

**Meeting of the Legislative Council Panel on Constitutional Affairs**

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

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**PURPOSE**

This paper provides an update on the work of the Equal Opportunities Commission (EOC) in 2020-21 and its key focuses for 2021-22.

**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).

**Functions and powers of the EOC**

3. The vision of the EOC is to create a pluralistic and inclusive society where there is no barrier to equal opportunities. As set out in the four anti-discrimination 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, between people with disability and those without, and 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.

## **WORK PROGRESS IN 2020-21**

4. The work of the EOC is inextricably linked to the happenings and evolving trends of the society. Over the course of 2020-21, Hong Kong continued to be plagued by the COVID-19 pandemic, which flamed up sentiments of xenophobia and entrenched the inequalities faced by the marginalised communities. Adding to these were the divided and polarised views on highly politicised issues between different camps, which were often amplified into discriminatory rhetoric and acts. All these had raised the number of enquiries and complaints received and handled by the Commission.

5. Under the “Strategic Plan 2020-2022” of the EOC, there are five strategic goals, namely:

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

Building around these goals, the EOC implemented a range of initiatives and activities through a three-pronged approach of law enforcement, prevention and education in 2020-21.

### **I. LAW ENFORCEMENT**

#### **Enquiry and complaint handling**

6. The EOC is obliged to handle enquiries and complaints lodged by members of the public under the anti-discrimination Ordinances. In the first three quarters of the 2020-21 fiscal year (1 April to 31 December 2020), the EOC handled 22,472 enquiries, almost double the full-year figure of 2019-20 (11,481). Among these:

- (a) 3,845 were general enquiries about provisions under the Ordinances and events organised by the EOC; and
- (b) 18,627 were about specific scenarios or incidents that might become complaints.

7. The hefty increase in the number of enquiries was mainly attributed to an influx of over 14,000 emails to the EOC in April 2020. Largely derived from the same template, these emails concerned the allegedly discriminatory remarks made by a practising barrister on the social media platform. Given that the subject matter did not fall within the purview of the anti-discrimination Ordinances, the EOC decided not to follow up on the allegations. Also, to facilitate efficient communication and handling of these enquiries, the EOC posted the response on the website, instead of responding to each email individually.

8. There has been a trend for a large number of enquiries or complaints on the same incident or subject matter in recent years. The correspondences were of essentially identical template and content, and the senders were unrelated to the incidents and not the victim(s) of the allegedly discriminatory acts. Most of the incidents or subjects were related to social and political events. Not all of these enquiries and complaints would be classified as complaints for investigation, as the latter are required to fulfil the following 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.

9. During the first three quarters of 2020-21 (1 April to 31 December 2020), the EOC received 688 complaints for investigation, up 10% when compared with the corresponding period in 2019-20 (625). The Commission also conducted 29 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. Altogether the EOC handled a total of 989 complaints during the period, including cases carried forward from the previous year. Annex A presents a breakdown of the complaints handled in the first three quarters of 2020-21 according to the relevant Ordinances.

## **Conciliation**

10. Notwithstanding the increase in enquiries and complaints handled, the EOC continued to fulfil its performance pledge of concluding 75% of these complaints within six months, with each case taking 110 days to reach conclusion on average. As stipulated in the Ordinances, the EOC would encourage the parties in dispute to settle through conciliation, which is entirely voluntary. In the first three quarters of 2020-21, 96 out of the 113 cases that underwent conciliation reached a settlement, translating into a success rate of 85%, as compared to an average of 60-70% in previous years.

11. Under the Ordinances, the EOC may also 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.

12. In the first three quarters of 2020-21, the EOC decided not to conduct investigation for 402 cases, and discontinued investigation for another 155 cases. Annex B sets out the breakdown of the cases concluded based on their outcome. As mentioned, there has been a growing trend for non-related third parties to lodge complaints about discriminatory acts and practices amid the wave of labelling, scapegoating, stigmatisation and discrimination under the COVID-19 pandemic and divisive political climate. In the absence of victims, the EOC was unable to obtain detailed information about the cases for investigation, and had to discontinue the cases. Instead, the Commission leveraged on different channels to promulgate the requirements of the law, and call on the public to avoid the discriminatory acts and practices.

## **Online enquiry and complaint forms**

13. The EOC refined the online enquiry and complaint forms in July 2020 to replace the use of emails. Members of the public may use the online forms available on the EOC website for lodging their enquiries and complaints, besides sending these in through mail or fax, or submitting them in person at the EOC office. The online forms assist the public to provide the relevant information as prompted by the system, such that the EOC can follow up on the enquiries and complaints promptly and avoid possible delay owing to missing or irrelevant information. Since the introduction of the online forms, the EOC has received positive response from the public.

