons with intellectual disabilities in residential care homes for PWDs, and another for private operators of the homes. The Commission has also been invited by the Hong Kong Association of Gerontology to deliver talks covering sexual harassment to members working in residential care homes for the elderly from December 2016.

Sports Sector

34. For the sports sector, the EOC released the findings of the “Questionnaire Survey on Sexual Harassment for the Sports Sector” in 2015 to raise awareness of the lack of anti-sexual harassment policy among national sports associations (NSAs) in Hong Kong. To follow up on the survey findings, the EOC co-organised a seminar for the NSAs with the Sports Federation & Olympic Committee of Hong Kong, China (SF&OC), and developed a “Framework for Sexual Harassment Policy in Sports Organisations” to help the organisations formulate their own policies and complaint-handling mechanism. In addition, the EOC has been participating in the Continuing Coach Education Programme upon the invitation of the

Hong Kong Coaching Committee to deliberate on the important role of coaches in preventing sexual harassment.

35. In response to an athlete's allegations of sexual harassment by her former coach in November 2017, the EOC immediately contacted the SF&OC and conducted a meeting with the Committee in December 2017. It was agreed that the EOC would provide training to the 75 NSAs on preventing sexual harassment and handling related complaints. On 30 January 2018, the EOC co-organised a seminar entitled "To Foster the Olympic Spirit: Seminar on Eliminating Discrimination and Anti-Sexual Harassment in Sports Sector" with the SF&OC, with the Home Affairs Bureau and Leisure and Cultural Services Department acting as the supporting organisations. This will be followed by two more workshops on preventing sexual harassment and handling related complaints for the sports organisations in March 2018, and a survey to assess the prevalence of sexual harassment in the sports sector around June 2018. The EOC is ready to assist and advise the NSAs on their anti-sexual harassment policies in compliance with the laws. Furthermore, the EOC has been invited by the Hong Kong Baptist University Department of Physical Education to participate in the symposium "Protect Young Athletes against Sexual Harassment" on 1 February 2018.

36. To strengthen legal protection from sexual harassment, the EOC recommended under the DLR that the SDO, DDO and RDO be amended to cover sexual, disability and racial harassment between persons in a common workplace, such as consignment workers and volunteers, and between tenants and sub-tenants occupying the same premise. The Chief Executive has announced in the Policy Address that the Government would take forward the recommendation in the 2017/18 legislative session. The EOC will continue to follow up with the Government on the legislative time-frame and progress.

Pregnancy Discrimination

37. Pregnancy discrimination remains a common category of complaints under the SDO. Results from EOC's "Study on Pregnancy Discrimination and Negative Perceptions Faced by Pregnant Women and Working Mothers in Small-medium Enterprises" released in May 2016 showed that 22% of the survey respondents encountered pregnancy discrimination during pregnancy, maternity leave and/or the first 12 months after returning to the original work position from giving birth.

38. There is currently no express protection for women under the Ordinance from being treated unfavourably during pregnancy, maternity leave and when they return to work after giving birth. As mentioned above, the EOC recommended under the DLR that the Government introduce a statutory right of women to return to their previous role at work after maternity leave, or if that position no longer exists, a suitable alternative position on similar terms and conditions. The enhanced protection will not only serve to eliminate discrimination in the workplace, but also facilitate women to pursue their employment and careers after giving birth, and relieve the manpower shortage in the labour market.

Discrimination on the grounds of sexual orientation, gender identity and intersex status

39. Another area in urgent need of legislative reform relates to discrimination on the grounds of sexual orientation, gender identity and intersex status. The emergence of various judicial review and court cases in the last few years underlined the inadequacy of the existing legal framework in protecting the equal rights of those with different sexual orientation, gender identity and intersex status. Indeed, the EOC has been urging the Government to

embark on public consultation on the introduction of legislation to prohibit discrimination on the grounds of sexual orientation, gender identity and intersex status. The EOC also believes that there should be comprehensive gender recognition legislation to address the rights and obligations of transgender people. In response to the Consultation Paper on Gender Recognition by the Inter-departmental Working Group on Gender Recognition (IWG) in June 2017, the EOC made a submission to the IWG, deliberating its support for a gender recognition system in Hong Kong.

40. As a statutory organisation tasked with promoting equal opportunities, the EOC is naturally concerned about protecting the dignity and equality of rights, including the right to self-determination, of transgender persons. The EOC believes that there is a need for Hong Kong to introduce a gender recognition system that safeguards transgender persons' rights, and that any such system should not include the degrading and inhumane requirement of completing the sex re-assignment surgery. The EOC respects the concerns and comments raised by different sectors of the community, and hopes the IWG would seriously consider and balance these divergent, competing views in mapping the way forward. The EOC will also continue to engage stakeholders and the larger community on discussion of the issues.

