

2021 Policy Address Public Consultation

Submission from Equal Opportunities Commission

Introduction

This paper aims to give views and recommendations of the Equal Opportunities Commission (EOC) for the 2021 Policy Address on enhancing the support measures to carers, promoting equal opportunities for students with special educational needs (SEN), persons with disabilities, disadvantaged racial groups and sexual minorities. This paper also recommends the Government to consider reviewing the Sexual Conviction Record Check Scheme to enhance the preventive measures against sexual harassment of vulnerable groups such as the elderly and persons with disabilities.

Support for Carers

2. The lack of support for carers has been a long-standing issue in Hong Kong that came under the spotlight once and again, whenever another heart-wrenching tragedy of overwhelmed carers—who killed the person under their care and ending their own lives due to fatigue and distress—hit the headlines.¹

3. According to a survey conducted by the University of Hong Kong in 2018, a quarter (25%) of the surveyed carers for the elderly, were at a “high risk” of having physical and mental issues, as they reported experiencing a heavy burden for caregiving, having symptoms of depression and weak family relationships.² A recent survey conducted by the Hong Kong Council of Social Service (HKCSS) in

¹ South China Morning Post (2020). *Hong Kong Police Arrest Mother after Son Dies in Suspected Murder-suicide Bid*. Retrieved from <https://www.scmp.com/news/hong-kong/law-and-crime/article/3100356/hong-kong-police-arrest-mother-after-son-dies>

² HKCSS (2018). *Research on the Profile and Service Needs of Elderly Carers*. Retrieved from <https://www.hkcss.org.hk/research-on-the-profile-and-service-needs-of-elderly-carers/?lang=en>

2021 confirmed that the COVID-19 pandemic has further aggravated the despair situation of carers. The survey showed that the responding carers scored 11.7 out of 16 for the category of “Exhaustion” in a “Quality of Life Scale for Carers”—a much higher score as compared to their counterparts in the UK, US and Mainland China—indicated that they were overstressed, mentally exhausted, and pessimistic about their future. It also found that 40% of the respondents said they lacked support and took up all the caregiving responsibilities on their own.³

4. In fact, the EOC has long been advocating for the need of a holistic policy to support carers, in its multiple past submissions to both the executive and legislative branch.⁴ It is because not only carers’ unpaid caregiving services are essential to the wellbeing and daily living of many persons with disabilities (PWDs) and elderly persons, but also a majority of carers themselves belong to groups—such as women, single parents, PWDs, etc.—who encountered discrimination and micro-aggression on a daily basis due to the caring responsibility they bore.

5. While recognising that the Labour and Welfare Bureau is expected to complete its commissioned study with recommendations to support carers by 2021,⁵ the EOC believes some immediate actions are urgently needed from the Government, in order to assist the numerous unpaid carers to weather tough times caused by the pandemic. Therefore, the EOC would like to reiterate some key recommendations below, mostly raised in our submission to the 2020 Policy

³ HKCSS (2021). *Study on the Respite Needs of Carers in Hong Kong*. Retrieved from <https://www.hkcss.org.hk/%e3%80%8a%e7%85%a7%e9%a1%a7%e8%80%85%e5%96%98%e6%81%af%e9%9c%80%e8%a6%81%e7%a0%94%e7%a9%b6%e3%80%8b/?lang=en>

⁴ Equal Opportunities Commission (2020). *Support for Carers and Provision of Residential Care Services for Persons with Disabilities*. Retrieved from <https://www.eoc.org.hk/eoc/upload/202092317313420601.pdf>;

Equal Opportunities Commission (2020). *2020 Policy Address Public Consultation: Submission from the Equal Opportunities Commission*. Retrieved from <https://www.eoc.org.hk/eoc/upload/202092512262456717.pdf>;

Equal Opportunities Commission (2020). *EOC Responds to Persons with Disabilities and Rehabilitation Programme Plan*. Retrieved from <https://www.eoc.org.hk/eoc/GraphicsFolder/ShowContent.aspx?ItemID=16854>

⁵ Labour and Welfare Bureau & Social Welfare Department (2020). *Legislative Council Panel on Welfare Services Study of Support for Carers*. Retrieved from <https://www.legco.gov.hk/yr20-21/english/panels/ws/papers/ws20201123cb2-337-5-e.pdf>

Address Public Consultation,⁶ with a view to relieving the immediate burden of carers in terms of enhancing financial support and respite care services.

