

**Meeting of the Legislative Council Panel on Constitutional Affairs
18 May 2020**

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

PURPOSE

This paper provides an update on the work of the Equal Opportunities Commission (EOC) in 2019/20 and its key focuses for 2020/21.

BACKGROUND

2. Established in 1996 under the Sex Discrimination Ordinance (SDO) (Cap 480), the EOC is an independent statutory body tasked with implementing Hong Kong's anti-discrimination ordinances, which currently include the SDO, the Disability Discrimination Ordinance (DDO) (Cap 487), the Family Status Discrimination Ordinance (FSDO) (Cap 527) and the Race Discrimination Ordinance (RDO) (Cap 602).

3. As set out in the four anti-discrimination ordinances (Ordinances), the main functions and powers of the EOC are to:

- Work towards the elimination of discrimination on the grounds of sex, marital status, pregnancy, disability, family status and race;
- Promote equal opportunity between men and women, and between people with disability and those without, irrespective of family status and race;
- Work towards the elimination of sexual harassment, as well as harassment and vilification on the grounds of disability and race;
- Investigate complaints lodged under the Ordinances and encourage conciliation between the parties in dispute;
- Provide other forms of assistance, including legal assistance, to eligible applicants when a settlement cannot be reached through conciliation;
- Undertake self-initiated investigations into situations and issues giving rise to discrimination concerns under the Ordinances;
- Develop and issue codes of practice under the Ordinances as practical guidance;
- Review the working of the Ordinances and draw up proposals for amendment; and
- Conduct research and educational activities on issues of discrimination and equal opportunity.

4. Driven by the vision of creating a pluralistic and inclusive society where there is no barrier to equal opportunities, the EOC has applied a holistic, three-pronged approach to its work over the years, encompassing law enforcement, prevention and education. The following paragraphs detail the progress made by the EOC in these areas in 2019/20.

I. LAW ENFORCEMENT

Enquiry and complaint handling

5. One of the EOC's major statutory functions is to handle complaints lodged by members of the public under the Ordinances and endeavour to settle them by conciliation. An enquiry is classified as a complaint when it meets three conditions:

- There is an allegation of an unlawful act falling within the remit of the Ordinances;
- The complaint is lodged by the person aggrieved by the alleged act or by a representative authorised by that person; and
- It is made in writing.

In the fiscal year 2019/20, the Complaint Services Division (CSD) of the EOC:

- Handled 11,481 enquiries, among which 4,888 were general enquiries about provisions under the Ordinances and events organised by the EOC, while 6,593 involved specific scenarios or incidents and might become complaints;
- Received 1,072 complaints, up 2% from 2018/19 (1,056 complaints);
- Conducted 50 self-initiated investigations (SIIs) into incidents noticed by the Commission or brought to the Commission's attention by third parties or aggrieved persons who did not wish to be involved in an investigation, most of which were related to the accessibility of premises and the provision of goods, services and facilities; and
- Handled a total of 1,526 complaints, including cases carried forward from the previous year.

Annex A presents a breakdown of the complaints handled in 2019/20 according to the relevant ordinance.

Factors behind surge in enquiries and complaints

6. Annex B details the number of enquiries and complaints received by the EOC in the past three fiscal years. The increase in the number of enquiries and complaints received in 2019/20 from the previous year could be attributed to growing public concerns over discrimination, harassment and vilification amid the city's social unrest in 2019 and the COVID-19 outbreak that hit Hong Kong in 2020. The issues raised included:

- Damages to public facilities that might endanger people with disabilities (PWDs) and infringe on their access to transportation;
- Allegations of sexual harassment committed against or by protestors;
- Refusal of services to visitors from mainland China, non-local residents, health care workers and others perceived to be potential carriers of the novel coronavirus; and
- Remarks made by public officers and netizens.

7. In handling these cases, the EOC adhered to the principles of impartiality and confidentiality, as well as its established procedures, including ascertaining whether there had been an unlawful act that fell within the remit of the Ordinances, and whether the complaint was lodged by an aggrieved person or her/his authorised representative. When the acts in question proved to be outside the EOC's jurisdiction, the EOC would, as and when appropriate, rely on educational efforts to nurture values of respect and inclusion among the public, as exemplified in paragraphs 27 and 28.

8. Notwithstanding the rise in caseload, in 2019/20 the EOC continued to fulfil its performance pledge of concluding 75% of the complaints within six months, with each case taking 124 days to reach conclusion on average.

