

**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 2021-22 and its key focuses for 2022-23.

**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, breastfeeding, 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, breastfeeding 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 2021-22**

4. 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 2021-22. Simultaneously, the EOC has been responding to the latest developments and conditions in the society, adjusting its work strategies where needed to tackle the discrimination problems faced by community members. Over the course of 2021-22, Hong Kong continued to be plagued by the COVID-19 epidemic. The Government, as well as public and private sectors, introduced various preventive and control measures, including vaccination programme, vaccine bubble and the vaccine pass arrangement. These measures drew divergent views and concerns, particularly about their possible impact and discriminatory effect on certain groups and the disadvantaged communities. Making use of different channels, including the mass media and online platforms, the EOC has been carefully explaining the provisions of the anti-discrimination ordinances and their application to clarify possible misunderstandings. The EOC has also called on the public to embrace inclusion and empathy, and fight the virus in solidarity. The paragraphs below summarised the work progress of the EOC on the enforcement, prevention and education front in 2021-22.

### **I. LAW ENFORCEMENT**

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

5. The EOC is obliged to handle enquiries and complaints lodged by members of the public under the anti-discrimination ordinances. In 2021-22 (1 April 2021 to 31 March 2022), the EOC handled 10 124 enquiries, 58% less than the figure (24 303<sup>1</sup>) in 2020-21. Among these:

- (a) 6 863 were general enquiries about provisions under the ordinances and events organised by the EOC; and
- (b) 3 261 were about specific scenarios or incidents that might become complaints.

6. As for complaints, during 2021-22, the EOC received 977 complaints for investigation, up 12% when compared with the figure (875) in 2020-21. The Commission also conducted 27 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

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<sup>1</sup>The hefty increase in the number of enquiries in 2020-21 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, and were outside the purview of the anti-discrimination Ordinances.

in an investigation, most of which were related to recruitment, accessibility of premises and the provision of goods, services and facilities. Altogether the EOC handled a total of 1 266 complaints during the period, including cases carried forward from the previous year. Annex A presents a breakdown of the complaints handled in 2021-22 according to the relevant ordinances.

7. As mentioned above, the COVID-19 epidemic and the preventive and control measures have led to various kinds of queries from the public. During 2021-22, the EOC received 160 enquiries and 34 complaints concerning the epidemic, and 236 enquiries and 26 complaints concerning vaccination.

### **Conciliation**

8. The performance pledge of the EOC is to conclude 75% of the complaints within six months. During 2021-22, the average handling time of each complaint case was 100 days. As stipulated in the ordinances, the EOC would encourage the parties in dispute to settle through conciliation, which is entirely voluntary. In 2021-22, 143 out of the 166 cases that underwent conciliation reached a settlement, translating into a success rate of 86%, as compared to an average of 60-70% in previous years.

9. 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.

In 2021-22, the EOC decided not to conduct investigation for 181 cases, and discontinued investigation for another 596 cases. Annex B sets out the breakdown of the cases concluded based on their outcome.

### **Legal assistance**

10. 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.

11. In 2021-22, the EOC received 12 applications for legal assistance. Including those brought forward from the previous year, the EOC granted legal assistance to 11 out of 17 applications during the period. 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**

12. 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 EOC;
- Review contracts and agreements to which the EOC is a party;
- Provide legal support in cases where the EOC is a party; and
- Provide legal support to issues relating to the corporate governance of the EOC.

13. In 2021-22, the EOC initiated legal proceedings on two cases concerning sexual harassment. The EOC hoped to raise public awareness about the importance of preventing sexual harassment through the legal action. In addition, the EOC had been handling a labour tribunal claim against the Commission for dismissal, which was filed by an ex-Chief Equal Opportunities Officer since 2018. In October 2021, the Court ruled in favour of the EOC, stating that the EOC was entitled to terminate the employment contract of the officer concerned without cause, and that the EOC, in terminating the contract pursuant to Section 7 of the Employment Ordinance, already paid three months' wages and all the accrued entitlements of the officer under the contract in lieu of notice.

## **Discrimination Law Review**

### ***Legislative Amendments***

14. As mentioned above, an important area of legal work by the EOC is to keep under review the workings of the legislation and where necessary, draw up proposals for amendments. The EOC made a submission to the Government in 2016 on the Discrimination Law Review (DLR), listing recommendations for law reforms. Eight of the recommendations have been taken forward through the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020, which was enacted on 11 June 2020, including prohibiting sexual, disability and racial harassment between persons working in common workplaces, and discrimination against breastfeeding women. Subsequently, the Sex Discrimination (Amendment) Ordinance 2021 was enacted on 17 March 2021 to protect breastfeeding women from harassment. The two ordinances came into effect on 19 June 2020 and 19 June 2021 respectively<sup>2</sup>.