Financial support for carers

6. As a start, the Government should consider regularising and raising the amount of carer allowance schemes (currently HK\$2,400 per month per scheme)—namely the “Pilot Scheme on Living Allowance for Low-income Carers of Persons with Disabilities” and “Pilot Scheme on Living Allowance for Carers of Elderly Persons from Low-income Families” under the Community Care Fund.

7. Second,⁸ many carers of elderly persons or PWDs are senior citizens and/or PWDs themselves. The Government should consider easing the current restriction of disallowing recipients of Old Age Living Allowance to receive the carer allowance of both abovementioned Pilot Schemes. The additional carer allowance will allow the elderly carers to get some external assistance or services for easing their burden of taking care of elderly persons or PWDs in their family.

8. Also, both the carer allowance schemes assume that PWDs who are recipients of Disability Allowance are not “deemed to be a fit and capable carer”.⁷ The EOC believes such assumption should be reviewed and revised. Whether the PWDs concerned are fit to be carers should not be assessed by their physical impairments, but by the functions and responsibilities they can perform. Otherwise, the current approach of the carer allowance schemes deviates from the spirit of “equal recognition before the law” as stipulated in Article 12 of the Convention on the Rights of Persons with Disabilities by disregarding the individual capacity of all PWDs.⁸

⁶ Equal Opportunities Commission (2020). *2020 Policy Address Public Consultation: Submission from the Equal Opportunities Commission*. Retrieved from <https://www.eoc.org.hk/eoc/upload/202092512262456717.pdf>;

⁷ See Note 3 of https://www.swd.gov.hk/en/index/site_pubsvc/page_supportser/sub_pwd/

⁸ The United Nations (2006). Convention on the Rights of Persons with Disabilities. *Treaty Series*, 2515, 3.

Respite care services

9. More importantly, a revamp of the over-subscribed respite care services is also urgently needed. It has been found that allowing caregivers to take time out are highly beneficial to their management of stress, as well as the quality of care they provided. It is, therefore, recommended that the Government should take reference from other jurisdictions where at-home carers are entitled by law to a prescribed period of respite care services per year (e.g. Japan: 84 days; Australia: 63 days; Canada: 60 days; Taiwan: 21 days; etc.),⁹ during which they can take some rest while the elderly will be taken care of by professional caregivers at home or in short-term residential care facilities.

10. In Hong Kong, the respite care services for elderly persons and PWDs in both residential care homes and day care centres are deeply inadequate. According to the said HKCSS survey, 77.4% of the surveyed carers said they were “very difficult” or “quite difficult” to take a break from their caregiving responsibilities, with 56.6% of them quoting that the underlying reason was lacking available services that fit their needs. Also, near 70% of carers said they would like to have access to respite services, service hotline and support groups.¹⁰ Hence, it is recommended that the Government should drastically improve the capacity of respite care and other support services to satisfactorily accommodate citizens’ needs in this regard.

⁹ Legislative Council (2020). *Policy Support to Carers in Selected Places*. Retrieved from <https://www.legco.gov.hk/research-publications/english/1920rt07-policy-support-to-carers-in-selected-places-20200309-e.pdf>

¹⁰ HKCSS (2021). *Study on the Respite Needs of Carers in Hong Kong*. Retrieved from <https://www.hkcass.org.hk/%e3%80%8a%e7%85%a7%e9%a1%a7%e8%80%85%e5%96%98%e6%81%af%e9%9c%80%e8%a6%81%e7%a0%94%e7%a9%b6%e3%80%8b/?lang=en>

Support for students with SEN

Regularisation of grants to support SEN students

11. The number of students with special educational needs (SEN) in sub-degree and undergraduate programmes funded by the University Grants Committee (UGC) increased from 260 in 2013/14 to 748 in 2020/21. The EOC is pleased to learn that the Third Phase of Special Grants to Enhance the Support for Students with SEN has been given to UGC-funded universities to meet the increasing enrolment of students with SEN. Further, the EOC is in full support that “the UGC will also explore regularisation of such funding support to UGC-funded universities in the 2022-25 triennium so as to sustain the efforts of the universities on this front”¹¹, which is in line with the EOC’s recommendations for the 2020 Policy Address Public Consultation¹².