## **Legal assistance**

14. The Ordinances provide that if an individual has lodged a complaint with the EOC but there has not been a settlement of the case, the complainant 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). The LCC would examine the reports and analyses prepared by the Legal Service Division (LSD), as well as information gathered by the Complaint Services Division (CSD) during the complaint-handling process, and consider a wide range of factors on a case-by-case basis in deciding whether to grant legal assistance or not. These factors include:

- 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.

15. In the first three quarters of 2020-21, the EOC received 10 applications for legal assistance. Including those brought forward from the previous year, the EOC granted legal assistance to 6 out of 8 applications during the period, while another 3 applications are still under consideration. A breakdown on the number of applications handled for legal assistance by Ordinances in the last three financial years is available at [Annex C](#).

## **Other areas of legal work**

16. In addition to handling legal assistance applications, the LSD is responsible for the following major legal work:

- Represent successful legal assistance applicants to conduct legal proceedings including appearing in court hearing;

- Provide legal support at various stages of the complaint-handling process by assigning internal legal counsel to pair up with case-handling officers in CSD in conducting complaint investigation;
- Review the four anti-discrimination Ordinances and make recommendations for amendments;
- Conduct research on new protected grounds to explore the possibility of expanding the scope of protection of the Ordinances and make submissions to the Government for the same;
- Draft codes of practice, as well as guidance and other publications to explain the Ordinances to the public;
- Advise on legal issues arising from the daily operation of the Commission;
- Review contracts and agreements to which the Commission is a party;
- Provide legal support in cases where the Commission is a party; and
- Provide legal support to issues relating to the corporate governance of the Commission.

### **Discrimination Law Review**

17. As mentioned above, an important area of legal work by the EOC is to keep under review the workings of the legislation and when necessary, draw up proposals for amendments. On 11 June 2020, the Legislative Council passed the **Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020**, which took forward eight of the 73 recommendations by the EOC under the Discrimination Law Review (DLR). The Ordinance was subsequently gazetted and came into effect on 19 June 2020, with the exception of the provisions on breastfeeding discrimination, which will come into effect on 19 June 2021.

18. Following the passage of the Ordinance, the EOC published in 2020 a series of Guidance on all the amendments, to enhance public understanding of the scope and impact of the amendments. The EOC produced both detailed Guidance in Chinese and English (on all the amendments under the Ordinance, and separately on the breastfeeding discrimination provisions), as well as summary Guidance (covering all the amendments, breastfeeding discrimination and common workplace harassment). The EOC also published translations of all the summary Guidance in nine ethnic minority (EM) languages. Furthermore, the EOC conducted a series of talks and workshops for different stakeholders, such as members of the EOC's Equal Opportunity Club, which is comprised of human resource practitioners, supervisors, trainers and employers from different organisations; NGOs working to promote equality for women and those serving the EM communities; and for registered mediators to explain the content of the Ordinance and how it will affect them.

19. With funding provided by the Government, the EOC embarked on a citywide publicity and public education campaign that comprised of information leaflets, TV and radio API (Announcement of Public Interest), as well as advertisement on the MTR. The TV/radio API and MTR advertisement are expected to be rolled out by mid-2021.

20. On 9 December 2020, the Government conducted first and second reading of the Sex Discrimination (Amendment) Bill 2020 in the Legislative Council. The Bill provides for protection from harassment on the ground of breastfeeding. The EOC will update the Guidance and other communication materials upon the passage of the Bill to promulgate the amendments to the public. Simultaneously, the EOC will continue to liaise with the Government on taking

forward the EOC's other DLR recommendations, particularly the higher priority recommendations.

## **II. PREVENTION**

### **Policy research and advocacy**

21. The EOC continued to monitor the trends of discrimination prevalent in society through research studies, and make recommendations to the Government and relevant parties on policy measures. In the first three quarters of 2020-21, the EOC released the following studies:

- A Study on Education and Career Pathways of EM Youth in Hong Kong (released in June 2020); and
- A Study on Public Attitudes towards Female Political Leadership (released in October 2020); and
- Report on the Formulation of Anti-Sexual Harassment Policy among National Sports Association in Hong Kong 2020 (released in January 2021).

The following research studies are also in progress:

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

22. The EOC followed up with the relevant Government bureaux/departments and stakeholders on the findings and recommendations of these studies. For example, in regard to the Study on Education and Career Pathways of EM Youth in Hong Kong, the EOC met and exchanged with the Education Bureau in October 2020 the findings and recommendations in the Study. A practical guidebook was also produced for distribution to career teachers and social workers of all secondary schools, to provide reference for helping EM students in the development of their career pathways.

23. As for the Study on Public Attitudes towards Female Political Leadership, the EOC, through submission to the Government, radio interviews and other media channels, widely promoted the importance of family-friendly and flexible work arrangements, especially for women with both work and caregiving responsibilities.