Conciliation

9. When deemed appropriate, the EOC would encourage the parties in dispute to settle through conciliation, which is entirely voluntary. In 2019/20, 127 out of the 182 cases that underwent conciliation reached a settlement, translating into a success rate of 70% – falling on the upper end of the average 60-70% in previous years.

10. Furthermore, under the Ordinances, the EOC may decide not to conduct, or to discontinue, an investigation into a complaint for any of the following reasons:

- The EOC is satisfied that the alleged act is not unlawful by virtue of a provision under the Ordinances;
- The EOC is of the opinion that there is no desire on the part of the aggrieved person(s) for the investigation to be conducted or continued;
- More than 12 months have elapsed since the act;
- The EOC determines, in the case of a representative complaint, that the complaint should not be a representative complaint (in accordance with the relevant rules dealing with representative complaints); or
- The EOC is of the opinion that the complaint is frivolous, vexatious, misconceived or lacking in substance.

Below is a breakdown of the cases concluded in 2019/20 based on their outcome:

784	Investigation not conducted
224	Investigation discontinued
13	Early resolution with respondent
107	Early conciliation successful
20	Conciliation successful after investigation
55	Conciliation unsuccessful

Other forms of assistance

11. The Ordinances provide that if an individual has lodged a complaint with the EOC but there has not been a settlement of the case, she or he may apply to the EOC for other forms of assistance, such as legal assistance, which may include initial legal advice and legal representation in court. Applications for legal assistance are decided by the Legal and Complaints Committee (LCC), made up of the EOC's Chairperson and other EOC Members. The LCC would examine the reports and analyses prepared by the Legal Service Division (LSD), as well as information gathered by the CSD during the complaint-handling process. A wide range of factors are considered in deciding whether or not to grant legal assistance, including:

- Whether the case raises a question of principle;

- Whether the complexity of the case or the parties' relative positions make it too difficult for the applicant to deal with the case unaided;
- Strength of the evidence and likelihood of success in court;
- Whether the case can set an important legal precedent;
- Whether litigation can lead to effective remedy for the applicant, and whether the case can be effectively used to enhance public awareness and promote equal opportunities; and
- The attitude and behaviour of the parties.

The EOC may also consider other relevant factors on a case-by-case basis.

12. In the fiscal year 2019/20, the EOC received 29 applications for legal assistance. Including those brought forward from the previous year, the EOC granted legal assistance to 22 out of 40 applications in 2019/20. A breakdown of the number of applications for legal assistance processed by the EOC over the past three fiscal years is available at [Annex C](#).

Other areas of legal work

13. Legal assistance is only one of the various branches of legal work at the EOC. The LSD also advises the CSD on the handling of enquiries and complaints, drafts codes of practice, reviews the Ordinances and proposes legislative amendments, vets contracts and agreements, and provides other forms of internal legal support.

14. Following the EOC's completion of the Discrimination Law Review (DLR) in 2016, the Government gazetted the Discrimination Legislation (Miscellaneous Amendments) Bill in November 2018, which took forward eight of the 73 recommendations the EOC made in the DLR. The Bill was introduced into the Legislative Council for First Reading and Commencement of Second Reading in December 2018. As a Bills Committee has been formed to examine the Bill, the EOC made a submission to the Committee in February 2019 (LC Paper No. CB(2)859/18-19(02)), stating that the proposed protections from discrimination on the ground of breastfeeding should not be limited to women who breastfeed their own children, and that protections from sexual, disability and racial harassment in a common workplace should be expressly extended to volunteers and interns. The Government has subsequently incorporated the EOC's views into its further amendments to the Bill. The EOC has been preparing a guidance on the amendments proposed in the Bill, in order that the public can better understand their scope and effect upon implementation.

15. In January 2020, the Government gazetted a separate bill – the Sex Discrimination (Amendment) Bill 2020 – to provide for protection from harassment on the ground of breastfeeding. Given that this new bill, as well as the provisions relating to breastfeeding discrimination under the Discrimination Legislation (Miscellaneous Amendments) Bill 2018, would have far-reaching implications for many fields of public life, such as employment, education, provision of goods, services and services, management of premises, participation in clubs, and the Government, the EOC has been preparing two additional sets of guidance related to breastfeeding: one for the employment and related sectors; and another for all other sectors.