12. The regularisation of such funding would provide a more long-term commitment to educational support of university students with SEN. Secondly, such financial means can further dismantle learning and social barriers for students with disabilities on campus by exploring and introducing the use of new assistive technologies. For example, real-time live captioning in English or Cantonese for students who may be hard of hearing, or accommodation/adjustment management system which enables universities build a digitalised and seamless accommodation process from making online accommodation request by students to using data to identify and prepare for trends for growing support requests. Regularisation of such funding to support students with disabilities also demonstrates dedication to a fundamental, global commitment of “Education for All”.

¹¹ *UGC Newswire – February 2021.*

<https://www.ugc.edu.hk/doc/eng/ugc/about/publications/newswire/newswire202102.pdf>

¹² *Submission from Equal Opportunities Commission - 2020 Policy Address Public Consultation P. 8 paragraphs 24 and 25.* <https://www.eoc.org.hk/eoc/upload/202092512262456717.pdf>

Funding for Equal Opportunities Office in universities

13. The EOC also strongly recommends that the Government should provide universities with funding to set up Equal Opportunities Offices, so that universities can have designated personnel and resources for mainstreaming concepts of equal opportunities in tertiary education, no matter about issues relating to disability, gender, family status, race, which is a fundamental step to providing equality of opportunities and a harassment-free place for study and work.

Express and distinct duty of provision of reasonable accommodation or adjustment under Disability Discrimination Ordinance (DDO)

14. For those working-age (aged 18 to 64) persons with disabilities (PWDs) who participated in the labour market in 2013, the proportion of being economically active was 39.1%, far lower than the corresponding figures in the overall population (72.8%). The unemployment rate of these PWDs (6.7%) was notably higher than that of overall working-age population (3.7%).¹³

15. On top of administrative means such as on-the-job training allowance under the “Work Orientation and Placement Scheme”, the Government should also consider making clear reasonable accommodation as a positive legal obligation on the employer’s part under the DDO. This suggestion has already been put forth as one of the EOC’s higher-priority recommendations in our Discrimination Law Review¹⁴ back in 2016, where the EOC asked the Government to consider introducing distinct duty to make reasonable accommodation for persons with disabilities in key areas of public life, including employment, the provision of goods, services and facilities, education, and access to premises. This proposed legal amendment is in line with practices in other common law jurisdictions, and the UN Convention on the Rights of the Persons with Disabilities. Article 27 of

¹³ Census and Statistics Department. *Hong Kong Poverty Situation of Persons with Disabilities (2013)*. P. vii [https://www.povertyrelief.gov.hk/eng/pdf/Hong_Kong_Poverty_Situation_Report_on_Disability_2013\(E\).pdf](https://www.povertyrelief.gov.hk/eng/pdf/Hong_Kong_Poverty_Situation_Report_on_Disability_2013(E).pdf)

¹⁴ EOC Discrimination Law Review – Submission to the Government (2016) P. 27 to 32 <https://www.eoc.org.hk/eoc/upload/DLR/2016330179502227490.pdf>

CRPD stipulates the right to the opportunity for PWDs to earn a living by work freely chosen or accepted in a work environment that is open, inclusive and accessible to them.

The Sexual Conviction Record Check Scheme

16. The EOC would also like to take this opportunity to raise another issue that is of continuous grave concern to the Commission—the review of the decade-old Sexual Conviction Record Check (SCRC) Scheme.

17. As raised in our previous submissions to the Security Bureau and the Law Reform Commission (LRC),¹⁵ the SCRC Scheme has been gradually taken as one of the preventive measures for schools, sports organisations, non-governmental organisations, and other companies or institutions to assess the risk of the candidates with criminal sexual conviction to perform work that involves contact with children and mentally incapacitated persons (MIPs), since its introduction in December 2011.

18. However, the coverage of the SCRC Scheme is limited in its scope. The Scheme only enables employers of persons undertaking child-related work or MIP-related work to check whether eligible applicants have any criminal conviction records against a specified list of sexual offences. PWDs and elderly people are not under the protection of the Scheme if they are not MIPs. Also, the Scheme only covers prospective employees, contract renewal staff, as well as staff assigned by outsourced service providers to organisations or enterprises, but is not applicable to volunteers, existing employees or private tutors who have contact with children or MIPs.