### **Submissions on policy recommendations**

24. Indeed, the importance of family-friendly measures in the workplace could not be overstated amid the COVID-19 pandemic, which has placed additional responsibilities and pressure on caregivers, not to mention the vulnerable, such as the EMs, PWDs and women of low socio-economic status. A major priority of the EOC in 2020-21 was, therefore, to

understand the effect of the pandemic on the disadvantaged groups in society and make recommendations on relieving their hardships. During the year, the EOC made a number of submissions to the Government and the Legislative Council, calling for enhanced support to the disadvantaged in society. These included:

- Submission to the Legislative Council Panel on Welfare Services and Panel on Home Affairs on Issues Related to the Language Support Services for EMs in June 2020;
- Submission to the Government on support for the disadvantaged racial groups in August 2020;
- Submission to the Legislative Council Panel on Welfare Services on support for carers and the provision of residential care services for PWDs in September 2020;
- Submission of policy recommendations in the context of the 2020 Policy Address consultation in September 2020;
- Submission to the Security Bureau on the proposed introduction of offences of voyeurism, intimate prying, non-consensual photography of intimate parts and related offences in October 2020;
- Submission to the Legislative Council Panel on Constitutional Affairs regarding the EOC's views on the Fourth Report of the Hong Kong Special Administrative Region in respect of the International Covenant on Civil and Political Rights in November 2020; and
- Submission to the Law Reform Commission on Sentencing and Related Matters in the Review of Sexual Offences in February 2021.

### **Training courses, workshops and seminars**

25. In addition to influencing policy change, the EOC endeavours to equip different sectors with knowledge of the anti-discrimination Ordinances, with a view to mainstreaming the concepts of equal opportunities. This is achieved through calendar and customised training programmes for HR practitioners, executives, managers, business owners and employees alike in both public and private sectors. From April to December 2020, the EOC conducted 260 training sessions with a total of 12,516 participants from various sectors. With additional manpower of the Training Unit, the EOC is looking to update and produce new training materials for the public sector, including the civil service and other organisations providing public services, in line with a series of amendments to the anti-discrimination Ordinances.

### **Efforts dedicated to the EM communities**

26. The EOC reached out to the organisations serving the EM communities through a series of 10 physical and online meetings to hear their concerns, which ranged from lay-offs in the catering and service industries and difficulty in accessing information about health and relief measures due to language barriers to interference in religious practices as a result of social distancing measures, worsening mental health arising from caregiving responsibilities, as well as unfair treatment of foreign domestic workers (FDWs), who faced longer working hours, day off denied and unreasonable termination. To follow up on their challenges, the EOC wrote to the Chief Secretary for Administration's Office and relevant Government bureaux/departments, and connected the representatives of FDWs with NGOs experienced in assisting with employment and immigration matters. Furthermore, the EOC arranged translated information on the Government's welfare and relief measures, and set up an information portal to explain in different languages the rights of the FDWs and their employers under the anti-discrimination

Ordinances. In January 2021, the EOC wrote to the Chief Secretary for Administration's Office again to provide its recommendations on COVID-19 relief support for disadvantaged racial groups.

27. In terms of public education and publicity, the EOC made use of both mass media and online channels to call for greater understanding and support for the EM communities. In December 2020, the EOC launched an advertising campaign on the MTR. Spanning 36 weeks in three phases, the campaign aimed to highlight the need for solidarity in these trying times, and the contribution of everyone, regardless of race, gender, age, occupation and other attributes, in the fight against the pandemic. A series of online Youth Talk was also broadcast on the EOC's social media platform to share the inspiring experiences of locally educated South Asian and Southeast Asian young people in overcoming the barriers to their professional pursuit.

### **Employment and education of EMs**

28. Meanwhile, to improve the equal employment opportunities of EMs, the EOC continued to promote the **Racial Diversity and Inclusion Charter for Employers**, which provides a set of nine good practices for employers to remove barriers in their employment policies for staff and job seekers, to cultivate cultural awareness, sensitivity and acceptance among staff members, and to establish a racially inclusive environment for employees. Since the launch of the Charter in August 2018, over 140 organisations already signed up to the Charter as of December 2020. In order to engage the signatories, three webinars were organised in August, October and December 2020 respectively, which brought together over 350 corporate decision-makers and locally educated young professionals of diverse races to discuss workplace racial equality and inclusion. These events also linked up the Charter signatories with those NGOs serving disadvantaged racial groups, which facilitated their collaboration on job-matching, internship projects and voluntary services for the EM communities.

29. On the educational challenges of non-Chinese-speaking (NCS) students, the EOC made the following recommendations:

- Develop a full-fledged Chinese-as-a-second-language curriculum complete with specific pedagogy, corresponding teaching tools, textbooks, and systematic training for teachers;
- Arrange for Chinese subject teachers to undergo pre-job training on teaching Chinese as a second language; and
- Revise the Chinese language examination options for second language learners and develop a qualification ladder with progressive levels, through which the language level and proficiency of NCS students can be better reflected and recognised.