16. Meanwhile, the EOC continued to urge the Government to devise a clear timetable for taking forward the other higher priority recommendations from the DLR, including providing protection from racial discrimination in relation to the exercise of Government functions and powers, and introducing a statutory duty to provide reasonable accommodation for PWDs in

key areas of public life, such as employment, education and the provision of goods, services and facilities. The Government has indicated to the Bills Committee that work in the next stage would begin as soon as the legislative exercise of the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 is complete, and that it aims to inform the public of its decisions on the way forward within the current term of the Government.

Process Review

17. In December 2019, the EOC released the report on its Process Review, which was conducted between 2017 and 2019 by a panel of three EOC Members to examine the Commission's governance, management structure and complaint-handling. The EOC has found the report's recommendations highly valuable for enhancing its work, particularly those in relation to a victim-centric approach, the holistic collection of facts and evidence in complaint handling, and the positioning of the Chairperson as a commanding role to be ably assisted by EOC Members and a professional management team.

18. The victim-centric approach seeks to recognise and pay special attention to the needs of victims at all stages of complaint-handling, while managing their expectations and adhering to the principles of fairness and impartiality. The EOC has put in place a string of measures embodying the approach, including:

- Ensuring speedy classification of cases by complaint-handling staff;
- Abolishing the practice of reassigning a case from one officer to another when its status is changed from being an enquiry to a complaint, so that aggrieved persons would not feel distressed by repetitive requests for information;
- Making more active use of statutory powers to facilitate investigations, such as instructing respondents and third parties to furnish information and documents; and
- Drawing on expert opinion to add insight to the investigation and conciliation process, when appropriate.

These enhancement measures have contributed to the EOC's success in meeting its pledge of concluding 75% of complaints within six months in 2019/20. The EOC will continue to practise the victim-centric approach and refine its measures as and when needed.

19. In terms of the EOC's management structure, the report recommended that the EOC reorganise the management of operational divisions to enhance the Commission's governance, efficiency and accountability. To take forward the recommendation, the EOC will be restructured with its two enforcement divisions, i.e. the Complaint Services Division and the Legal Service Division placed under one overall command, and the other administrative and operational divisions, i.e. the Policy, Research and Training Division, the Corporate Planning and Services Division, the Corporate Communications Division, the Ethnic Minorities Unit, as well as the newly established Anti-Sexual Harassment Unit under another. These two commanding posts will be created by offsetting two existing posts at the division head level, so that the total number of directorate officers in the EOC remains the same after the restructuring.

II. PREVENTION

Policy research and advocacy

20. In its quest to foster an inclusive society, the EOC not only enforces the anti-discrimination laws to provide an avenue of redress for aggrieved persons, but also conducts and commissions research to identify trends of discrimination and their root causes. This ensures that the EOC can advocate policy reforms or other responses that are anchored to empirical data, allowing the Government and different sectors to bring feasible and meaningful changes to the status quo.

21. In 2019/20, the EOC released the following studies:

- Identifying Effective Approaches to Reduce Public Opposition in the Siting of Integrated Community Centres for Mental Wellness (ICCMWs) and Other Mental Health Facilities;
- Closing the Gap: Report of the Working Group on Education for Ethnic Minorities; and
- The Challenges Faced by Mainstream Schools in Educating Ethnic Minorities in Hong Kong.

The EOC did not stop at just unveiling its research findings, but went on to liaise with relevant stakeholders to explore actionable plans and solutions. For instance, in 2019/20 the EOC:

- Met with the Social Welfare Department to discuss the formulation of a standard three-phased timetable for public consultation over the siting of ICCMWs, capped at 18 months;
- Met with the Planning Department to discuss the possibility of removing the reference to mental health facilities under the designation “Sensitive Community Facilities” (Group B) in the Hong Kong Planning Standards and Guidelines, in order to avoid labelling and stigmatisation;
- Met with the Education Bureau and submitted recommendations for advancing educational equality for ethnic minorities (EMs) to the Government during public consultation over the 2019 Policy Address, including the development of a complete Chinese-as-a-second-language curriculum for non-Chinese speaking students, more robust training to equip teachers with the skillset and mindset needed for teaching second language learners, and the consolidation of different Chinese language examination options into a qualification ladder recognised by tertiary institutions and employers;
- Met with the Hospital Authority and the Estate Agents Authority to discuss, respectively, the language barriers faced by EMs in accessing medical service and the unfavourable treatment they had encountered in finding a flat; and
- Submitted a proposal to the Heads of Universities Committee to produce online and multimedia resources about the prevention of sexual harassment for university students, and discussed other preventive measures with the Presidents/Vice-Presidents of the eight universities that participated in the EOC’s study, “Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong”, released in January 2019.

