

2023 Policy Address Public Consultation

Submission from Equal Opportunities Commission

Introduction

This paper aims at giving views and recommendations of the Equal Opportunities Commission (EOC) for the 2023 Policy Address on various equal opportunities matters related to promote universal design and smart city technology to enhance mobility, support for students with special educational needs (SEN), persons with disabilities (PWDs), carers, and non-ethnic Chinese population, strengthening the ability of the corporations in Hong Kong to prevent and combat workplace sexual harassment and improving sexuality education.

Promoting Smart City Technology to Enhance Mobility for Persons with Disabilities and Older Persons

2. In the Policy Address 2022, the Chief Executive proposed the development of Hong Kong into a smart city. Against the backdrop of *Smart City Blueprint 2.0*, stepping up to inclusive smart technologies at design and application stages is what makes a city world class. At core, the smart city concept is about making lives easier for everyone, that means not overlooking the mobility needs of PWDs and older persons.

3. The mobile application “HKeMobility” developed by the Transport Department (TD) provides public transportation route and walking route suggestions for users to plan for their travel arrangements ahead. Walking route search function offers accessible route option for PWDs, including those with visual and mobility impairments. However, the public transportation search function does not incorporate such accessible walking route for the abovementioned users to navigate to public transport stations and facilities. In addition, when barrier-free facilities (e.g., lifts) are out-of-order or pathways are blocked due to construction, it is challenging for PWDs to reach their

destination.

4. The TD is recommended to incorporate accessible walking route in the public transportation search function as an intuitive user-friendly design and indicate temporary and planned maintenance work along the suggested route by gathering and maintaining open data in collaboration with the Highways Department. With the enhanced functions and real-time data, PWDs can better plan their trips, enabling independent access for PWDs.

5. The utility rate of the Smart Device for the Elderly and the Disabled developed by the TD is low. One possible reason for the low utility rate is that the device requires users to place their octopus card on a card reader to enable extension of green lights in crossroads. In order to facilitate walkability of PWDs and older persons, it is recommended that the Government may consider using technologies such as motion detectors that would automatically identify pedestrians who walk slow or are in wheelchairs and extend the green lights for pedestrians automatically.

Provide Positioning and Navigation in Outdoor-Indoor Spaces

6. In addition to outdoor navigation, it is crucial to offer positioning and navigation services in indoor spaces to enhance the independence of PWDs, older persons and for the general public. The Government is recommended to introduce indoor navigation services in public premises as a starting point and promote such services in private premises (e.g., shopping malls) to create a seamless wayfinding experience from outdoor to indoor. The Office of the Government Chief Information Officer (OGCIO) may take the lead to coordinate the development of the system and invite private sector to provide digital maps of their premises to the system, providing indoor positioning and navigation services with the use of Bluetooth Low Energy beacons or Wi-Fi Access Points. People with diverse needs will benefit from the advanced wayfinding technology while more users will be attracted to these sites with enhanced service.

7. Public premises should also lend or rent out smart canes to guide people with disabilities through indoor complexes and crowded public spaces. When complemented by the in-built sensors of smart canes, wayfinding applications can inform users of real-time obstacles on their way to their destinations, thus facilitating mobility of PWDs and older people. Smart canes can also send signals to alert authorities where repair of facilities and pavements or removal of obstructions are needed.

Promoting Employment of Persons with Disabilities (PWDs)

Tax Deduction for Employing PWDs

8. In 2020, there were about 534,200 PWDs in Hong Kong, accounting for 7.1% of the total population.¹ The unemployment rate of PWDs (11.0%) almost doubled that (5.8%) of the total population.² PWDs possess unique skills and experiences that can provide diversified insights into the business, however they are often overlooked as a potential source of manpower supply. The EOC believes that meaningful employment allows PWDs to contribute to society based on their abilities and promote diversity and inclusion in the workforce. Apart from “competing for talents” outside Hong Kong, the Government may consider encouraging the private sector to hire PWDs as a valuable source of manpower.

9. In the 2023-24 Budget, the Government proposed to increase tax deduction for Mandatory Provident Fund (MPF) voluntary contributions made by employers for their employees aged 65 or above from 100% to 200%. The Government could borrow this good practice to incentivise employers to hire PWDs, where employers can enjoy a larger proportion of tax deduction of the MPF mandatory contributions.

¹ Census and Statistics Department, *Special Topics Report No. 63: Persons with Disabilities and Chronic Diseases* (Hong Kong: Census and Statistics Department, 2021), 28,

https://www.censtatd.gov.hk/en/data/stat_report/product/C0000055/att/B11301632021XXXXB0100.pdf.

² *Ibid*, 31.