15. In order to widely publicise the legislative amendments to community members, the EOC, by making use of funding from the Government, embarked on a range of online and offline publicity and public education activities across the city. These included providing guidance in different language versions, distributing booklets, organising talks and training, producing television and radio APIs (Announcements in the Public Interest) for broadcast, and arranging for poster advertisement in MTR stations. Details of the publicity and educational activities are listed in Annex D.

### ***Legal Studies***

16. Other than widely publicising the legislative amendments, the EOC also submitted the findings of its legal studies to the Government in 2021-22. With due regard to the friction and conflict between people born in Hong Kong and those from the Mainland China, which have continued to intensify in recent years, the EOC undertook a legal study to examine the possible legal provisions for tackling discrimination, harassment and vilification between people from Hong Kong and those from the Mainland. The EOC submitted a study report to the Government in March 2021, proposing to tackle the issue by legislation, and is actively working with the Government on how the protection of the anti-discrimination ordinances may be enhanced.

17. Furthermore, the EOC, in response to the Government's request in 2020, conducted a holistic review of the current protection from sexual harassment under the SDO, to identify gaps in protection and, where appropriate, make recommendations for legislative amendments. The EOC completed the legal review and submitted the findings to the Government in October 2021. The Government is carefully examining these recommendations.

18. Meanwhile, the EOC is conducting another study to explore the possible options for eliminating discrimination on the grounds of sexual orientation, gender identity and intersex status based on the existing framework of the anti-discrimination law. Given that this involves

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<sup>2</sup> The provisions on protecting breastfeeding women from discrimination and harassment came into effect on 19 June 2021.

contentious and controversial issues, the EOC must handle with care. To date, the internal study is still in progress.

## **II. PREVENTION**

### **Policy research and advocacy**

19. On the prevention front, 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 2021-22, the EOC released the following studies:

- Equal Opportunities Awareness Survey 2021 (released in November 2021); and
- A Study on a Potential Model for Accreditation and Regulation of Interpreters and Translators in Ethnic Minority (EM) Languages in Hong Kong (released in December 2021).

20. According to the results of the Equal Opportunities Awareness Survey 2021, the public respondents had a relatively high tendency of anti-discrimination attitude, with an index score of 60.7 out of 100. They also had high awareness of the EOC, with 97.2% of the respondents having heard of the EOC. Further, they held positive view of the EOC's performance, with an average score of 6.30 (on a scale of 1-10, with 10 denoting "very good").

21. In terms of their perception of prevalence of discrimination in Hong Kong, about half of the respondents considered that discrimination on the grounds of residency status (55.2%), race (51.5%) and age (49.9%) were prevalent in Hong Kong. Indeed, 12.7% of the respondents claimed that they had experienced discrimination or harassment during the 12 months before the telephone interview. Of the various forms of discrimination and harassment, 54.3% experienced age discrimination, followed by sex discrimination (20.5%) and sexual harassment (16.2%).

22. On the importance level of the forthcoming work on equal opportunities, 92.5% of the respondents considered it very or quite important to urge the Government to introduce a distinct duty on providing reasonable accommodation for PWDs under the DDO. This was in fact one of the law reform recommendations made by the EOC in its DLR report submitted to the Government in 2016. A majority of the respondents also accorded importance to work that encourages businesses and organisations to formulate anti-sexual harassment policies and a complaint-handling mechanism (91.0%), as well as advocacy for reform of sexuality education in primary and secondary schools to raise awareness of issues relating to sexual harassment among young people (90.3%). With due regard to the survey findings, the EOC will conduct detailed analysis with a view to mapping out its future work strategies and priorities.

23. The EOC released the findings of 'A Study on a Potential Model for Accreditation and Regulation of Interpreters and Translators in Ethnic Minority Languages in Hong Kong' last December, and has put forward a number of suggestions in the study report. Nevertheless, further studies may be needed to make the accreditation and regulation system workable at operating level in Hong Kong. The EOC has already submitted the report to the Government as a reference for future studies.

24. 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 (SEN) in Hong Kong;
- Study on Effective Strategies to Facilitate School-to-Work Transition of Young PWDs in Hong Kong;
- Study on Perceptions of Stigmatisation and Discrimination of Persons with Mental Illness in the Workplace;
- Hong Kong Sexual Harassment Survey 2021; and
- A Study on Comprehensive Sexuality Education in Secondary Schools of Hong Kong.

The data collection work of the above studies have generally been completed. The research teams are now analysing the data and preparing the reports. Once these are ready, the EOC will release them.

25. The EOC has also provided funding support to research projects by academia and NGOs under the Funding Programme of Research Projects on Equal Opportunities 2020-21. The findings of these studies will be released in mid-2022 to provide further insights into the trends and causes of discrimination in society.