A meeting with the Education Bureau was conducted in October 2020 on the recommendations. The EOC believes there is an urgent need for action by the Government, especially under the pandemic, as school closure and reduced interaction with peers and teachers are undermining the progress of learning Chinese among the NCS students, and may further impede their educational and career pathways in the longer run. The EOC will continue to liaise with Education Bureau on this.



30. Attention was also placed on the career development of young people from diverse races. Based on the EOC's Study on Education and Career Pathways of EM Youth in Hong Kong released in June 2020, a Practical Guidebook was issued to update career teachers and NCS students on potential education and career pathways for the students, as well as available resources and support services.

### **Access to Interpretation and Translation Services**

31. Acknowledging the importance of translation and interpretation services to the EM communities and a proper mechanism to uphold the quality of these services, which in turn ensure the full, equal access to public services of EMs, the EOC commissioned a study on "Potential Models for Accreditation and Recognition of Interpreters and Translators in EM Languages in Hong Kong" in 2019, with funding provided by the Government. Having reviewed a number of overseas accreditation models and the views of local stakeholders, the study team put forward various recommendations. The EOC is consolidating its observations and comments on the recommendations, as well as the issues arising therefrom, after which a report will be submitted to the Government for consideration.

### **Equal rights to education and employment of PWDs**

32. The EOC has also been promoting the equal right to education and employment of PWDs. For example, through its ongoing network with the tertiary institutions, the EOC has been instigating and coordinating discussion on measures for supporting university students with special educational needs (SEN). The University Grants Committee (UGC) also adopted the EOC's suggestion of mainstreaming disability/SEN as one of the principles for universities' reporting on the use of the UGC Special Grants. In the latest round of funding, the UGC included this element as one of the three objectives of universities' work plans for the UGC Special Grants. This would further promote an inclusive culture on campus.

33. In terms of employment of PWDs, collaboration was made with NGOs, such as CareER, on career fairs and other events to increase the employment opportunities of PWDs. The EOC has also been working with CareER on the development of an assessment tool for organisations to enhance workplace disability inclusion.

34. In July 2020, the EOC responded to the Persons with Disabilities and Rehabilitation Programme Plan (RPP) published by the Labour and Welfare Bureau (LWB). Specifically, the EOC made a number of suggestions on the implementation of the RPP, including:

- Increase support for caregivers, and enhance service capacity of Parents/Relatives Resources Centres, as well as residential respite places;
- Expand support for tertiary students with SEN through subsidies for the institutions, including the setting up of an equal opportunity unit in each institution to support students with disabilities and handle other equal opportunity matters;
- Legislate for gradual incorporation of barrier-free facilities and universal design concepts in all pre-1997 buildings, and launch a dedicated fund for subsidising barrier-free access and facilities improvement programme under the existing "Operation Building Bright" scheme; and
- Take out the reference to mental health facilities, including Integrated Community Centres for Mental Wellness (ICCMWs), as "Group B Sensitive Community Facilities"

in the Hong Kong Planning Standards and Guidelines (HKPSG), so as to avoid labelling and stigmatisation of ICCMWs and their users, as well as people in recovery of mental illnesses.

35. Further to the above, the EOC held a meeting with the Labour and Welfare Bureau (LWB) in November 2020 to discuss possible collaboration on promoting reasonable accommodation for PWDs and on public education programmes to motivate the employment of PWDs.

36. Also in November 2020, the EOC was invited by the Hong Kong Association of Banks (HKAB) and the Hong Kong Monetary Authority to participate in a sharing session and discuss the formulation of the Guideline on Banking Services for Persons with Intellectual Disabilities (PWIDs). Indeed, the EOC has continued to advocate for the rights of PWIDs in various areas, such as accessible banking services, since organising the Seminar on Rights and Challenges of Persons with Intellectual Disabilities in 2018. The above Guideline, which lists the good practices and recommendations for providing accessible banking services to PWIDs, was launched in December 2020 for HKAB members' reference.

### **Anti-sexual harassment campaign**

37. In 2020-21, the EOC continued its ongoing campaign to assist different sectors in combating sexual harassment through research and advocacy, policy guidance and training. With additional funding from the Government, the EOC established a dedicated **Anti-Sexual Harassment Unit (ASHU)** in November 2020. ASHU is tasked with promoting public awareness on anti-sexual harassment policies and measures; conducting a holistic review of the current legal regime to identify protection gaps and recommend legislative amendments where appropriate; and acting as a first port of call for those affected by sexual harassment with a view to addressing the issue of underreporting of sexual harassment among victims. Within the short time span since its establishment, ASHU has been liaising with various key working partners, including a number of NGOs, in relation to the support services for victims of sexual harassment, and with the Police.