22. The EOC also commenced and commissioned a number of studies in 2019/20, including:

- Public Attitudes Towards Female Political Leadership;

- Education and Career Pathways of Ethnic Minority Youths in Hong Kong;
- Challenges, Effective Policies and Best Practices of Ordinary Schools in Educating Students with Special Educational Needs in Hong Kong;
- Potential Models for Accreditation and Recognition of Interpreters and Translators in EM Languages in Hong Kong;
- Effective Strategies to Facilitate School-to-Work Transition of Young Persons with Disabilities (PWDs) in Hong Kong; and
- Perceptions of Stigmatisation and Discrimination of Persons with Mental Illness in the Workplace.

Training courses, workshops and seminars

23. As discrimination often takes place in the workplace, at school, and during the course of providing goods, services or facilities, it is crucial to equip the “gatekeepers” in these fields with an accurate understanding of the anti-discrimination legislation. Every year, the EOC offers Spring and Autumn courses, as well as customised training programmes to HR practitioners, executives, managers, business owners and employees alike in both public and private sectors. In 2019/20, the EOC held 325 courses for more than 16,700 individuals from Government departments, public bodies, NGOs, educational institutes and corporations in the banking, hotel, property management and logistics industries.

24. To further bolster prevention efforts and facilitate the exchange of best practices, the EOC organised workshops and seminars on various issues in 2019/20, including:

- Two workshops in April and May 2019 to guide lay church leaders in writing an anti-sexual harassment policy and developing a complaint-handling mechanism for their congregations;
- A roundtable in May 2019 to identify the pain points of sexuality education in Hong Kong and directions for an overhaul, attended by teachers, school principals, representatives of school-sponsoring bodies, social workers, NGO representatives and a legislator;
- A seminar in November 2019 entitled “Promoting Equal Educational Opportunities for Students with Special Educational Needs”, with a panel line-up of scholars, school principals and representatives from the Education Bureau; and
- A seminar in December 2019 entitled “Creating an Inclusive Workplace for People with Disabilities”, targeted at employers and HR practitioners.

Other efforts dedicated to ethnic minorities

25. The EOC established the Ethnic Minorities Unit (EMU) in 2015 to deliver a more focused and coordinated effort in tackling barriers to equal opportunity in education, employment and access to goods, services and facilities for EM communities in Hong Kong. Echoing the Commission’s emphasis on prevention, the EMU centres its work on making policy recommendations, as well as conducting training and outreach. In 2019/20, the EMU:

- Compiled and published the aforementioned report, “Closing the Gap: Report of the Working Group on Education for Ethnic Minorities”, which contained a total of 22 recommendations for levelling the playing field for EM students, based on data from a 15-month stakeholder engagement exercise composed of interviews, sharing sessions

and school visits, and involving 170 individuals, including EM students, their parents, teachers, principals, language experts, NGOs and employers;

- Expanded the number of signatories of the Racial Diversity and Inclusion Charter for Employers (RDI Charter) to over 100 – the Charter was launched in August 2018 to incentivise employers to build a racially diverse and inclusive workplace, and to suggest best practices for materialising this goal;
- Organised a roundtable in August 2019 about corporate initiatives in diversity and inclusion, featuring guest speakers from organisations who had signed the RDI Charter;
- Co-hosted the seminar, “From #Metoo to #Wetoo” with international law firms Lewis Silkin and Bird & Bird in December 2019 to discuss issues of sexual harassment affecting foreign domestic workers (FDWs), with the aim to prompt businesses to reflect on how they could influence their employees, many of which are hirers of FDWs;
- Held 43 training sessions about cultural sensitivity and legal obligations under the RDO for Government departments, organisations and service providers; and
- Conducted 51 talks for EM communities, including FDWs, about their rights under the RDO.