Motivating PWDs to Work by Relaxing Income Requirement on Applying Subsidy for Medical Appliances and Consumables

10. Many PWDs revealed that they wanted to find a full-time job but the income is often insufficient to cover the cost of medical equipment and consumables. They have no choice but to apply for Comprehensive Social Security Assistance (CSSA) so that they are eligible to receive special grants for medical and rehabilitation appliances on an actual reimbursement basis. Currently, the Special Care Subsidy for the Severely Disabled (SCS) and Integrated Support Service For Persons With Severe Physical Disabilities (ISS) are in place to support PWDs who are not receiving CSSA to purchase care goods and services related to nursing care, rent respiratory support medical equipment and purchase medical consumables.

11. While recognising that the Government will regularise the SCS in October 2023 and raising the amount of the full grant from \$2,000 to \$2,500, strict requirements on the monthly household income and family's asset are in place. To be eligible for these SCS and ISS schemes, the monthly household income of the applicant is capped at 150% of the median monthly domestic household income of the corresponding household size. In the first quarter of 2023, as an example, the monthly household income for a single-person household is HK\$10,500,³ which means to be eligible for the schemes, the applicant can only earn a maximum of \$15,750. Such criterion is not conducive to encouraging PWDs to stay in employment or seek upward mobility in his/her workplace.

12. The EOC suggests the Government to review policy objectives of these schemes, taking into account of PWDs' predicament without neglecting their will to contribute their abilities to society. The Government may also consider relaxing or removing the monthly household income requirement for both SCS and ISS to encourage more PWDs to fully participate in the labour market without worrying about

³ Census and Statistics Department, *Quarterly Report on General Household Survey* (Hong Kong: Census and Statistics Department, 2023), 47, <https://www.censtatd.gov.hk/wbr/B1050001/B10500012023QQ01/att/en/B10500012023QQ01.pdf>.

the financial burden of purchasing medical and rehabilitation appliances. The asset requirement can be retained to ensure proper use of public funds.

Career Paths for Students with SEN

13. In the school year 2021/22, the number of Secondary 6 school leavers with SEN is 3,680.⁴ Some students may choose to join the labour force instead of pursuing study in higher education institutions or universities. The ratio (29.6%) of employed PWDs in the age group 15-29 was 12.3% lower than the ratio (41.9%) of all employed persons in the same age group in 2021.⁵ According to the EOC commissioned research “Study on Effective Strategies to Facilitate School-to-work Transition of Young Persons with Disabilities in Hong Kong” which investigates the experiences of the school-to-work transition of young PWDs, young PWDs identified “support from schools” as one of the most facilitating factors in career planning and job seeking.⁶

14. The Business-School Partnership Programme (BSPP) managed by the Education Bureau (EDB) promotes better co-operation between the business sector and schools to encourage students to explore their career orientations. Under BSPP, Work Experience Programmes (WEP) allows students to have hands-on experience in different industries as an educational extracurricular activity for students to explore their

⁴ Education Bureau, *Replies to Initial Questions Raised by Legislative Council Members in Examining the Estimate of Expenditure 2023-24: Reply Serial No. EDB056* (Hong Kong: Education Bureau, 2023), 185-186, https://www.edb.gov.hk/attachment/en/about-edb/press/legco/replies-to-fc/2324_EDB-2-e1.pdf.

⁵ Calculations from existing datasets. In 2021, the number of PWDs in the age group 15-29 was 42,300 while employed PWDs in the same age group was 12,500. ($12,500 / 42,300 = 29.6\%$). **See:** Census and Statistics Department, *Special Topics Report No. 63: Persons with Disabilities and Chronic Diseases* (Hong Kong: Census and Statistics Department, 2021), 43 & 64, https://www.censtatd.gov.hk/en/data/stat_report/product/B1130121/att/B11301632021XXXXB0100.pdf. In contrast, the general population within the age group 15-29 amounted to 1,049,521 and the number of employed persons in the same age group was 439,276. [$(205000 * 0.349 + 409500 * 0.898) / 1,049,521 = 41.9\%$]. **See:** Census and Statistics Department, *Table 210-06201: Labour force and labour force participation rate by age and sex* (Hong Kong: Census and Statistics Department, 2023), https://www.censtatd.gov.hk/en/web_table.html?id=210-06201. **See also:** Census and Statistics Department, *2021 Population Census Main Results* (Hong Kong: Census and Statistics Department, 2022), 37, https://www.censtatd.gov.hk/en/data/stat_report/product/B1120109/att/B11201092021XXXXB0100.pdf.