### **Submissions on policy recommendations**

26. During 2021-22, the EOC made a number of submissions on legislative amendments and policy recommendations to the Government and the Legislative Council. These included:

- Submission to the Hong Kong Exchanges and Clearing Limited on the Consultation Paper on Review of Corporate Governance Code and Related Listing Rules in April 2021;
- Submission to the Legislative Council Bills Committee on the Crimes (Amendment) Bill 2021 in May 2021;
- Submission to The Hong Kong Advisory Council on AIDS on the Development of Recommended HIV/AIDS Strategies for Hong Kong in July 2021;
- Submission to the Legislative Council Panel on Education on the Progress on Supporting Chinese Learning and Teaching for Non-Chinese-Speaking Students in September 2021;
- Submission to the Government in response to the 2021 Policy Address Public Consultations on enhancing the support measures to carers, promoting equal opportunities for students with special educational needs, PWDs, disadvantaged racial groups and sexual minorities in September 2021;
- Submission to the special meeting of the Legislative Council Panel on Manpower in February 2022 on the obligations and the rights of the employers and employees under the COVID-19 epidemic from the perspectives of the DDO and the RDO; and
- Submission to the Chief Executive in March 2022 on the employment for non-ethnic Chinese and racial inclusion.

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

27. 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. In view of the amendments to the anti-discrimination ordinances, the EOC introduced new courses, such as ‘Understanding Unlawful Harassment under the Anti-discrimination Ordinances’ to explain the application of the law and best practices. From April 2021 to March 2022, the EOC conducted 495 training sessions with a total of 29 276 participants from various sectors.

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

28. Preventing sexual harassment is one of the work focuses of the EOC. In 2021-22, 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.

29. 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. Between April 2021 and March 2022, ASHU received 373 enquiries about sexual harassment. These were made through ASHU’s hotline, the general enquiry hotline, enquiry forms online or by mail, as well as in person at the EOC office. Out of these enquiries, more than half were raised by aggrieved persons hoping to seek redress, while 20% were made by HR practitioners, or those representing employers on handling internal complaints or establishing anti-sexual harassment mechanism.

30. In October 2021, ASHU launched a dedicated website on anti-sexual harassment. Entitled COMPASS, the website serves as a resource platform and provides a host of information, such as introduction to the legislation, court cases, research reports, training guidance, policy frameworks, and publications and videos on preventing sexual harassment.

31. Other than handling enquiries, ASHU also organises various activities. For example, ASHU collaborated with Hong Kong Council of Social Service on online and physical seminar in June 2021, which attracted over 160 participants from social service agencies. This was followed by a workshop on reviewing internal policy and complaint handling in October 2021. Another activity by ASHU was the citywide sticker design competition entitled ‘Equality and Respect: Stop Sexual Harassment’ organised between January and March 2022. Riding on the increased popularity of stickers of instant messaging software in everyday communication, the competition aimed to increase the public’s awareness and knowledge of sexual harassment, and assist community members to create a safe environment through their words and actions, with a view to promoting mutual respect and equality and hence eliminating sexual harassment.

32. Indeed, the EOC has been hosting seminars and training in different ways across sectors, helping them strengthen the awareness of sexual harassment and explore measures for combating sexual harassment, as set out below:



### **Education sector**

- To follow up on the report of the ‘Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong’ (‘Break the Silence’ report) released in 2019, the EOC wrote to the Presidents/Vice Presidents of nine universities in May 2021, inviting them to share the latest situation of their anti-sexual harassment measures. In July 2021, the EOC received detailed replies from the universities, and has consolidated them into a progress report. The EOC plans to release the report at the ‘Roundtable on Experiences and Challenges of Eliminating Sexual Harassment in the Tertiary Education Sector’ to be held in 2022, during which representatives from universities, tertiary institutions and NGOs will be invited to share their experiences on combating sexual harassment.
- The Policy, Research and Training Division (PRTD) of the EOC participated in various workshops and training sessions organised by stakeholders to discuss the findings of the ‘Break the Silence’ report and the implementation of sexuality education. These included: The 7<sup>th</sup> Cross-Strait, Hong Kong and Macau Conference on Adolescent Sexual and Reproductive Health organised by The Family Planning Association of Hong Kong in May 2021, seminar on wellbeing of young people in Hong Kong co-organised by Save the Children Hong Kong and The Hang Seng University of Hong Kong Centre for Public Policy Research in November 2021, and the Sex and Relationship Education Survey Forum organised by think tank MWYO in December 2021.
- The EOC has been appointed by eight universities funded by the University Grants Committee (UGC) to procure and produce online training materials in local context for students and staff of the universities. The EOC expects to launch the materials in mid-2022. Separately, the EOC is developing another online training module for use by students of the non-UGC-funded tertiary institutions, which will also be launched in 2022.

### **Sports sector**

- The EOC has been monitoring the progress of formulation of anti-sexual harassment policies by the national sports associations (NSAs). According to the ‘Report on The Formulation of Anti-Sexual Harassment Policy among National Sports Association in Hong Kong 2020’, 71 or 90% of the NSAs across Hong Kong already developed a policy and/or related Code of Conduct for Coaches and Instructors as at end-October 2020. Also, all of the 60 subvented NSAs developed either an anti-sexual harassment policy or a Code of Conduct, while 11 out of the 19 self-financed NSAs have done so.
- The EOC continued to provide training for staff of the sports institutions in 2021-22. For example, the EOC provided training for participants of the World Coaches Education and Certification System Level 1 Course in Hong Kong in August 2021 upon the request of the Hong Kong Association of Athletes Affiliates, which served to motivate the coaches on preventing and handling sexual harassment.