III. EDUCATION

Cross-media promotion and educational programmes

26. To uproot the prejudice and stereotypical beliefs that often underlie discriminatory behaviour, the EOC leverages a mix of traditional media, digital platforms and public events to debunk misconceptions surrounding marginalised communities and communicate the message of equal opportunity, diversity and inclusion. It also forms strategic partnerships with an extensive spectrum of stakeholders to maximise the impact of its educational efforts. In 2019/20, the EOC:

- Organised 117 major events, including talks and exhibitions;
- Collaborated with Radio Television Hong Kong Radio 1 on the campaign, “Embracing Social Inclusion Project” with the support of 22 rehabilitation groups and NGOs serving PWDs – the campaign featured radio segments introducing the daily lives of PWDs, a drama series about accessibility, as well as interviews with celebrities and PWDs;
- Staged 305 drama shows themed around inclusion and anti-sexual harassment, seen by over 49,100 students in kindergartens, as well as primary and secondary schools across the territory;
- Made available at 38 public libraries the bilingual storybook series “Tally and friends”, illustrated by students of Hong Kong Polytechnic University and published by the EOC to help children develop a sense of empathy and respect for diversity;
- Ran the youth programme, “Generation i” in partnership with the Association Concerning Sexual Violence Against Women, Wheel Power Challenge, Hong Kong Guide Dogs Association and HKSKH Lady MacLehose Centre to line up a series of experiential activities for secondary students to learn more about people from different cultures and with different needs;
- Produced a four-part documentary series about sexual harassment for the YouTube channel and an online learning kit for teachers who wish to host discussions and activities for students based on the videos;

- Published two issues of the Commission’s journal, *Equality Perspectives* to examine, respectively, the lessons from the global #MeToo movement and factors behind Hongkonger’s deteriorating mental health;
- Maintained and updated a pool of anti-discrimination resources on the EOC website, which attracted 1,331,213 visitors during the year; and
- Funded 28 projects under the Community Participation Funding Programme to enable NGOs, community groups, schools and other organisations to plan and execute awareness campaigns related to the Ordinances.

Educational efforts in relation to the COVID-19 pandemic

27. Since the outbreak of the novel coronavirus, there have been reports of eggings, beatings and other forms of assault targeted at Chinese and Asian diasporas overseas, sparking concerns over racism and xenophobia. While incidents of the same severity have not taken place in Hong Kong, the EOC has received about 1,500 enquiries and complaints related to the COVID-19 pandemic as of end of April 2020, reflecting similar concerns over discrimination among the public. The issues raised include certain restaurants’ refusal of service to visitors from mainland China, non-local residents and/or Putonghua-speaking customers; a hotel’s ban on medical workers; as well as quarantine and immigration policies implemented by the Government.

28. It must be noted that even when there is differential treatment, the legality of an act or measure has to be assessed on a case-by-case basis according to a range of factors, including but not limited to:

- Whether it concerns any of the protected grounds under the Ordinances (e.g. residency status is *not* a protected ground under the current anti-discrimination legislation);
- Whether any of the exemptions provided by the Ordinances applies (e.g. section 55 of the RDO provides that the ordinance does not affect the Government’s application of any immigration legislation concerning persons who do not have the right to enter and remain in Hong Kong); and
- Whether, in the case of a measure that is discriminatory on the ground of disability but aimed at protecting public health and preventing the spread of an infectious disease, the measure is reasonably necessary as per section 61 of the DDO.

As with all other cases, the EOC has been handling the enquiries and complaints related to COVID-19 in accordance with the law, established procedures, and the principles of fairness and impartiality, giving due consideration to the specific circumstances of each case. Given the complexity of the legal concepts involved, the EOC has taken the further step of conducting educational efforts to explain the law, appeal to the public to refrain from discriminatory acts, and stress the need for compassion in these trying times. As of end of April 2020, the EOC has:

- Developed a dedicated webpage that brings together relevant materials published by the EOC and information on NGO services for PWDs and EMs;
- Issued five press statements in relation to the pandemic;
- Published eight op-ed articles, ran by both print and online media outlets;
- Given 11 interviews to the press, including online media, radio and TV outlets;
- Publicised the above initiatives in five issues of the Commission’s e-newsletter; and

- Completed production of the Spring 2020 issue of the Commission’s journal, *Equality Perspectives*, which includes a brush-up for readers about fundamental concepts under the Ordinances and an in-depth analysis of various scenarios that have arisen from the pandemic – the journal has a circulation of 25,000 and is also available as an e-book on the EOC website.

Indeed, since Hong Kong confirmed its first few COVID-19 cases, the EOC has taken a proactive stance on calling out prejudice and discrimination when heated discussions about discrimination had yet to emerge. In early February 2020, for instance, the EOC issued a press release urging the public not to hold a not-in-my-backyard (NIMBY) attitude towards quarantine centres and designated clinics, as the Commission was concerned that the stigma inflicted on users of the facilities might deter others affected by the virus from disclosing their condition or seeking the assistance they need. The EOC has also appealed to employers of foreign domestic helpers to be more understanding of their needs and rights while assigning household work amid the outbreak, and reminded employers at large to adopt flexible work arrangements as far as practicable, so that employees with family responsibilities can adequately look after their elders, children or other family members who have to stay home because of the pandemic. The EOC will continue to monitor the latest developments of the pandemic and engage in educational efforts accordingly.