⁶ Chi Kin Kwan et al., *Study on Effective Strategies to Facilitate School-to-work Transition of Young Persons with Disabilities in Hong Kong* (Hong Kong: Equal Opportunities Commission, and City University of Hong Kong: 2023), 151, https://www.eoc.org.hk/Upload/files/research-report/YoungPWDs/Report_eng_final%20-%20Copy%201.pdf.

career orientations. Riding on the extensive network of the existing BSPP, the EDB may consider strengthening collaboration with schools and the business sector to provide more job tasting opportunities for students with SEN to gain hands-on experience in the workplace. Designated programmes can be designed for these students so that they can adapt to the work environment and be equipped with relevant job skills.

15. Vocational rehabilitation should also explore new options of “work” for service recipients with SEN in addition to sheltered workshops. Service provision in the increasingly digitalized economy no longer solely refers to face-to-face delivery of assistance and electronic applications have enabled PWDs to engage in tertiary industries. For example, Esports could be an area in which some disabilities may not matter. The Government is strongly encouraged to be more forward-looking and be more open to unleashing the potentials of PWDs in a fast-changing global economy.

Ensuring Access to Information for Persons with Disabilities

Sign Language Interpretation

16. It is important to ensure that PWDs can enjoy the right of access to information. Currently, only live news reports, such as “Hong Kong Today”, on the RTHK TV Channel 31 provide sign language interpretation. Other live infotainment programmes do not provide subtitles or sign language interpretation, making persons who are deaf and hard of hearing (“DHoH persons”) difficult to watch these programmes, limiting the diversity of the programmes which could be watched by DHoH persons. To improve the current situation, the EOC recommends that the Government may consider providing sign language interpretation for more live infotainment programmes broadcast on the RTHK TV Channel 31.

17. The EOC notes that the Communications Authority issued a direction in October 2017 requiring Television Broadcasts Limited to provide sign language interpretation, in addition to subtitles, for a Cantonese news programme broadcast on its

“Pearl” channel each day since July 2018. In order to provide a broader range of TV programmes to DHoH persons, the Government is recommended to further encourage the three free TV licensees to explore the provision of sign language interpretation for a wider range of programmes other than news reports and more frequently.⁷

Audio-visual Translation

18. Audio description is verbal narration of key visual elements in media, live productions or events for persons with visual impairment (PVI). It can be applied to different types of visual content, such as sports events, movies, television shows, and live performances. It is a crucial service for ensuring that PVI have equal access to the same cultural and entertainment experiences as those without visual impairment. Currently, PVI can watch the “Audio Description-Film” once a week at RTHK TV Channel 31, and use the RTHK Audio Description App to watch TV programmes and movies. However, audio description service for sports events and live performances is not provided.

19. The EOC recommends the Government may consider extending the audio description service, including both pre-recorded and live formats, to global and significant live sports events, such as World Cup, Olympic Games, Asian Games, and National Games of the People’s Republic of China, etc. Apart from sports events, the EOC recommends the Government to provide audio descriptive tours in museums under the management of Leisure and Cultural Services Department for PVI so that they can get access to various exhibits in museums. To cope with the increased demand of professional audio describers, it is recommended that the Government may consider provide regular funding support to NGOs to organise more audio description training programmes, with a view to nurturing audio describers with diversified specialties, such as live sports, movies, and visit events.

⁷ The three free TV licensees are Fantastic TV, HK Television Entertainment Company, and Television Broadcasts Limited.

Promoting Universal Design in Hong Kong

All-in-one Manual Promoting Universal Design

20. *The Design Manual: Barrier Free Access 2008* (DM) issued by the Buildings Department is one of the major guidelines promoting accessibility of the built environment of both public and private buildings. However, the DM does not fully incorporate universal design principles that aim to create an accessible environment for the widest spectrum of users, regardless of their age, ability and status in life. The Government may consider developing an all-in-one DM incorporating the concept of universal design with practical guidelines and technical standards to guide practitioners in designing accessible built environment, public open spaces and transportation facilities to serve people with diverse needs such as PWDs, elderly, carers and breastfeeding mothers.

Support for Carers

21. *Hong Kong Population Projections 2020-2069* released by the Census and Statistics Department revealed that the percentage of the elderly population in the total population will increase to over 30% in 2039.⁸ At the same time, the projected labour force participation rate will drop to 59.5%. Against this backdrop, systematic identification of carers, whether by virtue of legislative or administrative means, is urgently needed in order to channel appropriate support services to carers. Without grasping a clear definition of carers and key needs of at-home and working carers, the Government may only launch pilot schemes to plug short-term loopholes, without allocating public funds strategically to anticipate service gaps on point.

⁸ Census and Statistics Department, *Hong Kong Population Projections 2020-2069* (Hong Kong: Census and Statistics Department: 2020), 5, <https://www.statistics.gov.hk/pub/B1120015082020XXXXB0100.pdf>.