38. In January 2021, ASHU set up a dedicated hotline at 2106 2222, in addition to the existing enquiry channels, to provide the public with information on provisions of the law on sexual harassment, advice on where to lodge complaints and seek redress, and referral to counselling and therapy services. ASHU is now developing a dedicated website on sexual harassment, to serve as a resource platform for assisting those in need, and promoting anti-sexual harassment messages to the general public.

39. Meanwhile, progress was achieved in various sectors in terms of putting in place measures and policy frameworks for preventing sexual harassment, as set out below:

- (a) **Education sector** – To follow up on the “Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong” released in 2019, the EOC conducted rounds of meetings with the Presidents/Vice Presidents of the universities that participated in the survey. Some decided that they would require all new students to attend compulsory general education lecture on sexual harassment, while some would explore online training for all staff. In October 2020, the EOC entered into a consultancy agreement with eight UGC-funded universities to procure and produce

online training materials in local context for students and staff of the universities, and administer the programme for five years after delivery.

- (b) **Sports sector** – The EOC has been monitoring the progress of formulation of anti-sexual harassment policies by the national sports associations (NSAs). Compared to 2014 when only 20 NSAs formulated anti-sexual harassment policies, by end-October 2020, 71 or 90% of the NSAs across Hong Kong have already developed a policy and/or related Code of Conduct for Coaches and Instructors. Also, all of the 60 subvented NSAs have developed either an anti-sexual harassment policy or a Code of Conduct, while 11 out of the 19 self-financed NSAs have done so.
- (c) **Religious sector** – The EOC continued to organise training for the religious sector in 2020-21. Between July 2018 and end-September 2020, 15 training sessions for 893 staff and members of the congregation of 13 churches were conducted. In September 2020, the EOC co-organised an online seminar for English-speaking Christian churches with the Hong Kong Christian Council and the Vine Church.

### **Reform in sexuality education**

40. As part of its effort to prevent sexual harassment, the EOC has been advocating reform of the sexuality education in schools. In November 2020, the EOC started the research project “A Study on Comprehensive Sexuality Education in Secondary Schools of Hong Kong”. The study adopted a mixed method approach, including questionnaire survey among local secondary schools, and focus group interviews with principals, teachers, social workers and NGO workers who work on sexuality education related projects. The EOC hopes that by collecting the views of secondary school principals and/or teachers on implementing sexuality education and understanding the challenges faced by them, the study could help map out the future directions on enhancing sexuality education in Hong Kong.

## **III. EDUCATION**

41. Amid the COVID-19 pandemic in 2020-21, the EOC stepped up its public education and publicity effort on various fronts to call for greater empathy, support and inclusion of the disadvantaged communities. Apart from running a dedicated webpage to explain the provisions of the anti-discrimination Ordinances, the EOC also leveraged on the media and other channels to promulgate messages of equality and non-discrimination.

### **EOC 25<sup>th</sup> anniversary campaign**

42. Riding on the 25<sup>th</sup> anniversary of the EOC in 2021, which presents an excellent opportunity of engaging and connecting with stakeholders and community members, the EOC has planned for a series of programmes and activities. Please refer to [Annex D](#) for details.

## **CORPORATE GOVERNANCE**

### **Restructuring of management structure**

43. During 2020-21, the EOC continued to strengthen its corporate governance and operational capacity, with a view to enhancing the organisation’s efficiency and effectiveness.

With due regard to the findings and recommendations in the report on the EOC's Governance, Management Structure and Complaint-handling Process (Process Review Report) released in December 2019, which recommended that the EOC should adopt a victim-centric approach as an integral part of its corporate culture, the EOC reorganised its management structure in May 2020, having secured the necessary funding from the Government.

44. Under the restructuring, the two enforcement divisions i.e. the Complaint Services Division and the Legal Service Division, were placed under the overall command of an Executive Director (pitched at D2 level). As for 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 ASHU, they were placed under another Executive Director, also at D2 level. The organisational change is inductive to achieving greater synergy and closer collaboration between the two enforcement divisions. Since the Chief Operations Officer post pitched at D3 level was taken out of the new management structure, the total number of directorate posts (comparable to those in the civil service) in the EOC remained at five (including the Chairperson).

45. In addition, the EOC created two Chief Equal Opportunities Officer posts to supervise the Policy, Research and Training Division and the Legal Service Division respectively. These newly created posts were pivotal to divisional management and conducive to the overall succession planning of the EOC. Together with the newly established ASHU, the new structure strengthened the capacity of the EOC in delivering its statutory roles and duties.

### **Website Revamp**

46. The EOC is also in the process of revamping its website, including the information architecture, the content strategy and the visual design. In addition, simplified Chinese version and mobile responsive design will be added to the revamped site. By enhancing the usability of the website, the EOC aims to better communicate to the community the work of the EOC. The revamped website is expected to be launched in the latter half of 2021-22.