### **Religious sector**

- The EOC continued to organise training for the religious sector in 2021-22. Between July 2018 and March 2022, 19 training sessions for 1 047 staff and members of the congregation of 16 churches were conducted.

## **Advancing equal opportunities of the EM communities**

33. Another major focus of the EOC is advancing the equal opportunities of the EM communities, who face additional difficulties under the COVID-19 epidemic owing to language barriers. During 2021-22, the Ethnic Minority Unit (EMU) of the EOC maintained close contact with those organisations representing the communities, so as to understand the difficulties they encountered and relay these to the relevant authorities timely. At the same time, the EOC called on the mainstream community to avoid prejudice and stigmatisation of the EM communities through various media and online channels.

34. To address the challenges faced by the EM communities in education, employment and access to services and facilities, the EOC undertook the following initiatives in 2021-22:

### **Education**

- To assist non-Chinese-speaking parents in school enrolment for their children in the 2022/23 school year, the EOC collaborated with the Education Bureau on organising briefings for the parents and NGOs. The EOC also produced videos in Nepalese and Urdu to explain the enrolment procedures and protection under the RDO to the Nepalese and Pakistani parents.
- In September 2021, the EOC made a submission to the Legislative Council Panel on Education on the progress on supporting Chinese learning and teaching for non-Chinese-speaking students. The EOC reiterated its urge to the Government to review comprehensively the existing learning framework, the Chinese examinations and support measures for non-Chinese-speaking students. Among the suggestions are:
  - 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;
  - Make it essential for Chinese subject teachers to have undergone pre-job training on teaching second language learners, provide intensive and progressive in-service training courses for practising Chinese subject teachers, and require every school to have a certain ratio of trained teachers;
  - Revise the Chinese language examination options for second language learners and develop a qualification ladder with progressive levels between GCSE/IGCSE and HKDSE, through which a range of language proficiency among non-Chinese-speaking students can be better reflected and recognised;
  - Strengthen guidance, training and resources for career teachers to provide timely and culturally responsive advice for the students on making realistic assessment of their career needs and taking early actions to equip themselves with the necessary skills, including language learning; and
  - Provide clear instruction and guidance for all schools to develop policies on racial inclusion and curriculum so as to equip all students, Chinese- and non-Chinese-speaking, with cultural understanding, awareness and sensitivity towards people from different racial backgrounds.

### **Employment**

- The EOC continued to promote the Racial Diversity and Inclusion Charter for Employers (Charter), 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 210 organisations already signed up to the Charter as of end-March 2022.

- To provide opportunities for the signatories to network and share racially inclusive practices, the EOC organised a seminar titled ‘Intersectionality, Discrimination and Inclusion’ with signatory Bloomberg in October 2021. Additionally, the EOC collaborated with The Zubin Foundation, another signatory, to line up internship opportunities at offices of 19 signatories for 35 students from the disadvantaged ethnic communities.
- Riding on International Day for the Elimination of Racial Discrimination on 21 March, the EOC hosted three webinars in March and April 2022 via Zoom to promote racial diversity, equality and inclusion. For example, the webinar ‘Race and Gender+ Intersectionalities at the Workplace’ was held on 23 March. Among the speakers were working women of different ethnic backgrounds.

#### **Access to services and facilities**

- With due regard to the difficulties encountered by the EM communities in renting accommodation, the EOC launched a 12-week MTR compartment advertising campaign between May and July 2021, during which posters carrying the title ‘Good Tenants Come in All Colours’ were displayed in the trains. In November 2021, the EOC ran another three-week advertisement campaign on 50 buses across Hong Kong.
- From September 2021, the EOC released a series of videos on racially inclusive customer service.
- During the year, the EOC continued to organise training on the RDO and cultural sensitivity for organisations in the public and private sectors. Between April 2021 and March 2022, a total of 81 training sessions were organised for 6 173 participants.
- In October 2021, the EOC rolled out an online training course for civil servants and staff members of public organisations, which aimed to raise the cultural sensitivity of staff in the public sector.

#### **Protecting the equal rights of PWDs**

35. Similar to the EM communities, PWDs faced grave challenges during the COVID-19 epidemic. The EOC has been closely monitoring the situation and relaying PWDs’ concerns to relevant authorities. For example, the Government announced last year that citizens must use the LeaveHomeSafe (LHS) mobile app upon entry to Government and scheduled premises and, from 9 December 2021, entry to all restaurants. The EOC received enquiries from various stakeholder groups, including NGOs representing people with visual challenges, expressing concerns about the difficulties they faced in complying with the requirement. The EOC duly conveyed their concerns to relevant Government departments, and urged for flexibility and accommodation for those who have difficulties in using the app. As announced by the Government on 7 December 2021, persons aged 65 or above and aged 15 or below; those with disability; and other persons recognised by the Government or organisation(s) authorised by the Government may fill in a specified form as an alternative to the use of the LHS mobile app. The Government also arranged Braille folders to be distributed in phases to premises displaying the LHS venue QR codes, with a view to assisting people with visual challenges to record their visits to the premises with the app.

