



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

# EOC Journal

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Envisioning our Future –  
**Hong Kong for All**  
齊來憧憬**香港未來**



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平機會在  
EOC on



平機會今年十分繁忙，由年初至今我們致力於多個策略性優先工作領域，今期的各個篇章介紹了這些工作。以下簡介平機會現時的主要工作項目，期望得到公眾的參與及支持。

今年七月平機會開展了「歧視條例檢討」公眾諮詢，諮詢期至2014年10月7日。這次突破性的法例檢討旨在理順現行法例，使之與時並進和更具效力。為了向公眾解釋檢討中各重要議題及收集市民的意見，平機會同事和我出席了一系列的公開會議，藉這些平台鼓勵各界提出不同意見和分享經驗，從而加強反歧視法例給予公眾的保障，以切合二十一世紀香港的需要。欲了解更多詳情，請瀏覽我們的相關網站[www.eocdlr.org.hk](http://www.eocdlr.org.hk)。

另外，我們已委託香港中文大學香港亞太研究所性別研究中心進行「有關立法禁止性傾向、性別認同及雙性人身份歧視的可行性研究」。這項獨立研究將有系統地識別出性小眾在各方面受到的歧視，並收集各界對如何透過立法或其他方法消除歧視的意見。為了讓所有持份者可提出意見和表達關注，性別研究中心已安排了三場公眾研討會。有關詳情請瀏覽網站[www.cuhk.edu.hk/research/sogistudy](http://www.cuhk.edu.hk/research/sogistudy)。

「歧視條例檢討」與可行性研究涵蓋了不少頗具爭議性的議題。無論如何，我們相信透過開明和建設性的公開對話，香港可跨步向前邁進，成為致力維護平等和人權的國際大都會。

平機會將繼續透過倡議、公眾教育和其他活動，讓公眾投入參與和交流。我們亦會不斷更新《平機會網誌》，提供各種活動的資訊。

我期待未來數月在平機會的公眾參與會議及其他活動中與各界會面。

平等機會委員會主席  
周一嶽

It has been a busy year at the EOC so far as we make progress on a number of our strategic priority areas. In the following pages, you will be able to learn more about what we have been doing. Just let me highlight here a few of our current major undertakings which are open for public participation and for which we need your support.

In July, we launched the public consultation on the Discrimination Law Review (DLR), which will last until 7 October 2014. This groundbreaking exercise aims to modernise and harmonise our existing legislation and make them even more effective. To explain the major issues and collect feedback, colleagues of the EOC and I have been attending a series of public meetings. We hope that this platform can enable diverse views and experiences to be shared, so that the anti-discrimination legislation can be strengthened appropriately for 21st century Hong Kong. Do check our website [www.eocdlr.org.hk](http://www.eocdlr.org.hk) for more details.

In addition, we have commissioned the Gender Research Centre of the Hong Kong Institute of Asia Pacific Studies at The Chinese University of Hong Kong to conduct "The Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status". This independent study will seek to systematically identify discrimination encountered by sexual minorities in a variety of fields, as well as to solicit views on how such discrimination may be redressed through legislation or other means. To enable all stakeholders to share their views and concerns, the Gender Research Centre has lined up three public forums. Further details about the forums and the study may be found at [www.cuhk.edu.hk/research/sogistudy](http://www.cuhk.edu.hk/research/sogistudy).



A number of the issues covered in both the DLR and the Feasibility Study may be controversial to some. Nevertheless, it is only through open and constructive public dialogues that we can move forward as a cosmopolitan society committed to equality and human rights.

Indeed, the EOC will continue to engage and exchange with members of the community, through our advocacy, public education and other activities. We will be constantly updating the EOC Blog on our website to provide information on these events.

I look forward to seeing you during our public engagement meetings and other activities in the upcoming months.

**York Y. N. CHOW**  
Chairperson  
Equal Opportunities Commission

# 「歧視條例檢討」公眾諮詢

平機會為更新反歧視條例徵詢公眾意見



平機會在7月8日展開為期三個月的「歧視條例檢討」公眾諮詢。是次檢討旨在理順及簡化香港現行四條反歧視法例，以配合時代轉變和國際上反歧視法例的發展，與時並進。事實上，香港首條反歧視法例（《性別歧視條例》）於1996年生效，至今將達18年了。