### **KEY FOCUSES FOR 2021-22**

47. Looking into 2021-22, the EOC will build on its ongoing efforts in law enforcement, prevention and education to eliminate discrimination. In accordance with its strategic goals and the evolving situation of the Hong Kong society, the Commission will devise its work plan and initiatives. As COVID-19 continues to hit Hong Kong, giving rise to prejudicial attitudes and entrenching inequalities facing the vulnerable communities, the EOC will:

- (a) Enhance protection against discrimination under the legal regime by continuing to research on the gaps in legislation, and putting forward recommendations on reforms to the Government;
- (b) Provide evidence-based findings on the trends and causes of discrimination to the Government and policymakers, and recommendations on policy measures;
- (c) Eradicate the inequalities, especially in education and employment, experienced by the vulnerable by advocating and lobbying policy changes, issuing advice and guidance, and engaging relevant parties; and

- (d) Drive changes in public attitudes and foster culture of equality and inclusion among community members through targeted education and publicity programmes.

### **Enhance protection under the anti-discrimination legal framework**

48. The need for stronger laws to protect the public from discrimination is even greater at times of crises. As mentioned above, the EOC will continue to liaise with the Government in 2021-22 on following up its recommendations on enhancing the anti-discrimination Ordinances under the DLR, besides publicising the latest amendments through multiple channels.

### **Provide evidence-based findings of discrimination and policy recommendations**

49. In 2021-22, the EOC will continue to provide evidence-based insights and recommendations to the Government and related parties on policies and measures for advancing equal opportunities. As mentioned in paragraph 2 above, the EOC has been working on four research studies.

50. In addition, the EOC commissioned a territory-wide Equal Opportunities Awareness Survey 2021 in November 2020, which is designed to gauge the general public's overall attitude and understanding of discrimination issues, and to assess the public's perception on the Commission's work and effectiveness. The survey, due for release in late 2021, will provide important indicators on the society's discriminatory trends and attitudes.

51. Meanwhile, funding support has been provided to nine research projects by academia and NGOs under the Funding Programme of Research Projects on Equal Opportunities 2020-21. These studies will be released in 2021-22, providing further insights into the trends and causes of discrimination in society. Another major research study to be conducted by the EOC in 2021-22 is a territory-wide survey on sexual harassment among 5,000 respondents through telephone interviews, geared towards identifying the prevalence of sexual harassment in the workplace among the general public in Hong Kong. All these studies will facilitate the development of preventive measures, as well as recommendations on policy change.

### **Eradicate inequalities faced by the vulnerable groups**

52. It is evident that certain disadvantaged groups in society are facing disproportionate impact of the pandemic. They include EMs, PWDs and women with low socio-economic status, who will more likely be affected than others by rising unemployment, cuts in jobs and reduced income. In view of such, the EOC will focus on supporting these groups. Below is a gist of the initiatives and actions targeting different groups.

#### **(a) Disability discrimination**

- Encourage exchange on the provision of resources and support services for university students with SEN by the UGC-funded universities and recommend the UGC to regularise the Special Grants for the universities.
- Build a network of employers through the Equal Opportunity Employer Recognition Scheme, with a view to helping employers understand the barriers of PWDs, share best practices, and adopt an inclusive approach in their recruitment process.

- Lobby the Government to enhance support to carers, the over-subscribed respite care services, as well as the residential care homes of PWDs.

**(b) Racial discrimination**

- Continue to follow up with the Government on the implementation of the EOC's recommendations on enhancing the system for learning Chinese as a second language by NCS students.
- Build capacity of schools to implement inclusive policies, by developing an audio-visual kit and online training module for schools on the prevention of racial discrimination and promotion of racial inclusion, and producing an Easy Guide on inclusive school policy.
- Recruit more signatories for the Racial Diversity and Inclusion Charter for Employers; organise workshops, seminars and other experience-sharing sessions for private enterprises to encourage the exchange of best practices on workplace racial inclusion; and line up Charter signatories with non-profit-making organisations to introduce job opportunities and career pathways for the EM communities.
- Promote racially friendly service practices to both public and private sectors through publicity campaign, and training on the RDO and cultural sensitivity for service providers.

**(c) Pregnancy and breastfeeding discrimination**

- Raise awareness of pregnancy discrimination among the public, such as by highlighting the complaint data and legally assisted cases.
- Publicise the latest amendments of the SDO on prohibiting discrimination of breastfeeding women effective from 19 June 2021.

**(d) Sexual harassment**

- Promulgate to the public the Anti-Sexual Harassment Unit and its services.
- Conduct territory-wide telephone survey to understand the prevalence of sexual harassment in the workplace among the general public.
- Conduct review of the existing legal regime to identify gaps in protection and recommend reforms.
- Conduct a territory-wide study to gather solid evidence regarding sexuality education in schools, in order to advocate a thorough reform of the curriculum for tackling the root causes of sexual harassment in Hong Kong.