¹⁵ Equal Opportunities Commission (2020). *Consultation on the Proposed Introduction of Offences of Voyeurism, Intimate Prying, Non-consensual Photography of Intimate Parts, and Related Offences: Submission from the Equal Opportunities Commission to the Security Bureau*. Retrieved from <https://www.eoc.org.hk/eoc/upload/20201012155723523576.pdf>;

Equal Opportunities Commission (2021). *Consultation on Sentencing and related matters in the review of sexual offences: Submission from the Equal Opportunities Commission*. Retrieved from <https://www.eoc.org.hk/eoc/upload/202152112303906356.pdf>

19. In fact, the LRC’s 2010 report on the introduction of the SCRC Scheme recommended that the Scheme should cover “employees, *volunteers*, *trainees* and self-employed persons undertaking child-related work or MIP-related work (emphasis added)”.¹⁶ However, the Government did not fully adopt the recommendations and the current Protocol of the Scheme specifically states that it is “not applicable to private tutors and volunteers”.¹⁷

20. Also, suggestions for implementing the SCRC Scheme through legislative rather than executive means, has been raised by different stakeholders since its launch in 2011.¹⁸ The LRC’s proposal in 2010 indeed stated clearly that the administrative SCRC Scheme is supposed to be an *interim measure*, pending to the launch of a comprehensive legislative scheme, which may take considerable time to be implemented.¹⁹

21. Therefore, the EOC would like to, once again, express the following views and recommendations to the Government for potentially reviewing and reforming the existing SCRC Scheme, including:

- i. The Government should consider holding a comprehensive public consultation for the SCRC Scheme and embarking on the preparatory work for implementing the Scheme via legislative means in the long run;
- ii. The SCRC Scheme should be extended as soon as possible to existing employees, self-employed persons (including private tutors), interns and volunteers who will involve regular contact with children, MIPs, PWDs and elderly people; and

¹⁶ The Law Reform Commission of Hong Kong (2010). *Report on Sexual Offences Records Checks for Child-related Work: Interim Proposals*. Retrieved from https://www.hkreform.gov.hk/en/docs/rsexoff_e.pdf

¹⁷ Security Bureau & Hong Kong Police Force (2019). *Sexual Conviction Record Check Scheme Protocol*. Retrieved from https://www.police.gov.hk/info/doc/scrc/SCRC_Protocol_en.pdf

¹⁸ Many of the views are raised by NGOs or stakeholders from time to time, e.g. Meeting of the Legislative Council Panel on Security on 4 June 2013: <https://www.legco.gov.hk/yr12-13/english/panels/se/minutes/se20130604.pdf>

¹⁹ The Law Reform Commission of Hong Kong (2010). *Report on Sexual Offences Records Checks for Child-related Work: Interim Proposals*. Retrieved from https://www.hkreform.gov.hk/en/docs/rsexoff_e.pdf

- iii. The scope of the SCRC Scheme should be expanded to cover sectors and groups not currently covered, including all persons working in healthcare, social care and residential care homes for the elderly and PWDs.

Support for Disadvantaged Racial Communities

22. While many in Hong Kong are facing hard times, it is important to acknowledge the plight of those who may be further disadvantaged due to circumstances including their race. The Government has rolled out several relief measures and is doing its utmost to help everyone. The recommendations in this submission are an attempt to throw light on some who may be falling through the cracks and being left out of support measures among the racial minorities.

Education

23. Education issues faced by NEC students continues to remain at the top of our concern list. The EOC published the “Closing the Gap”²⁰ Report of the Working Group on Education for Ethnic Minorities in September 2019 and released two related studies, namely “A Study on the Challenges Faced by Mainstream Schools in Educating Ethnic Minorities in Hong Kong”²¹ conducted by the Faculty of Education at the University of Hong Kong and Oxfam Hong Kong; and “A Study on Education and Career Pathways of Ethnic Minority Youth in Hong Kong”²² conducted by the Centre for Youth Research & Practice at the Hong Kong Baptist University, in January and June 2020 respectively. The Working Group Report delineated the key concerns and areas for improvement

²⁰ Equal Opportunities Commission, “Closing the Gap” Report of the Working Group on Education for Ethnic Minorities, September 2019

https://www.eoc.org.hk/EOC/upload/ResearchReport/Closing_the_Gap_Full_Report.pdf

²¹ 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”, January 2020, https://www.eoc.org.hk/eoc/upload/ResearchReport/researchreport_20200115_e.pdf

²² The Centre for Youth Research and Practice, Hong Kong Baptist University, “A Study on Education and Career Pathways of Ethnic Minority Youth in Hong Kong”, June 2020, https://www.eoc.org.hk/EOC/upload/ResearchReport/20200619_em.pdf

from diverse feedback while the two studies provided strong empirical evidence on the problems and required actions.