Empower Carers through Acknowledgment of Their Rights

22. In Australia, there is Carer Recognition Act 2010, a short legislation which defines the meaning of carer, and how employees and agents of public service agencies take action to reflect the principles of the Statement for Australia's Carers in developing, implementing, providing or evaluating carer-related policies, programs or services directed to carers or their carees.⁹ The Government is recommended to consider this top-down holistic approach for better scoping and utilization of public resources under different bureaux and departments. The EOC also believes that young carers should not be overlooked in policy initiatives. Though there is no unanimous definition on the age of young carers in different jurisdictions, but it is found that the most of the jurisdictions define young carer as persons aged 25 or below with a caring responsibility. Further, the EOC recommends that the Government should consolidate the needs of various types of carers (e.g., young carers, at-home, or working carers) through the designated hotline for carers, which will commence operation in third quarter of 2023, and refer them to appropriate service supports. User feedback on service gaps and better utilization of resources may be collected and systematically documented for policy review purposes.

23. In many common law jurisdictions, carers are entitled to legal rights such as the right to work and be supported by employers, and the right to ask for Government support and allowances. All these examples suggest that the first step to empowering carers is to recognize their statuses. In terms of administrative measures, the Government may also consider public provision of carers' assessment tools to help them self-identify and channel them directly to relevant support services in order to prevent tragedies. The establishment of assessment tools and carers' entitlements will allow society to retain a pool of talents that can readily perform both as carers and workers. This will enhance social value of existing schemes and talents' willingness to engage in part-time or stay employed full-time while they perform caregiving duties to their family members or close relatives, or in some circumstances, encourage experienced talents to

⁹ *Carer Recognition Act 2010* (Australia), assented to 18 November 2010, <https://www.legislation.gov.au/Details/C2010A00123>.

return to work when their caregiving duties are complete. The Government may also consider launching its own return-to-work programmes for its vacancies in order to lead by example and promote a culture of supporting carers to return to work.

Provide Accessible Location for Care Facilities

24. Carers have expressed difficulties to bring those under their care to access care facilities because their location are not easily accessible by public transport. As many of both carers and those who receive their care are PWDs, elderly and others who may need support for accessibility, easy access to facilities is crucial for carers' utilization of these social services. Among the social welfare facilities listed in the *Hong Kong Planning Standards and Guidelines* issued by the Planning Department, only some of those providing rehabilitation services for PWDs are suggested to be "accessible by public transport services and barrier-free routes".¹⁰ However, other facilities such as community care and support facilities for the elderly, residential care services for the elderly, and child care centres do not have the same standard listed in their locational factors. The Government is recommended to consider adding the requirement of being "accessible by public transport services and barrier-free routes" for these social welfare facilities targeting the elderly and children so that they are more accessible to these groups and their carers. Locations easily accessible by transport should also be designated for these care facilities in urban renewal and new development areas.

25. Care facilities should not be only viewed as social welfare facilities for those under care, but also in the context of the venues of the daily life of carers and those under their care together. In the past, the Government has introduced requirement that babycare facilities and lactation rooms be provided in new Government premises as well as new commercial developments such as office premises and retail outlets.¹¹ While the results of the measures have been encouraging, the impact has only been limited to new

¹⁰ Planning Department, "Community Facilities," in *Hong Kong Planning Standards and Guidelines* (Hong Kong: Planning Department, 2022), 35, https://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/pdf/ch3.pdf.

¹¹ The Government of the Hong Kong Special Administrative Region, "Government Steps Up Measures to Enhance Provision of Babycare Facilities and Lactation Rooms in the Community," *Press Releases*, 27 June, 2017, <https://www.info.gov.hk/gia/general/201706/27/P2017062700886.htm?fontSize=1>.

developments, and other care needs such as elderly care are not covered. The Government is recommended to promote the use of these facilities to include baby care, elderly care and other care in Government and commercial premises, and provide incentives for existing premises to offer these facilities through renovation. For example, the Government can use tax incentives and introduction of a pilot scheme which provides matching fund for renovation of existing premises to provide lactation rooms and other care facilities.

Promoting Gerontechnology in Home Settings

26. As respite care places are limited in vacancies and may have geographical restrictions, the Government may also explore schemes that encourage adoption of home-based assistive technologies for carers, e.g., motion sensors, fall detection systems, video monitoring, that enhance home safety by alerting carers or emergency services in case of emergencies or accidents. These tools may relieve carers' psychological burden of constant monitoring, and give them respite moments at home or even a brief get-away to relieve their stress.