**Drive changes in prejudicial attitudes and foster culture of diversity and inclusion**

53. In order to raise awareness of discrimination issues and motivate change in social attitudes, the EOC will make use of multiple communication channels and platforms, and engage different sectors of the community through various education and promotional programmes. In particular, effort will be made to reach out to the younger generation through specially crafted social media campaign, with a view to instilling in young people concepts of equal opportunities and encouraging them to embrace diversity and inclusion.

**Study legislation to cover unprotected characteristics**

54. A longer term objective of the EOC is to keep under review the legislative framework for protecting different characteristics and groups from discrimination, taking into account evidence of discrimination, relevant research findings, complaints and enquiries received by the EOC, the views of stakeholders, and any other pertinent factors to the particular groups. Where resources permit, the EOC will conduct research on the legislation, and draw up proposals to fill the gaps in legislation for unprotected characteristics such as age; nationality, citizenship and residency status; as well as sexual orientation, gender identity and intersex status.

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

55. For instance, on the legislation to prohibit discrimination on the grounds of sexual orientation, gender identity and intersex status, the EOC is undertaking a study, as mentioned in last year's submission to this Panel (LC Paper No. CB(2)949/19-20(03)). The study aims to find out how legislation may facilitate the elimination of discrimination in such public domains as employment, education, and the provision of goods, services and facilities. Upon completion of the study, the EOC will commence consultation with stakeholders, with a view to enriching and consolidating the findings, which will then be included in a report to be submitted to the Government for consideration.

#### ***Discrimination against Mainland Chinese people***

56. Another area of the law under review is the protection against discrimination between Hong Kong Chinese and Mainland Chinese people, which came under sharp focus amid the COVID-19 pandemic, as certain restaurants refused to serve Mainland and Putonghua-speaking customers, as well as those having undergone the Universal Community Testing Programme, flaring up voices of intolerance in the social media. Such rhetoric and acts, which intensify conflicts and division in society, must be curbed. Issues of discrimination against Mainland Chinese people in Hong Kong was previously examined by the EOC in its DLR submission in 2016. Having thoroughly examined the existing scope and gaps of the legislation in the RDO, the EOC believes that there can be various possible ways of addressing the problem, such as introducing a new protected characteristic of "residency status" as recommended under the DLR.

57. As mentioned earlier in this paper, an overwhelming majority of the complaints of discrimination and vilification against Mainland Chinese people were lodged by onlookers or third party, instead of the aggrieved persons. In the absence of identified aggrieved persons, the EOC was unable to take further enforcement actions against the discriminatory practices. In order to enhance the efficient and effective handling of these cases, the EOC is exploring the possibility of legislative amendments, such that the Commission can initiate proceedings in its own name for discriminatory practices, as in the cases of handling discriminatory advertisements, instructions to discriminate and pressure to discriminate.

#### **STAFFING AND FINANCIAL SITUATION**

58. 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 2020-21 financial year, the EOC's projected expenditure is \$129.87M, while

its projected total income, including Government subventions and other income, is \$132.01M. As at 1 January 2021, the EOC has 105 full-time staff members.

59. 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. Nevertheless, the Commission is mindful that rental increase upon future lease renewal may affect the Commission's financial stability, and will, therefore, continue to closely monitor its financial position.

## **LOOKING FORWARD**

60. The EOC plays a unique and essential role of eliminating discrimination and promoting equal opportunities in Hong Kong. In May 2021, the EOC will reach the 25<sup>th</sup> anniversary of its establishment. For almost 25 years, the EOC has been striving to expose and tackle the inequalities in society, and speaking for the rights of the marginalised and underprivileged communities. As Hong Kong is weathering through the severe challenges presented by the pandemic and economic uncertainty, the EOC remains as committed as ever to making the most of its statutory powers to uphold the values of equal opportunities. The EOC will remain alert and responsive to the evolving trends in society, stay vigilant to uphold the laws that protect the community from discrimination, and maximise collaboration with the Government, civil society and other stakeholders on removing the barriers to equal opportunities for all.