24. 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 available to cater to that difference. It does not imply that they learn a “simpler” curriculum. Instead, they should be taught what is necessary to attain a reasonable level of proficiency that is required for the job market, and in a manner that is most effective given the different starting point and learning pattern.

25. Worryingly, the move to online learning during the pandemic, which is understandably essential for outbreak control, has further set back NEC students’ Chinese-language learning. The premise of the current Chinese-language learning policy for NEC students is to accelerate learning by providing an immersive language experience. Regrettably, the deprivation of physical school life for practicing Chinese and the absence of Chinese language environment and learning support at home have made that difficult. In addition, students are less able to get help from their teachers because of the online format. It is easy to lose interest and leave doubts unclarified unless the student is exceptionally driven. The few gains achieved in previous years, before the pandemic, may well have been wiped out.

26. It is essential to take the following steps now to prevent irredeemable damage:

- 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 Learning Framework;

- ii. Implement this curriculum diligently across all schools admitting NCS students with standard requirements, close monitoring and ongoing guidance from the Education Bureau and teaching experts;
 - 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; and
 - iv. Revise the Chinese language examination options for second language learners and developing a qualification ladder with progressive levels between GCSE/IGCSE and HKDSE, through which a range of language proficiency among NCS students can be better reflected and recognised.
27. It is also of utmost importance that manpower for schools in the following areas has to be committed:
- i. Introduce an independent coordinator position in schools to co-ordinate learning support resources and needs as well as promote cultural inclusion, mirroring the established coordinator position for students with special educational needs; and
 - ii. Formalise the support teacher position (currently short-term non-Chinese teaching assistants in many schools) to be an established post to recognise their roles in supporting group teaching of NEC students, communication with their parents and cultural integration with mainstream students.

Employment

28. The Poverty Situation Report on Ethnic Minorities 2014 brought to light the disturbingly high poverty rate among South Asians, with the report stating that “their poverty situation warrants concern”. Among the South Asians, it was the Pakistanis with a poverty rate of 50.2% that are worst off followed by the Nepalese with a poverty rate of 13.6%.²³

29. Their dire situation is further exasperated by the pandemic. Some NEC communities, such as South Asians, South East Asians and Africans, are disproportionately employed in tourism-associated industries which are the hardest hit by the global travel ban and social gathering restrictions.

30. To address the issues, the EOC recommends the Government to:

- i. Launch financial incentive schemes for employers to undertake positive actions such as encouragement for job-seekers from different racial groups to apply for their job positions, language classes for NEC employees, mentorship scheme for NEC new recruits, etc.;
- ii. Provide more retraining courses with language support by training organisations, such as Employees Retaining Board, Vocational Training Council, Construction Industry Council, etc., and strengthen the financial subsistence allowance in these training programmes so as to help keeping the trainees, Chinese or non-Chinese, in the courses until they finish; and
- iii. Further intensify the review of the Chinese language proficiency requirements in civil service recruitment, especially in professional grade positions, with the consideration of introducing in-service language

²³ Financial Secretary’s Office and Census and Statistics Department, “*Hong Kong Poverty Situation: Report on Ethnic Minorities*”, December 2015, 14, para 2.9, https://www.povertyrelief.gov.hk/eng/pdf/2014_EM_Report_Eng.pdf

enhancement schemes for candidates not meeting the Chinese requirement but excelling in other skills and expertise for the jobs.

Health Protection

31. Socially disadvantaged groups if not given adequate attention and resources will likely be a weak spot in the pandemic defense. Equipping these groups with proper protection is actually essential to safeguarding the whole population.

32. Information gap is detrimental to the health protection of disadvantaged groups and language as well as cultural barriers put grassroots racial communities at a further vulnerable position. A pocket of the community, such as South Asian and South East Asian housewives and senior citizens, etc. is constantly less informed and left out of some important healthcare measures. Accurate and updated information in core minority languages is undoubtedly the top priority in plugging the gap.

33. Therefore, it is vital to make sure that health protection information in languages used by major disadvantaged racial groups are available and readily disseminated in the communities. To achieve this, manpower of the current community interpretation crew has to be expanded to provide swift service for the growing demands. Setting up more Community Support Teams and providing ad-hoc grants for existing racial organisations are also conducive to customising and spreading essential messages to all sections of the racial minority population, especially those smaller-size linguistic groups such as French-speaking Africans, Sri Lankans, Tamils, etc.