36. Besides accessibility issues, PWDs also faced stiffer challenges in employment under the epidemic. A survey<sup>3</sup> by social service agencies showed that about 41% of the interviewees with disabilities and chronic diseases were unemployed or pending employment during the epidemic. To promote the employment of PWDs by different sectors, the EOC collaborated with NGOs and organised the Equal Opportunities Employer Recognition Scheme. Among the initiatives were:

- Co-operated with NGO CareER on developing the Disability Inclusion Index (DII), a comprehensive tool for organisations to assess their progress towards creating a disability-inclusive workplace. The EOC acted as a Knowledge Partner and reviewed the questions in the Index. Besides promoting the DII to stakeholders upon its launch in July 2021, the EOC also participated in the announcement of the DII survey findings and the career fair held by CareER to urge for employing more PWDs in October 2021; and
- The EOC has been actively promoting the Equal Opportunities Employer Recognition Scheme. Making use of media interviews and social media channels, the EOC showcased the diverse and inclusive employment practices of employers recognised under the Scheme with a view to motivating other employers to follow suit.

### III. EDUCATION

37. Notwithstanding the COVID-19 epidemic in 2021-22, the EOC continued to roll out various public education and publicity initiatives, which aimed to raise public awareness of equal opportunities. Riding on the 25<sup>th</sup> anniversary of the EOC in 2021, which presented an excellent opportunity of engaging and connecting with stakeholders and community members, the EOC organised a series of programmes and activities since 2020, such as the Equal Opportunities Employer Recognition Scheme and ‘The Way We Are’ photo campaign. These programmes and activities, along with their online and offline promotions, increased the exposure of the EOC.

38. Taking into account the immense popularity and use of social media platforms, the EOC strengthened its social media promotions in 2021-22. In September 2021, the EOC launched an Instagram account ‘EO Matters’ (平.常.事), with a view to further expanding its reach to the younger generation. The inaugural post reached over 44 800 people and attracted 3 600 interactions (including like, share, comment and save). As at end-March 2022, the posts of the Instagram page reached over 685 000 people. Furthermore, over 90% of the followers were aged between 13-34, and nearly 40% aged 24 or below – the exact targets of the EOC.

39. To tie in with the launch of the Instagram profile, the EOC also revamped its Facebook page and renamed it as ‘EO Matters’ (平.常.事). To engage followers, the EOC rolled out interactive campaigns from time to time, such as a hashtag campaign on breastfeeding to coincide with the World Breastfeeding Week in August 2021, and a word puzzle prize game during the Mental Health Month Campaign in October 2021. Between September 2021 and

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<sup>3</sup> The Hong Kong Society for Rehabilitation Centre on Research and Advocacy, eConnent Employment Network, Alliance for Employment Quota System of PWDs, Department of Rehabilitation Sciences of Hong Kong Polytechnic University and Hong Kong Alliance of Patients’ Organisations Limited released a study in February 2021 on the employment and economic situation of persons with disabilities and those with chronic diseases.

March 2022, the campaigns and content of the EOC on three key social media platforms (Instagram, Facebook and LinkedIn) reached over 1.64 million users and attracted 68 100 interactions (including like, share, comment and save).

### **Website Revamp**

40. The EOC conducted a comprehensive revamp of its website in 2021-22. The new website, which was officially launched in October 2021, featured enhanced webpage design and information architecture. Besides re-aligning the content structure, the EOC introduced a user-friendly funnelling system on the homepage, such that users can select the information they need and go to the relevant webpage directly. The revamped website enables users to acquire information about the anti-discrimination ordinances and the work of the EOC even more conveniently and quickly. Furthermore, simplified Chinese version and mobile responsive design were added to the revamped site, the latter ensuring a better browsing experience for the public, whether they are using a desktop computer, tablet or mobile phone. The EOC reviewed the web analytics between October 2021 and January 2022 and found that there was significant improvement in the performance of the revamped website, whether it was in the number of new users, engaged sessions or event counts.

### **KEY FOCUSES FOR 2022-23**

41. Looking into 2022-23, although the fifth wave of the COVID-19 epidemic has been contained and subsided, the epidemic will continue to affect the Hong Kong society, making the lives and livelihoods of the disadvantaged communities even harder. Alongside the spread of the virus is misunderstanding of the preventive and control measures, as well as exclusion, prejudice and discrimination against specific groups by certain members of the community. Indeed, earlier in the year, some South Asian communities expressed worries that news reports on the infection chain might deepen the prejudice and discrimination against them. The EOC has been calling on the public including the media to avoid stigmatisation of any community groups. The EOC has also been monitoring the situation closely, such that it can take swift law enforcement action should acts of disability and racial harassment appear, and timely relay the difficulties of the disadvantaged to the relevant authorities.