KEY FOCUSES FOR 2020/21

29. Amid the city’s social, economic and demographic changes, issues of discrimination and other kinds of injustice have become much more visible in Hong Kong’s public discourse in recent years. While remaining devoted to the ideal of building a discrimination-free society, the EOC recognises the need to shift gears at times in order to create the conditions for change. The EOC has therefore devised a new three-year roadmap – “Strategic Plan 2020-2022” – to better address changes in its operating environment and pursue its vision. The plan has established five strategic goals as follows:

- Setting in place a stronger anti-discrimination legal framework;
- Maintaining an efficient, effective and victim-centric redress system for complaints;
- Developing a stronger knowledge base about discrimination;
- Reducing inequality among communities at higher risks of discrimination; and
- Delivering organisational excellence.

To realise these goals, the EOC has further identified work priorities in four areas, namely gender, disability, family status and racial discrimination. Moving into 2020/21, the EOC will build on its efforts in law enforcement, prevention and education to undertake new initiatives focused on these areas, as highlighted in the paragraphs below.

Gender discrimination

30. From schools and churches to sports organisations and social service groups, the EOC’s Working Group on Anti-Sexual Harassment Campaign, formed in 2012, has been reaching out to a variety of sectors to gauge the prevalence of sexual harassment through surveys and promote the adoption of anti-sexual harassment policies as a preventive measure through seminars and workshops. Yet, deeper issues have emerged, such as delayed or under-reporting among victims, and the fact that certain scenarios of sexual harassment fall outside the SDO’s remit. Having secured additional funds for 2020/21, the EOC will set up the Anti-

Sexual Harassment Unit (ASHU) to tackle these issues. Staffed with four members tentatively, the ASHU will:

- Conduct a holistic review of the current legal regime to identify protection gaps and recommend legislative amendments where appropriate;
- Promote public awareness on anti-sexual harassment policies and measures; and
- Serve as a first port of call for those affected by sexual harassment, providing information on provisions of the law, advice on where to lodge complaints and seek redress, and referral to counselling and therapy services.

31. Besides sexual harassment, pregnancy discrimination has accounted for a significant portion of the complaints lodged under the SDO year after year. To ensure stronger legal safeguards for pregnant women in employment, the EOC plans to explore the feasibility of introducing a statutory right for women to return to their previous role after maternity leave or, if that position no longer exists, to a suitable alternative position on similar terms and conditions.

32. As mentioned above, the EOC has also begun work on the drafting of guidance notes for the employment and other sectors to have a clearer grasp of the provisions relating to discrimination based on breastfeeding under the Discrimination Legislation (Miscellaneous Amendments) Bill 2018, as well as those relating to harassment on the ground of breastfeeding under the Sex Discrimination (Amendment) Bill 2020. The EOC will release the guidance upon implementation of the two bills, with the hope of enlisting the support of all sectors of society in creating a friendly and inclusive environment for breastfeeding women in Hong Kong.

Disability discrimination

33. Despite existing support schemes such as the Social Welfare Department's subsidy programme for employers of PWDs to retrofit the workplace or purchase assistive devices, a considerable number of employers continue to baulk at the idea of employing PWDs. The lack of gainful employment has led to economic disempowerment among PWDs – the latest Government figures, from the Hong Kong Poverty Situation Report on Disability 2013, revealed an unemployment rate of 6.7% among PWDs, compared to 3.7% for the overall population. At the heart of the problem is an entrenched mindset: while some employers remain unaware or unconvinced of the different abilities of PWDs and the potential contribution they can make to the business, others are over-anxious about accommodating their needs or simply do not know how.

34. The EOC plans to approach the issue from different angles. On the one hand, the EOC will continue the work on two studies in 2020/21, namely "Effective Strategies to Facilitate School-to-Work Transition of Young PWDs in Hong Kong" and "Perceptions of Stigmatisation and Discrimination of Persons with Mental Illness in the Workplace". The findings will help to strengthen the EOC's advocacy efforts, including lobbying to the C-suite executives and management of corporations and other organisations to drive top-down policy changes. On the other hand, the EOC will make more active use of popular online B2B (business-to-business) platforms such as LinkedIn to shift perceptions and promote best practices in recruiting and training PWDs.