Support for Students with SEN

27. Schools are facing challenges in deploying resources and building the right support for the increasing number of students with SEN. In the 2021/22 school year, the number of students with SEN in public sector ordinary schools have reached 58,890, which represented more than doubled in the past decade, as compared with 28,630 students with SEN in 2011/12.¹² It has posed ongoing challenges to students, parents and schools when there are insufficient school-based professional support services and lack of legislation to ensure the rights of students of SEN in education.

¹² Legislative Council Secretariat, "Special Education Needs," *Statistical Highlights* [No. ISSH36/2022] (Hong Kong: Legislative Council Secretariat, 2022), 1, <https://www.legco.gov.hk/research-publications/english/2022issh36-special-educational-needs-20221230-e.pdf>.

Professional Support for Students with SEN

28. There is a pressing need to train and recruit more specialists to provide a solid education and support for the increasing numbers of students with SEN. While the Education Bureau (EDB) has implemented the Enhanced School-based Educational Psychology Service (SBEPS) from 2016/17 and aimed to reaching the ratio of EPs to schools to 1:4 in 60% of the mainstream schools in 2023/24, it still needed about 200 EPs to achieve the target.¹³ In view of the long term shortage of professionals, there is a compelling need to grow and expand talents for improving the provision of educational psychology services for students with SEN in schools. Hence, the EOC recommends that the Government may consider providing additional funding and increase student enrolment quota for undergraduate programmes in psychology-related fields, such as educational psychology, counselling and speech therapy programmes; and enhancing existing policies to attract specialists from places outside Hong Kong.

Special Educational Needs Coordinators (SENCOs)

29. The EDB has established the SENCO role to support integrated education for primary and secondary schools since the 2017/18 school year, with the primary aim of taking care of various types of students with SEN. However, there is a disparity between their roles described in policy and in practice, which create daily challenges for SENCOs, especially when dealing with a large number of students of SEN and their evolving needs, along with collaborating with teachers, parents, professionals, school administrators to monitor student progress.

30. According to a recent EOC commissioned research study, the majority of SENCOs expressed that the top two difficult aspects of implementing integrated education (IE) were the tight teaching schedule / heavy teaching workload and heavy

¹³ The Government of the Hong Kong Special Administrative Region, “LCQ18: Public mental health services,” *Press Releases*, 12 July, 2023, <https://www.info.gov.hk/gia/general/202307/12/P2023071200629.htm>.

administrative work brought about by IE.¹⁴ In addition to the restrictions in the deployment of Learning Support Grant (LSG), and no full support from SEN Support Teachers, most of the resources had been used to hire professional support personnel, which did not help to alleviate the overloaded administrative tasks and long working hours of SENCOs. Therefore, the Government may consider streamlining administrative processes to reduce the administrative workload for SENCOs, allowing them to put more time in mapping out support strategies with teachers, and allowing schools to use the remaining grant of LSG more flexibly to deploy resources in order to cope with their particular school contexts.

Home-school Cooperation and Parent Education

31. With regard to Home-school Cooperation in IE, a recent EOC commissioned research study found that parents were still unable to support the needs of students with SEN after school due to their busy schedules and lack of skills and knowledge to care for children with SEN.¹⁵ In addition, parents indicated that they had difficulty in accessing information on supporting their children with SEN. Hence, it is recommended that ordinary schools should actively promote home-school cooperation, while the EDB should provide additional resources to promote parent education, enhance parent's awareness of integrated education and support for students with SEN, and break through the traditional notion that parents overly focus on the academic performance of their children with SEN.

Legislation on Education of Students with SEN

32. In Hong Kong, there is currently no legislation that explicitly spells out the statutory requirements to support students with SEN in education. PWDs are currently

¹⁴ Po Yuk Ko, Zi Yan, and Wai Sun Derek Chun, *Study on Challenges, Effective Policies, and Best Practices of Ordinary Schools in Educating Students with Special Educational Needs in Hong Kong* (Hong Kong: Equal Opportunities Commission, and The Education University of Hong Kong Centre for Excellence in Learning and Teaching, 2023), 85-87, [https://www.eoc.org.hk/Upload/files/research-report/SEN%20Study%20\(Jun%202023\)/SENREP~4.PDF](https://www.eoc.org.hk/Upload/files/research-report/SEN%20Study%20(Jun%202023)/SENREP~4.PDF).

¹⁵ *Ibid*, 74.

protected from discrimination under the Disability Discrimination Ordinance, including equal access to education. To safeguard the rights of students with SEN in receiving adequate support measures, the legislative approach would give a legal framework to guarantee the right and appropriate support provided by educational establishments and how the support should be given from early identification and assessment, individual educational plan to school arrangements and compliance.