42. In 2022-23, the EOC will continue to adopt a three-pronged approach of enforcement, prevention and education to tackle the discrimination and inequality issues under the epidemic. Below are the objectives of the EOC in 2022-23:

- (a) Enhance protection against discrimination under the anti-discrimination ordinances;
- (b) Eradicate the inequalities faced by the disadvantaged communities;
- (c) Combat sexual harassment in different sectors; and
- (d) Strengthen awareness of preventing discrimination among community members.

### **Enhance protection against discrimination under the anti-discrimination ordinances**

43. The EOC will continue to liaise with the Government and follow up on its recommendations on enhancing the anti-discrimination ordinances under the DLR, especially the higher priority recommendations. As mentioned above, the EOC submitted its legal studies on addressing the discrimination between people born in Hong Kong and those from the

Mainland China, and the problem of sexual harassment in 2021-22. The EOC will maintain contact with the Government in 2022-23 on the studies and the suggestions therein.

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

44. As mentioned in paragraph 18 above, the EOC is conducting an internal study relating to sexual orientation, gender identity and intersex status, in order to explore ways of eliminating discrimination issues. Upon completion of the study, the EOC will consult different stakeholders and then consolidate the report for submission to the Government for reference.

### ***Age discrimination***

45. The EOC released findings of the ‘Exploratory Study on Age Discrimination in Employment’ in January 2016, which showed that over one-third of the employed respondents indicated they had experienced age discrimination in the last five years. The study also found that there was substantial support among employees across all age groups for legislation against age discrimination. As shown in the findings of the Equal Opportunities Awareness Survey 2021 announced in November 2021, 49.9% of the respondents considered that age discrimination was prevalent in Hong Kong, and among the 12.7% of respondents who experienced discrimination or harassment during the 12 months before the telephone interview, 54.3% experienced age discrimination. In light of the above findings and the rapidly aging population in Hong Kong, the EOC will embark on an internal study to explore the trends of age discrimination and possible ways of addressing the discrimination issues.

### **Eradicate the inequalities faced by the disadvantaged communities**

#### ***Ethnic minorities***

46. As mentioned above, the disadvantaged communities including the EM communities and PWDs encounter additional challenges under the COVID-19 epidemic. Indeed, the epidemic has entrenched the systemic barriers they face, including education and employment barriers. In respect of education for ethnic minority students, the existing Learning Framework has not addressed fully their needs as second language learners. The online learning format and the deprivation of physical school life earlier made learning Chinese even more difficult, with the lack of opportunities for practising Chinese and the absence of Chinese language environment and learning support at home. The progress gained in learning Chinese may therefore be easily wiped out among some students.

47. The Chinese language ability of the EM students bears direct impact on their career prospects. The language barrier, coupled with misunderstanding, stereotypes and prejudice of some employers, has prevented the EM communities to find gainful employment. According to the Hong Kong Poverty Situation Report on Ethnic Minorities 2014, the poverty rate of South Asians is relatively high. Even if employed, most of them take up low-skilled and low-pay job positions. Under the epidemic, they have also been labelled as spreading the virus. For example, some customers stated on their food delivery order that they did not want South Asian deliverers to handle their orders. The EOC was in fact brought to the attention of a text message on a mobile device instant messaging platform, which called on others not to place food order with a particular vendor who has employed a large number of South Asians.

48. Taking into account the challenges of the EM communities, the EOC will undertake the following initiatives in 2022-23, using the subvention (including additional funding) from the Government:

- Continue to follow up with the Government on the EOC's recommendations on enhancing the teaching and learning of Chinese as a second language for non-Chinese-speaking students, urging the Government to strengthen support for the students;
- Produce audio-visual kit and online training module for schools on the prevention of racial discrimination and promotion of racial inclusion, and an Easy Guide on inclusive school policy;
- Mobilise more organisations to sign up the Racial Diversity and Inclusion Charter for Employers; organise workshops, seminars and other experience-sharing sessions for the signatories to exchange and share best practices on workplace racial inclusion; and line up collaboration between Charter signatories and NGOs on providing job opportunities and career pathways for the EM communities;
- Launch promotions on racially friendly customer service, and provide training on the RDO and cultural sensitivity to public and private sectors; and
- Promulgate to the community through different platforms the importance of avoiding racial prejudice and stereotypes.

### ***Persons with disabilities***

49. To address the education and employment barriers of PWDs, the EOC will continue to provide the Government and related parties with evidence-based insights from research studies and recommendations on policy measures. As mentioned above, the EOC has been working on three disability-related research studies regarding students with SEN, employment of young PWDs and workplace discrimination against persons with mental illness. The EOC expects to release the results of these studies in mid-2022, which will shed further light on the situation of PWDs and facilitate targeted policy recommendations.