35. Of equal importance is the need to ensure barrier-free access to transportation, premises, goods, services, facilities, technology, sports, leisure, arts, culture, etc. for PWDs.

Indeed, the principle of accessibility goes beyond built environments and encompasses all aspects of everyday and social life. In 2020/21, the EOC will put a stronger emphasis in its educational efforts on the non-physical aspects of the notion of accessibility, as well as the idea of universal design which benefits not only PWDs, but also many other social groups, such as elders, carers, children and transgender people.

Family status discrimination

36. Another area the EOC will focus on is discrimination based on family status, i.e. the responsibility of having to look after an immediate family member. In 2020/21, the EOC will explore collaboration opportunities with organisations such as the Family Council to synergise resources in promoting family-friendly employment policies, including flexi-time, quarter day leave, job-sharing, etc. The EOC will also endeavour to identify “success stories” – employers who have embraced employees with family status and introduced an assortment of family-friendly practices – so as to demonstrate to the wider community that a family-friendly workplace can be a win for all.

37. Also in the pipeline is a special partnership with the Association of Women with Disabilities Hong Kong (AWDHK). The EOC is collaborating with AWDHK to organise the Asia-Pacific Women Caregivers with Disabilities Conference in the last quarter (September – December) of 2020. The one-day event aims to spotlight the challenges facing female caregivers with disabilities, as their “triple identities” – as a woman, a carer and a PWD – intersect and give rise to unique needs and adversities. A diverse panel of guest speakers from Hong Kong and overseas have been engaged, and invitations will be extended to Government officials, NGOs, scholars, professionals, PWDs and their families, with the dual aim to form an international support network for female carers with disabilities, and to promote the broader message of equal opportunity across various sectors.

Racial discrimination

38. According to the 2016 Population By-census, EMs made up 3.6% of the Hong Kong population, totalling over 250,000 (the tally jumped to over 580,000 with foreign domestic workers included). Remarkably, the number of EM citizens aged 15 to 24 more than doubled, increasing from 13,117 in 2006 to 27,651 in 2016. What the trend promises is a sizable and growing pool of talent with a diverse mix of cultural backgrounds, and a potential answer to the problems arising from the city’s dwindling workforce and battered economy. However, owing to barriers in language and culture, as well as financial hardships, EMs are often not afforded the opportunity to fully realise their potential and live a fulfilling life.

39. The EMU’s multi-faceted work – in policy advocacy, training and outreach – will therefore continue to have relevance in 2020/21 and beyond. On the education front, the EMU will follow up with the Education Bureau on the recommendations of the report, “Closing the Gap” to facilitate Chinese-learning among EM students, while making use of easy guides, audio-visual kits and online training modules to help schools expand their capacity to build an inclusive campus, covering everything from admission policies and uniform rules to website updates and notices for parents.

40. In terms of advancing employment equality for EMs, promoting the RDI Charter for Employers will remain an integral part of the EMU’s work. Specifically, the EMU will continue to recruit signatories for the Charter and organise workshops, seminars and other experience-sharing sessions for private enterprises and non-profit organisations alike to

encourage the exchange of best practices. Collaboration with public bodies, business associations and NGOs will also be explored, with a view to opening up new training opportunities and career pathways for EM communities.

41. Aside from conducting its recurrent cultural sensitivity training for service providers in various industries, the EMU is targeting to release a study entitled “Potential Models for Accreditation and Recognition of Interpreters and Translators in EM Languages in Hong Kong” in 2020/21. As language barriers often impede access to services for EMs, there is an urgent demand for professional translators and interpreters who are fluent in Cantonese, English and languages commonly used by EM communities in Hong Kong, such as Urdu, Hindi, Nepali, Thai, Tagalog and Bahasa Indonesia. The EOC believes that a formal list of accredited professionals, recognised by the private and public sectors, would help to address that demand and ensure equal access to goods, services and facilities for EMs.