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Equal Opportunities Commission  
February 2021



**Annex A**

**Number of Complaints Handled by the EOC in the First Three Quarters of 2020-21**  
**(By Ordinance)**

<b>Ordinance</b>	<b>Sex Discrimination Ordinance</b>	<b>Disability Discrimination Ordinance</b>	<b>Family Status Discrimination Ordinance</b>	<b>Race Discrimination Ordinance</b>	<b>Total</b>
<b>Employment field</b>	268	291	43	37	639
<b>Non- employment field</b>	71	180	3	67	321
<i>Sub-total</i>	<i>339</i>	<i>471</i>	<i>46</i>	<i>104</i>	<i>960</i>
<b>Self-initiated investigations</b>	10	14	0	5	29
<b>Total</b>	<b>349</b>	<b>485</b>	<b>46</b>	<b>109</b>	<b>989</b>

**Breakdown on Complaint Cases Concluded under Complaint Investigation in the  
First Three Quarters of 2020-21**

<b>Outcome</b>	<b>Number</b>
Investigation not conducted	402
Investigation discontinued	155
Early resolution with respondent	12
Early conciliation successful	88
Conciliation successful after investigation	8
Conciliation unsuccessful	17
<b>Total</b>	<b>682</b>

Number of Applications for Legal Assistance

Year	No. of applications processed (including those brought forward from the previous year)		Ordinances			
			Sex Discrimination Ordinance	Disability Discrimination Ordinance	Family Status Discrimination Ordinance	Race Discrimination Ordinance
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
	<b>Total</b>	<b>49</b>	<b>26</b>	<b>22</b>	<b>0</b>	<b>1</b>
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
	<b>Total</b>	<b>56</b>	<b>24</b>	<b>30</b>	<b>1</b>	<b>1</b>
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
	<b>Total</b>	<b>40</b>	<b>13</b>	<b>24</b>	<b>1</b>	<b>2</b>
2020-21 First Three Quarters	<i>Given</i>	6	2	4	0	0
	<i>Not given</i>	2	0	1	0	1
	<i>Withdrawn</i>	0	0	0	0	0
	<i>Under consideration</i>	3	1	1	1	0
	<b>Total</b>	<b>11</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>1</b>

## EOC'S 25<sup>th</sup> Anniversary Campaign

1. The EOC has planned for a series of programmes and activities running from mid-2020 to 2021, to draw public attention to the work of the EOC, and the importance of equality and inclusion. The curtain raiser was the launch of a new EOC corporate video and a new video on complaint-handling and conciliation in July 2020. These videos serve to help the public better understand the work of the EOC, especially its victim-centric approach in complaint-handling and conciliation, besides refreshing the corporate image of the Commission.

### **Equal Opportunity Employer Recognition Scheme**

2. In November 2020, the EOC rolled out the Equal Opportunity Employer Recognition Scheme, a major highlight of the 25<sup>th</sup> anniversary campaign. The Scheme aims to give recognition to companies and organisations which have excelled in the implementation of equal opportunity employment policies, and raise awareness of the benefits of these policies, such that more organisations would be motivated to join the ranks, helping to create an equal and inclusive workplace for employees across Hong Kong. This was not only the first time for the EOC to organise such a Scheme, but this is also the first-ever employer recognition scheme on equal opportunity introduced in Hong Kong. Notwithstanding the unprecedented challenges to businesses and employers under the COVID-19 pandemic, the EOC believes that it is important that they continue to build on rather than pull back their efforts on advancing equality, diversity and inclusion, which will be crucial for business resilience and recovery later on.

3. The Scheme comprises of four categories: Gender Equality, Equality for Diverse Abilities, Family Status Equality and Racial Equality and Inclusion. Organisations in both public and private sectors may enrol on any or all four of the categories, which is completely free of charge. By the deadline of 31 January 2021, the EOC received close to 420 applications. Upon initial screening and shortlisting by the EOC, the assessment panels will consider the shortlisted applications and select the Equal Opportunity Employers in each category. Organisations that have excelled in all of the four categories may win the Equal Opportunity Employer Gold Award, while small- and medium-sized enterprises (SME) with impressive EO policies may be given the Outstanding SME Award. Announcement of the results is expected to be made in late April/early May 2021.

4. Other activities and programmes of the 25<sup>th</sup> anniversary campaign included:

- A **children's colouring and painting competition** between July and October 2020 to instil the message of equal opportunities among younger children. The competition attracted almost 700 entries from pre-school, lower and upper primary pupils.
- A **visual campaign entitled "The Way We Are"** organised in collaboration with 14 NGOs, which features both online and roving exhibitions of almost 140 original photographic works by marginalised and disadvantaged communities, including PWDs, EMs, migrant domestic workers, woman carers, newly arrived immigrants from mainland China, people living with mental illness, as well as members of the LGBT community, from December 2020 onwards.
- **Conference on Asia-Pacific Women Caregivers with Disabilities** co-organised with The Association of Women with Disabilities Hong Kong (AWDHK) on 22 January

2021. The one-day Conference reviewed the situation and rights of women caregivers with disabilities and the implementation of the anti-discrimination Ordinances in Hong Kong, and served to synergise and engage different parties in promoting a safer and more barrier-free environment, as well as the rights of women with disabilities.

- **Online/social media promotions** (including photo competition) to engage the younger generation.
- A **dedicated website** with video and online exhibition, besides the major milestones of the EOC through the years.