50. According to the findings of the Equal Opportunities Awareness Survey 2021 released in November 2021, 92.5% of the respondents considered it very or quite important to urge the Government to introduce a distinct duty on providing reasonable accommodation for PWDs under the DDO. In light of this, the EOC will continue to follow up with the Government on its law reform recommendations. The PRD of the EOC will also promote the equal opportunities of PWDs in accessing public services and participating in public life, such as suggesting the Judiciary to provide accommodation measures for PWDs in legal proceedings.

51. In addition, the EOC will make active use of the existing channels to promote the concept of "reasonable accommodation", especially to the employers on the appropriate accommodation measures they can provide for employees with disabilities. For example, the EOC has recently produced a series of leaflets on 'How to Support Persons with Disabilities', including two leaflets on supporting persons with epilepsy and Tourette Syndrome respectively, which offers tips for employers on the etiquette of interacting with persons with the illnesses concerned. In addition to reasonable accommodation, the EOC will also promote extensively the Universal Design concept, encouraging different sectors to apply this principle in the provision of services and facilities, so as to enhance the accessibility of Hong Kong amid a rapidly aging population.

52. In 2022-23, the EOC will continue to advance the equal rights of PWDs in education and employment through the existing channels, such as:

- Through the network with the tertiary institutions, encourage the UGC-funded universities to exchange and share information on the support measures for university students with SEN, and recommend the UGC to regularise the Special Grants for the universities so as to sustain the latter's efforts in enhancing support for students with SEN;
- Urge the Education Bureau to continuously enhance the arrangements for handing over information on secondary students with SEN to the universities and maintain liaison with the universities;
- Collaborate with NGOs on promoting the employment of PWDs;
- Promote the 'How to Support Persons with Disabilities' series of leaflets through the publicity channels of collaborative partners, such as Labour Department and NGOs, to raise awareness among employers and stakeholders about the accommodation required for PWDs;
- Leverage on the network of the Equal Opportunities Employer Recognition Scheme and encourage employers to adopt inclusive policies in recruitment; and
- Lobby the Government to enhance support to carers, the over-subscribed respite care services, as well as the residential care homes of PWDs.

### **Combat sexual harassment in different sectors**

53. According to the findings of the Equal Opportunities Awareness Survey 2021, 91.0% of the respondents considered it an important forthcoming work of the EOC to encourage businesses and organisations to formulate anti-sexual harassment policies and a complaint-handling mechanism. This ties in with the ongoing work priorities of the EOC. In 2022-23, the EOC's ASHU will continue to handle the public's enquiries on sexual harassment made through the telephone hotline, online enquiry forms, mail, facsimile, messages and meetings. The ASHU will maintain liaison with stakeholders, and organise activities and social media promotions to promulgate the work of the Unit and knowledge of anti-sexual harassment.

54. The EOC conducted the Hong Kong Sexual Harassment Survey in 2021. A research organisation was commissioned to collect the data through telephone survey, while the EOC would analyse the data and prepare the report. More than 5,000 respondents were interviewed through telephone under the survey, which was designed to measure the sexual harassment awareness among the general public, identify the prevalence of sexual harassment online and in the workplace, and find out the response of victims and bystanders of sexual harassment in the workplace. The EOC projects that the survey findings, which will provide strong evidence for mapping out the preventive measures and policy recommendations, will be released in the second quarter of 2022.

55. In addition to providing evidence-based insights and policy recommendations, the EOC will continue its sector-specific approach to prevent sexual harassment in 2022-23. Among the initiatives are:

- Conduct citywide survey on the implementation of sexuality education in schools. Exchange with stakeholders and advocate revamp of the sexuality education curriculum so as to tackle the root cause of sexual harassment in Hong Kong;



- Organise roundtable for universities that participated in the ‘Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong’ to share experiences on preventing sexual harassment and encourage other universities and tertiary institutions to adopt similar practices; and
- Launch and promote brand new online course on preventing sexual harassment for use by students of the eight UGC-funded universities, and another course for use by other tertiary institutions.

### **Strengthen awareness of preventing discrimination among community members**

56. Another important area of work of the EOC in 2022-23 is strengthening public education and raising awareness of preventing discrimination. Based on past experiences, discrimination increases as the epidemic spreads. As different sectors work vigorously towards containing the spread of the COVID-19 virus and achieving dynamic zero infection, it is also important to prevent the spread of prejudice and discrimination in society, which may divide society and undermine the anti-epidemic measures. As such, the EOC will swiftly address public concerns about the discriminatory effect of the measures, and explain the application of the anti-discrimination ordinances in order to clear any misunderstanding. Simultaneously, the EOC will undertake the following initiatives:

- Produce short videos on discrimination for screening on television and online channels to shed light on the negative impact of discrimination;
- Promote messages of equality and inclusion through the social media platforms, especially to the younger generation; and
- Provide funding support to NGOs, community organisations and schools under the ‘Community Participation Funding Programme on Equal Opportunities’ for organising activities that serve to enhance understanding of the anti-discrimination ordinances and the principle of equal opportunities, and encourage the public to avoid prejudice and discrimination.