Strategic Goal 5: Striving for organisational excellence

41. As mentioned above, the EOC has embarked on a process review of its complaint-handling and legal assistance functions with a view to enhancing the effectiveness and efficiency of its work. Simultaneously, the EOC is conducting a review of its governance structure, two years after it implemented the restructuring exercise, which resulted in re-alignment of duties of different divisions, re-ranking of certain directorate staff members, and the reinstatement of the Chief Operations Officer post. The review aims to find out the effectiveness of the current structure and if further enhancement is needed. The EOC is also in the process of developing a service charter, as part of its commitment to delivering quality and cost-effective services. The service charter will spell out the service standards and confines of the EOC's services for the public's information.

International Conference on Equality Asia 2018

42. As well as striving for organisational excellence, the EOC is looking to make greater contribution to the regional dialogue and effort to promote equality, leveraging on its more than two decades of operational experience. Riding on the annual meeting of the Asia Pacific Forum of National Human Rights Institutions (APF) in Hong Kong, the EOC is planning to organise an international conference in the third quarter of 2018. The conference will bring together equality bodies, NGOs and academics from around the Asia Pacific region, as they share best practices and key challenges in promoting equality and eliminating discrimination in the region. Local and overseas experts and professionals will also be invited to act as speakers. The conference will not only consolidate Hong Kong's standing as an international city, but also underline its commitment to advancing equality.

Cost Control and Management

43. At the meeting of this Panel in April 2017, Members were informed that the EOC planned to move to a new office location, owing to anticipated increase in rental and insufficient funding for covering the cost, which would lead to structural deficit of the EOC. Having considered various office locations and sought the endorsement of the EOC Board, the EOC decided to move to a new location of lower rental at 41 Heung Yip Road, Wong Chuk Hang. To ascertain the accessibility of the new office, a series of check-walks were

conducted with the EOC staff members, representatives from Hong Kong Rehabilitation Power and an ex-EOC Member, some of whom were wheelchair users, to collect their views on enhancing the accessibility and barrier-free facilities of the new office. The EOC also conducted a check-walk with the Chairman and some Members of the Southern District Council, as well as the District Officer of Southern District, and exchanged views on possible enhancement to the accessibility in the vicinity.

44. In setting up the new office, the EOC engaged professional design consultancy and project management services. To cater for the specific needs of the EOC staff members and service users, the design of the new office was required to comply with the “Design Manual: Barrier Free Access 2008” on the provision of barrier-free and inclusive facilities. The removal exercise was completed in November 2017. To date, the EOC has not received any negative feedback on the accessibility of the new office location from the public. With lower rental, it is believed that the EOC would be able to turn around its deficit situation and restored to a healthy financial position in the long run. Nevertheless, the EOC will continue to adopt a stringent and prudent approach in managing and expending its resources. For long-term sustainability, the EOC needs a permanent office, and hopes that the Government would give due consideration to this.

Conclusion

45. The EOC has entered its third decade of implementing the anti-discrimination ordinances in Hong Kong. As society evolves and develops, the Commission is committed to becoming even more efficient and cost-effective, by continuously improving its areas of work, streamlining procedures and processes, and identifying an organisational model that could respond quickly and flexibly to emerging trends and issues of discrimination. Working together with the legislators, stakeholders and members of the public, the EOC will apply its expertise and expand the impact and reach of its work, making Hong Kong a more equal place for everyone, irrespective of their background or characteristics.

Equal Opportunities Commission
February 2018

Number of Complaints Handled by the EOC in 2017

Ordinance	SDO	DDO	FSDO	RDO	Total
Employment field	247	220	19	11	497
Non-employment field	24	107	6	62	199
<i>Sub-total</i>	271	327	25	73	696
Self-initiated investigations	9	34	1	3	47
Total	280	361	26	76	743

Number of Applications for Legal Assistance

Year	No. of Applications processed (including those brought forward from previous year)	Ordinances				
		SDO	DDO	FSDO	RDO	
2016	<i>Given</i>	16	7	7	1	1
	<i>Not given</i>	20	8	10*	1	1
	<i>Under consideration</i>	2	0	2	0	0
	Total	38	15	19	2	2
2017	<i>Given</i>	26	11	14	0	1
	<i>Not given</i>	12	5	7	0	0
	<i>Under consideration</i>	9	5	4	0	0
	Total	47	21	25	0	1

*One application was not granted assistance during 2016, but upon the Applicant's request for review, the application was approved in 2017.