33. While Hong Kong is implementing integrated education with administrative means, some overseas jurisdictions such as the UK and the US have legal framework for students with SEN on inclusive education. For example, the US has statutory requirements regarding funding for special education, qualifications of special education teachers, and a need to devise individual education plan for each student with SEN.¹⁶ The EOC recommends that the Government may consider setting out a legal framework to protect the rights of students and set out the responsibilities of relevant stakeholders. By way of legislation, it will ensure that students are given the right support services that meet their actual needs.

Funding for Equal Opportunities Office in Universities

34. The EOC also strongly proposes that the Government should provide additional funding for universities to set up Equal Opportunities Offices. Most universities have insufficient resources for promoting and mainstreaming equal opportunities and lack a permanent support structure to supervise and coordinate the equal opportunities-related issues on campus. A centralized office, with designated personnel and resources, could promote inclusion and addressing concerns in areas such as family status, gender, and race, SEN and disability issues, in a more coordinated and effective way. The integration of equal opportunities into university policies and practices are effective tools to reduce discrimination, which also creates a safe and

¹⁶ Legislative Council Secretariat, “Legislation on Inclusive Education in Taiwan, the United Kingdom and the United States,” *Information Note* [No. IN15/13-14], 2; 10; & 15, <https://www.legco.gov.hk/research-publications/english/1314in15-legislation-on-inclusive-education-in-taiwan-the-united-kingdom-and-the-united-states-20140417-e.pdf>.

inclusive place for study and work. Other than establishing Equal Opportunities Offices in local universities, it is equally important to enhance university's top level commitment and staff support on mainstreaming equal opportunities. The crucial factor in determining the success for integrating equal opportunities into university operations and culture is the support from the senior management, who shall recognize and value the importance of equal opportunities. It is also strategically important for Equal Opportunities Offices to report directly to the senior management, which enhances empowerment and efficiency to formulate and implement EO policy in the university community.

Promoting Workplace Health and Safety with Zero Sexual Harassment

35. Environmental, Social and Governance (ESG) is a set of standards that businesses adopt to ensure their practices have a positive effect on their employees, society and the world. Today, corporations are faced with a growing number of social justice issues that can drive business risk, including gender and racial equality, which eventually impact the economy as a whole. Despite a few amendments to the Sex Discrimination Ordinance in the last couple of years, over 75% of sexual harassment complaints received by the EOC in the past four years were employment-related.¹⁷ Companies continue to take on a passive role in tackling the issue. The EOC's first city-wide survey on sexual harassment in Hong Kong (2021) found that one in eight respondents (11.8%) said they had encountered workplace sexual harassment in the past 24 months, with only one in seven of those people made a formal report.¹⁸ While women between the ages of 18 – 34 were twice as likely to face sexual harassment at work (22.5%), 8.8% of men also claimed to have been sexually harassed at work by colleagues, clients, and employers. These numbers relating to sexual harassment in the workplace are alarming.

¹⁷ Equal Opportunities Commission, "EOC Releases Updated Guide for SMEs to Prevent Sexual Harassment," *E-News Issue 264*, 26 August, 2021, <https://www.eoc.org.hk/en/ENews/264>.

¹⁸ Chung Yan Ip, *A Territory-wide Representative Survey on Sexual Harassment in Hong Kong 2021* (Hong Kong: Equal Opportunities Commission, 2022), 61, <https://www.eoc.org.hk/compass/wp-content/uploads/2022/05/Territory-wide-Representative-Survey-on-SH-in-HK-2021-EN.pdf>.

36. Both “S” which represents social criteria and “G” which represents governance aim at redressing injustice in the environments in which companies operate. To tackle the issue of workplace sexual harassment and avoid a domino effect, companies must change the way they operate.

37. Equality, diversity and inclusion are of fundamental importance to building a socially sustainable business. Compared to reactive and piecemeal measures, a holistic approach to creating a positive organisational culture is far more effective to address workplace sexual harassment. In addition to the conventional training on basic understanding of sexual harassment, the bystander intervention training model empowers employees to be the first line of defence against gender-based violence in the workplace. Under Chicago's Human Rights Ordinance, starting from 01 July 2022, all employers in that city are required to provide one hour of sexual harassment prevention training and one hour of bystander intervention training to all employees on an annual basis. This proactive approach encourages employees to work as partners to combat sexual harassment and thereby create supportive community norms.