57. Separately, the EOC is currently updating and devising the training materials for civil servants and staff members of public organisations to tie in with the amendments to the anti-discrimination ordinances.

### **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 2021-22, the EOC’s expenditure was around \$132.43M, while its total income, including Government subventions and other income, was around \$132.46M. As at 31 March 2022, there were 106 full-time staff members in the EOC.

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 changes upon future lease renewal may affect the Commission’s financial stability, and will, therefore, continue to closely monitor the financial situation.

### **CONCLUSION**

60. The functions of the EOC are to eliminate discrimination and promote equal opportunities in Hong Kong. As the Hong Kong society continues to tackle the challenges of the COVID-19 epidemic, the EOC will remain steadfast in delivering its role and duties in accordance with its strategic objectives, while staying agile and flexible to adapt to the changing circumstances. The EOC will work closely with the Government, civil societies and other stakeholders to encourage care, support, inclusion and solidarity among community members at this difficult time. Members are invited to note the content of this paper and comment on the work plan of the EOC (paragraph 41 to 57).

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Equal Opportunities Commission  
May 2022

**Annex A**

**Number of Complaints Handled by the EOC in 2021-22 (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>	389	387	42	35	853
<b>Non- employment field</b>	72	233	5	74	384
<b><i>Sub-total</i></b>	<i>461</i>	<i>620</i>	<i>47</i>	<i>109</i>	<i>1 237</i>
<b>Self-initiated investigations</b>	11	17	0	1	29
<b>Total</b>	<b>472</b>	<b>637</b>	<b>47</b>	<b>110</b>	<b>1 266</b>

**Breakdown on Complaint Cases Concluded under Complaint Investigation in 2021-22**

<b>Outcome</b>	<b>Number</b>
Investigation not conducted	181
Investigation discontinued	596
Early resolution with respondent	21
Early conciliation successful	124
Conciliation successful after investigation	19
Conciliation unsuccessful	23
<b>Total</b>	<b>964</b>

Annex C

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
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	<i>Given</i>	8	2	5	1	0
	<i>Not given</i>	4	1	2	0	1
	<i>Withdrawn</i>	0	0	0	0	0
	<i>Under consideration</i>	5	3	2	0	0
	<b>Total</b>	<b>17</b>	<b>6</b>	<b>9</b>	<b>1</b>	<b>1</b>
2021-22	<i>Given</i>	11	7	4	0	0
	<i>Not given</i>	6	0	6	0	0
	<i>Withdrawn</i>	0	0	0	0	0
	<i>Under consideration</i>	0	0	0	0	0
	<b>Total</b>	<b>17</b>	<b>7</b>	<b>10</b>	<b>0</b>	<b>0</b>

**Publicity and Educational Activities on the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 and Sex Discrimination (Amendment) Ordinance 2021**

**Guidance on the law:**

- Developed detailed guidance for the employment and other sectors to explain the amendments and the application of the law such that they can adopt appropriate practices. In addition to Simplified and Traditional Chinese and English, also arranged for translation of the guidance into different ethnic minority language versions and uploaded the guidance onto the EOC website for public viewing.
- Organised talks and workshops to explain the amended law to stakeholders, such as non-government organisations and voluntary organisations serving ethnic minority communities.

**Publicity:**

- Produced leaflets, booklets and posters for distribution to stakeholders and the general public.
- Participated in media interviews and released feature articles in local dailies to introduce the amendments.
- Launched TV and radio APIs (Announcements in the Public Interest) titled “Create a Harmonious Workplace – Report and End Harassment” on 27 May 2021 to raise awareness of the protection against sexual harassment, disability harassment and racial harassment in common workplaces under the SDO, DDO and RDO. Available in Cantonese, Putonghua and English with sign language interpretation, the TV and radio APIs could be watched/listened on various channels of free TV, Pay TV and RTHK TV, as well as various channels of three radio stations, namely RTHK, Commercial Radio and Metro Broadcast. The TV APIs have also been uploaded onto the EOC website and the EOC YouTube channel, Facebook and LinkedIn pages.
- Launched TV and radio APIs on breastfeeding discrimination and harassment on 2 August 2021 for broadcast on free TV, Pay TV and RTHK TV, as well as in local radio stations.
- Displayed poster on harassment in common workplaces in light box of 60 MTR stations from 1 to 14 May 2021; and on breastfeeding discrimination and harassment from 19 June to 2 July 2021.
- Released posts on EOC’s social media platforms, such as Facebook and LinkedIn.

**Education and training:**

- Conducted 800 training sessions for 44 700 participants between June 2020 and March 2022, including:
  - 10 sessions specifically about the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 and the Sex Discrimination (Amendment) Ordinance 2021; and

- 790 sessions about the anti-discrimination ordinances covering the amendments. These included the Spring and Autumn calendar training programmes each year and the customised training tailor-made for organisations upon requests.