Mental Health

34. Nearly all the communities we met with reported increased mental stress levels among their members. Women are especially stressed out because many of them shoulder the child care responsibility and most of those in the economically disadvantaged groups are not highly educated, many not fluent in English, let alone Chinese.

35. Despite the heightened mental strain, many racial community members may choose not to go for mainstream counselling and psychiatric services due to various obstacles. Apart from the fear of stigma and unawareness of the available counselling and psychiatric service, language and cultural barriers are also deterring factors for seeking help. English is not the native language of many grass roots South Asians and South East Asians in Hong Kong. Counselling sessions in English may be ineffective in communicating the problems and understanding the treatment. Cultural difference is also an issue as most Chinese practitioners may not understand the cultural and religious backgrounds of racial groups that may be key to their mental issues.

36. To address these cultural and language barriers in accessing mental health support, dedicated units in the public medical and rehabilitation sectors should be set up to cater to the special needs of these disadvantaged racial groups, with practitioners trained in understanding and responding to the cultural differences in assessment and treatment. Language restrictions in hiring practitioners and para-professionals should also be reviewed so as to open up such vacancies to racial community members who are qualified, proficient in the needed languages and familiar with the culture.

Challenges to Foreign Domestic Workers (FDWs)

37. FDWs who form the silent army that keeps Hong Kong running are often sidelined in the fight against the pandemic. Many discussions centred on their rest

day activities. Employers fear that their FDWs would get infected when staying outside during rest days, while FDWs worry that they will lose their rest days when staying home which is also their workplace. It is important that FDWs' right to the one rest day per week is not impinged on. In this regard, education for employers on FDWs' rights and enforcement against malpractice should be intensified to deter them from taking advantage of their FDWs especially when following the Government's stay-at-home or social distancing advice. The underlying longstanding issue of gathering spaces should also be addressed as a public health protection strategy for the ongoing pandemic defense. Appropriate space and venues for them to spend their rest day as well as regulation of dormitories for their use during the period between contracts are continuing demands from stakeholders, but now may be the opportune time to start working on them. After all, keeping this vital population safe, healthy and contented is essential to the wellbeing of Hong Kong as a whole.

Anti-discrimination law on the grounds of sexual orientation, gender identity or intersex status.

38. There was a reservoir of research conducted by EOC and other academic institutions on the discrimination faced by LGBTI individuals in Hong Kong. There were also various court proceedings and judicial review in the recent years that called for legislative protection against discrimination on the grounds of sexual orientation and gender identity.

39. The attitudes of the general public are increasingly supportive of legislative protections for LGBTI rights such as the introduction of LGBTI anti-discrimination laws. While less than 30% of the public supported introducing legislative protections in a 2006 government survey²⁴, the research named "Public

²⁴ MVA Hong Kong Limited (2006). *Survey on Public Attitudes toward Homosexuals*. HKSAR: Home Affairs Bureau.

Attitudes towards LGBT+ legal rights in Hong Kong 2019/20”²⁵ found that 60% of the 1,058 survey respondents responded that they very much agreed/agreed that there should be legal protection against discrimination for people of different sexual orientations in Hong Kong. Only 12% said they disagreed/very much disagreed. The survey results showed that oppositional views were at a historic low. Therefore, the EOC recommends the Government embark on the necessary work for introducing legislation to prohibit discrimination on the grounds of SOGI and intersex status, especially in key areas of public life, including education, employment, and provision of goods, services and facilities. Furthermore, the EOC believes that a comprehensive gender recognition law should be introduced by the Government so as to safeguard the rights of transgender people, and to address the predicament faced by them under the existing legal framework, as underlined in the landmark case of *W v Registrar of Marriages* ruled by the Court of Final Appeal in 2013.²⁶

40. Hong Kong got voted with clear majority as the first Asian city to host the 11th Gay Games. This is a very timely opportunity for the Government to affirm its commitment that Hong Kong is a role model in Asia that thrives on diversity and inclusion.

Equal Opportunities Commission
September 2021

²⁵ “Public Attitudes towards LGBT+ legal rights in Hong Kong 2019/20”; Sexualities Research Programme, The Chinese University of Hong Kong; Dr Yiu Tung Suen, Dr Randolph Chun Ho Chan, Eliz Miu Yin Wong; January 2020, https://socsc.cuhk.edu.hk/wp-content/uploads/2020/01/201920-SRP-PolicyBrief_EN.pdf

²⁶ [2013] HKCFA 39