38. Workplace sexual harassment undermines employees’ job satisfaction and commitment. It eventually results in lower employee productivity and higher employee turnover, which directly influences local economic growth and workforce stability. Apart from Chicago, the Equal Opportunity Act 2010 in Australia introduced a positive duty on all employers and identified six minimum standards organisations must meet to comply with their positive duty to eliminate sexual harassment and victimisation, regardless of the size and nature of their businesses and whether someone has filed a complaint.¹⁹ As part of ESG initiatives, it means that not only implementing an effective prevention plan and introducing a robust reporting mechanism but also maintaining a safety culture and addressing risk regularly, providing proactive bystander training and education initiatives to ensure all employees understand their rights and responsibilities. As a global metropolis for Asia striving to succeed, Hong Kong should keep abreast of

¹⁹ Victorian Equal Opportunity and Human Rights Commission (Australia), “Positive Duty,” <https://www.humanrights.vic.gov.au/for-organisations/positive-duty/>.

the best practices and take lead on this. It is recommended that the Government should consider imposing a positive duty on employers which shall provide clear directions to organisations on how to bring sexual harassment to an end.

Improve Sexuality Education for the Young Generation

39. The Government has always advocated youth development policies but sexuality education has not received much attention since the release of 1997 Guidelines on Sex Education in Schools. The EOC research study found that one of the root causes of sexual harassment of university students was misconception about sex and relationship which had taken shape in their teenage years, and thus, a thorough reform of sexuality education is urgently needed.²⁰ For instance, both Singapore and Taiwan Governments have taken a proactive approach to implement comprehensive school sexuality education. The Government of Singapore has explicit regulations for schools to provide sex education courses for eligible students, which also include updating and reviewing the teaching materials regularly, and requiring teachers to attend training programmes,²¹ while Taiwan's sex education policy is integrated into the regular curriculum through legislation and guidelines.²²

40. In addition, the EOC provided recommendations for the Government after releasing a study on comprehensive sexuality education in secondary schools of Hong Kong last year. Among all, it is recommended that the Government should consider reactivating and updating the 1997 Guidelines on Sex Education in Schools, building the capacity of teachers, social workers and parents on sexuality education, enhancing and structuring teaching materials for sexuality education, as well as providing a

²⁰ James K.S. Chan et al. *Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong* (Hong Kong: Equal Opportunities Commission, 2019), 121, <https://www.eoc.org.hk/compass/wp-content/uploads/2021/08/Break-the-Silence-Territory-wide-Study-on-Sexual-Harassment-of-University-Students-in-Hong-Kong-2019-ENG.pdf>.

²¹ Ministry of Education (Singapore), *Sexuality Education: Implementation Policies for Schools* (Singapore: Ministry of Education, 2022), <https://www.moe.gov.sg/education-in-sg/our-programmes/sexuality-education/implementation>.

²² Legislative Council Secretariat, "Sexuality Education," *Information Note* [No. IN03/17-18], 14-16, <https://www.legco.gov.hk/research-publications/english/1718in03-sexuality-education-20180109-e.pdf>.

structured sexuality education curriculum, recommended lesson hours and funding for sexuality education coordinator.²³

Promoting Equal Opportunities for the Non-ethnic Chinese Population

Improving Education Opportunity

41. Education issues faced by non-ethnic Chinese (NEC) students continue to remain at the top of our concern list. The EOC published the “Closing the Gap” Report of the Working Group on Education for Ethnic Minorities in September 2019,²⁴ and released two related studies in 2020.²⁵ The Working Group Report delineated the key concerns and areas for improvement from diverse feedback while the two studies provided strong empirical evidence on the problems and required actions.

42. All the three study reports pointed to a major gap in the current education system for NEC students. At the root lies the need to acknowledge that a non-native learner learns a language differently from how a native-speaker does, and then making the necessary tools and assessments available to cater to that difference. Despite all the Government intervention and resources, we are deeply concerned that the majority of NEC students ended up taking overseas Chinese language examinations as part of their secondary education, which deprives them of the required language level for most mainstream workplaces. It is essential to take the following steps to address the issues:

²³ Equal Opportunities Commission, *Submission to the Task Force on Review of School Curriculum of the Education Bureau* (Hong Kong: Equal Opportunities Commission, 2019), 2, <https://www.eoc.org.hk/eoc/upload/20191028115746386751.pdf>.

²⁴ Equal Opportunities Commission, *Closing the Gap: Report of the Working Group on Education for Ethnic Minorities* (Hong Kong: Equal Opportunities Commission, 2019), https://www.eoc.org.hk/EOC/upload/ResearchReport/Closing_the_Gap_Full_Report.pdf.