平機會主席周一嶽醫生解釋檢討理據時表示，平機會有法定責任檢討所有反歧視法例的成效，並提出適當可行的改革建議。

周醫生表示：「過去十八年，香港社會顯著發展，隨著認知水平和意識日高，大眾對平等權利和平等機會有更高的期望。同時，平機會的運作經驗亦顯示，現行法例仍有不足之處，令基於性別、懷孕、殘疾和種族的歧視和不平等情況持續出現。」

周醫生補充說：「檢討過程中，平機會曾與不同界別的持份者會面，徹底探討法例的不同範疇，識別出一連串問題及可革新之處，包括受保障人士的類別、不同形式的違法歧視行為，及違法歧視的範疇等。」

諮詢文件詳列了平機會的改革建議，文件以中英文及六種少數族裔語言印製。同時備有諮詢文件的「簡易指引」，簡介歧視條例檢討的各主要議題。

平機會其中一項建議，是把四條歧視條例合併成單一條例。周醫生解釋：「鑑於制定四條條例的時間有先有後，各條例的保障範疇並不統一，保障程度也有參差。合併四條歧視條例能令公眾更容易理解和應用法例，並更有效地保障不同人士免受歧視，這與國際上例如英國和澳洲的做法一致。」

為了解釋改革建議，平機會於2014年8月舉行多場公眾諮詢會，並與不同持份者會面。平機會亦為少數族裔人士另行舉辦多場設有不同語言傳譯的公眾諮詢會。

公眾人士可於10月7日公眾諮詢期結束前發表意見。平機會亦鼓勵社會各界分享他們的看法。周醫生說：「平機會期待收到公眾人士的寶貴意見，以助我們向政府提出建議，使香港的歧視條例更臻完善，促進社會人人平等。」



## 常見問題

**問：為甚麼「歧視條例檢討」沒有就性傾向、性別認同、年齡和宗教等方面的歧視進行諮詢？**

答：「歧視條例檢討」旨在研究有關現行四條歧視條例的問題。為免公眾諮詢變得過於複雜而失卻焦點，平機會認為最好另行研究是否需要立法保障特定群體，因為保障這些新群體的條文未必盡同，特別是關乎年齡、性傾向、性別認同或宗教的具體例外情況。

**問：公眾諮詢結束後，是否意味著改革建議將成為法律？**

答：不。公眾諮詢於10月7日結束後，平機會將仔細研究及整合各方意見，決定立法建議及提交政府，然後由政府來考慮這些建議，並判斷是否需要提出法例修訂。

## 哪裡可以找到更多資訊？

可向平機會辦事處或民政事務總處諮詢服務中心索取諮詢文件，亦可在平等機會委員會「歧視條例檢討」網站下載：[www.eocdlr.org.hk](http://www.eocdlr.org.hk)

## 如何提出意見？

可透過電子郵件、郵寄或傳真向平機會提交書面意見：

郵寄：香港太古城太古灣道14號太古城中心3座19樓

傳真：2511 8142

電子郵件：[eoc@eoc.org.hk](mailto:eoc@eoc.org.hk)

查詢：2511 8211

短訊查詢服務：6972566616538（為有聽障或語障人士而設）

# Public Consultation on Discrimination Law Review

*EOC Seeks Public Input to Update the Anti-discrimination Legislation*



On 8 July, the EOC kick-started a three-month-long public consultation on the Discrimination Law Review. The initiative is undertaken to modernise, harmonise and simplify the existing four anti-discrimination ordinances, in light of changing times and international developments. It has been almost 18 years since the first of these pieces of legislation, the Sex Discrimination Ordinance, came into force in 1996.

Explaining the rationale of the review, EOC Chairperson Dr York CHOW said that the EOC has a statutory duty to review the effectiveness of the anti-discrimination laws and make recommendations for reforms where appropriate.

“Over the last 18 years, the Hong Kong society has evolved significantly. As knowledge and awareness grow, there are higher expectations among community

members for equal rights and opportunities,” Dr Chow remarked. “Meanwhile, the EOC’s operating experiences have shown that there are gaps in the existing legislation, resulting in continued discrimination and inequality on the grounds of sex, pregnancy, disability and race.”

“In conducting the review, the EOC had meetings with stakeholders across various sectors. We have examined thoroughly different aspects of the legislation and identified a range of issues and possible changes, covering the groups of people to be protected, the forms of prohibited conduct and the fields of discrimination,” Dr Chow added.

The EOC’s reform proposals are featured in a consultation document, which is available in English and Chinese, as well as six ethnic minority languages. There

is also an Easy Read Guide to provide quick reference on the key issues raised.