Other initiatives

42. As the year 2021 will mark the 25th anniversary of the establishment of the EOC, the Commission is looking to roll out a series of initiatives not only to mark the occasion, but also to elevate its work to a more strategic level. Subject to availability of funds, the EOC will:

- Organise the EOC 25th Anniversary Recognition Awards, which seeks to recognise employers with a proven track record of implementing inclusive policies and practices, and to incentivise others to follow in their footsteps;
- Produce a new edition of the *EOC Casebook*, incorporating some of the latest cases handled by the EOC to educate the public about the application of the Ordinances in real-life scenarios, and to illustrate the Commission’s work in complaint-handling and legal assistance;
- Launch an Instagram account to enhance the Commission’s digital presence and step up its efforts in youth engagement; and
- Commission photographers from minority groups (e.g. PWDs, EMs, etc.) to take photos for themselves and/or their communities, and organise a roving exhibition of their works to showcase their hopes, dreams and aspirations.

43. One of the powers vested in the EOC by the Ordinances is to review the workings of the anti-discrimination legislation from time to time and propose legislative amendments as it sees fit. Indeed, as they currently stand, the Ordinances do not prohibit discrimination, harassment and vilification based on an array of characteristics, from age and residency status to sexual orientation, gender identity and intersex status. While past studies by the EOC and NGOs have long revealed inadequacies of the law and made suggestions for filling the void, calls for legislative change have intensified recently amid the social unrest since last June, significant court rulings on LGBTI rights, as well as various controversies and grievances stemming from the COVID-19 pandemic. Where resources permit, in 2020/21 the EOC will attempt to further review the Ordinances, draw up proposals to fill protection gaps, and consult relevant stakeholders as and when appropriate.

STAFFING AND FINANCIAL SITUATION

44. Primarily funded by the Government in the form of a lump sum allocation, the EOC’s operation is founded on the principles of prudent fiscal management and efficient use of resources. In the financial year up to 31 March 2020, the EOC’s expenditure stood at

\$122.1M, while its total income, including Government subventions and other income, was \$120.5M (excluding \$1.6M deployed from the EOC Reserve). As at 1 May 2020, the EOC has 99 full-time staff members, with five officers (including the Chairperson) at senior ranks comparable to directorate positions in the civil service.

45. The EOC restored its financial position to a healthy level following the relocation of its office in November 2017, and has since been able to maintain a stable financial status. Still, in light of the continuing rental increase upon upcoming lease renewals, the Commission wishes that the Government would give serious consideration to offering full compensation to cover future rental increases, and providing the EOC with a permanent office in the long term.

CONCLUSION

46. As our society appears plagued with deepening polarisation, the EOC is confronted with the unprecedented challenge of winning the hearts and minds of a divided public on issues relating to discrimination, whose definition is, at times, perceived by the public to be much wider than what the current legal regime specifies. Be that as it may, the Commission remains the city's sole statutory body dedicated to promoting the values of equality, diversity and inclusion, and expectations for the EOC to fulfil this role remain fervent among those living on the margins of society. With eyes set on a better future, the EOC will continue to strategise, innovate, and work alongside the Government, legislators and other stakeholders to pave the way for a society free from bigotry, prejudice and discrimination.

Equal Opportunities Commission
May 2020

Number of Complaints Handled by the EOC in 2019/20 (By Ordinance)

Ordinance	SDO	DDO	FSDO	RDO	Total
Employment field	358	425	40	38	861
Non-employment field	78	219	17	301	615
<i>Sub-total</i>	<i>436</i>	<i>644</i>	<i>57</i>	<i>339</i>	<i>1,476</i>
Self-initiated investigations	16	27	0	7	50
Total	452	671	57	346	1,526

Number of Enquiries and Complaints Received by the EOC in the Past Three Years

Year	No. of enquiries received	No. of complaints received
2017/18	12,497	710
2018/19	9,790	1,056
2019/20	11,481	1,072

Number of Applications for Legal Assistance

Year	No. of applications processed (including those brought forward from the previous year)		Ordinances			
			SDO	DDO	FSDO	RDO
2017/18	<i>Given</i>	28	14	13	0	1
	<i>Not given</i>	12	5	7	0	0
	<i>Withdrawn</i>	1	1	0	0	0
	<i>Under consideration</i>	8	6	2	0	0
	Total	49	26	22	0	1
2018/19	<i>Given</i>	29	17	11	1	0
	<i>Not given</i>	16	3	12	0	1
	<i>Withdrawn</i>	0	0	0	0	0
	<i>Under consideration</i>	11	4	7	0	0
	Total	56	24	30	1	1
2019/20	<i>Given</i>	22	5	16	1	0
	<i>Not given</i>	17	7	8	0	2
	<i>Withdrawn</i>	0	0	0	0	0
	<i>Under consideration</i>	1	1	0	0	0
	Total	40	13	24	1	2