²⁵ See: Oxfam Hong Kong, Loh Ka Yee Elizabeth, and Hung On Ying, *A Study on the Challenges Faced by Mainstream Schools in Educating Ethnic Minorities in Hong Kong* (Hong Kong: Equal Opportunities Commission, Oxfam Hong Kong, and The University of Hong Kong, 2020), https://www.eoc.org.hk/eoc/upload/ResearchReport/researchreport_20200115_e.pdf. See also: Tak-mau Simon Chan et al., *A Study on Education and Career Pathways of Ethnic Minority Youth in Hong Kong* (Hong Kong: Equal Opportunities Commission, and Hong Kong Baptist University, 2020), https://www.eoc.org.hk/EOC/upload/ResearchReport/20200619_em.pdf.

- i. Develop a full-fledged Chinese-as-a-second-language curriculum complete with specific pedagogy, corresponding teaching tools and textbooks, systematic teacher training, etc., which are inadequate in the current Chinese Language Curriculum Second Language Learning Framework;
- ii. Track and closely monitor NEC students' learning progress and take proactive actions to steer them to the mainstream Chinese curriculum under the HKDSE examination system, including the Applied Learning (Chinese) subject;
- iii. Make it essential for Chinese subject teachers to have undergone pre-job training on teaching second language learners; providing intensive and progressive in-service training courses for practicing Chinese subject teachers; and requiring every school to have a certain ratio of trained teachers.

Promoting Employment Opportunity

43. The NEC population faces a number of barriers in securing jobs and building careers that align with their potential and skills. There is discrimination (on the grounds of their racial background and religious practices, etc.) and tangible hurdles (e.g. language proficiency requirements) which stand in the way of equal opportunities to employment for many NEC community members. Removal of barriers that currently prevent them from securing a job as well as positive action are required to level the playing field. It is encouraging that the Government has committed to taking the lead in providing more job opportunities for the NEC population. Positive measures from the Government will definitely set an example for other employers to follow.

44. Riding on a few successful initiatives such as Project Gemstone run by the Yau Tsim Police District and Internship Programme for NEC University Students under the Civil Service Bureau, the Government is recommended to create trainee positions in civil services, especially for NEC graduates as a positive action to address their limited

opportunities. Training may include Chinese language learning with a view to prepare them with adequate Chinese language proficiency for the Common Recruitment Examination.

45. It is also important that pathways be created through training and internship programmes that can lead to civil service and other public careers. In the past few years, there are increasing number of short-term job positions in the Government for NEC job seekers to serve their communities. This exposure is valuable but should be seen as the first step to train NEC employees for mainstream civil service positions instead of an end in itself.

46. The EOC also advises that the Government intensify the review of Chinese language proficiency requirements in civil service recruitment, especially in professional grade positions, with the consideration of introducing in-service language enhancement schemes for candidates not meeting the Chinese requirement but excelling in other skills and expertise for the jobs. The review should measure the response to language relaxation policies in terms of the actual recruitment of NEC candidates since the introduction of the revised criteria.

47. As Hong Kong faces a talent shortage coupled with economic headwinds, it needs to make effective use of all the resources it has available. Local, homegrown talent can be groomed to make them part of the economic recovery. The NEC population is a growing pool that is being under-utilised. By providing them with the required skills in a manner that is appropriate for them, this latent talent pool can be mobilised to contribute effectively to Hong Kong, a city they too call home.

Eliminating Racial Bias and Discrimination

48. Racial bias and discrimination in the mainstream community against the disadvantaged NEC populations, such as South Asians, Southeast Asians, Africans, etc. is deep-rooted. Racial prejudices in renting flats and getting services are shared

experiences by many NEC community members. Microaggression in schools, workplaces and community interactions also make NEC community members feel excluded and marginalised.

49. The EOC sees a genuine need for greater integration and understanding of the NEC communities in Hong Kong. It would be truly wonderful to see a time when the major religious and cultural festivals of Hong Kong's certain racial groups are marked and celebrated by Hong Kong people. Suggestions to achieve this include issuing official greetings to the public and highlighting the cultural and religious significance of these festivals by the Government; and launching central public events to celebrate these festivals with the mainstream community. The Songkran celebrations in Kowloon City this April is definitely a very successful practice that can be extended to other religious occasions, such as Eids, Diwali, etc.

50. Besides, in view of the positive feedback to the EOC's advertising campaigns on removing racial bias and promoting cultural sensitivity since 2020, it is strongly recommended that such publicity be regularised and strengthened. For example, a cross-departmental, territory-wide campaign on promoting racial acceptance will surely create a stronger impact and engage a wider community in paying positive attention to racial inclusion.

51. It is also conducive to bringing in new talent from overseas which has become critical to rebuilding the economy and Hong Kong's status as a thriving business centre. While policy measures and financial incentives may be successful in luring talent to the city, promotion of racial inclusion is key to retaining those who arrived because they will only stay if they feel welcome and included.

Equal Opportunities Commission

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