Among the proposals is combining the four pieces of legislation into one single ordinance. "Given that the four ordinances are developed over the time, there are certain inconsistencies and differences in the level of protection they offered," Dr Chow explained. "Combining them together into one law would therefore make it easier to understand and apply, and provide more effective protection from discrimination. This is actually in line with the international trend, such as in the UK and Australia."

To explain the reform proposals, the EOC has lined up a series of public forums in August 2014 and meetings with stakeholders. Consultation meetings with minority language interpretation will also be held for the ethnic minority communities.

Members of the public will have a chance to express their views until 7 October, when the consultation ends. The EOC encourages the community to share their views. "The EOC looks forward to receiving the public's views, which will help us in making recommendations to the Government that could improve the discrimination laws in Hong Kong and promote equality for everyone in our society," Dr Chow said.

## Frequently Asked Questions



### Q: **Why is discrimination in areas such as sexual orientation, gender identity, age and religion not addressed in the Discrimination Law Review?**

A: The Discrimination Law Review is intended to examine the issues relating to the existing four discrimination ordinances. To avoid diluting the focus and making the public consultation too complex, the EOC believes that it is preferable to examine separately the need for possible new discrimination legislation to protect particular groups, especially given that there may be differences in the provisions for new groups, such as particular exceptions relating to age, sexual orientation, gender identity or religion.

### Q: **What will happen after the public consultation ends? Does it mean that the reform proposals will become law?**

A: No. After the public consultation ends on 7 October, the EOC will carefully study the responses, consolidate them and then decide on the legislative proposals to be submitted to the Government. It will then be up to the Government to consider these proposals and determine whether to seek for and introduce legislative amendments.

### Where can I find out more?

Copies of the consultation document can be obtained from the EOC office or the Public Enquiry Service Centres of the Home Affairs Department. The document can also be downloaded from the EOC's Discrimination Law Review website: [www.eocdlr.org.hk](http://www.eocdlr.org.hk).

### How can I share my comments?

You may submit your comments in writing to the EOC via e-mail, post or facsimile:

Mail: 19/F, Cityplaza Three, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong

Fax: 2511 8142

Email: [eoc@eoc.org.hk](mailto:eoc@eoc.org.hk)

For Enquiries: 2511 8211

SMS Enquiry Service: 6972566616538 (For people with hearing impairment or speech difficulties)

# 平機會委託香港中文大學進行有關立法禁止性傾向、性別認同及雙性人身份歧視的可行性研究



香港的LGBTI人士（即男/女同性戀者、雙性戀者、跨性別人士和雙性人）大都受社會誤解和邊緣化，亦缺乏相關法律認可和保障。近年，儘管平機會和一眾團體致力提高社會大眾對LGBTI人士的認識，但針對他們的歧視和偏見仍然存在。

平機會認為需要系統地識別出LGBTI人士在公共範疇（包括僱傭、教育及培訓、社交、公眾通道、服務及設施，以及處所管理等）受到的歧視、騷擾和中傷，從而探討如何透過立法或其他可行辦法消除歧視。有見及此，平機會在2014年5月公布委託香港中文大學香港亞太研究所性別研究中心進行有關立法禁止性傾向、性別認同及雙性人身份歧視的可行性研究。

平機會主席周一嶽醫生解釋：「鑑於香港有國際法律責任禁止歧視LGBTI人士，加上社會上要求立法保障LGBTI人士權利的聲音越來越高，平機會因此決定進行這項研究。」

周醫生表示：「在委託性別研究中心這所獨立及中立的研究機構進行研究，平機會將竭力避免干預研究過程和結果。我們希望這項研究可促進市民大眾認識相關議題，並與持份者作進一步討論。」

香港中文大學香港亞太研究所性別研究中心是香港首間，也是唯一專門研究本港性別及性議題的研究所，其研究團隊來自社會學、文化研究、法律、心理學、社會工作、教育和公共衛生等多個界別。預期這支由多個學科組成的研究小組，能從不同角度提出真知灼見。

為了達到研究目的，研究小組將採用混合式研究法。除了廣泛參考過去相關研究的文獻外，亦會與LGBTI人士及其他持份者進行焦點小組討論。研究亦會與本地和海外法律專家進行有關歧視的深入訪問，和以抽樣方式用電話訪問最少1,000名15歲或以上人士。

為了加深公眾認識LGBTI人士的權利和他們受到的歧視，研究中心在本年6月至9月舉行三個大規模的公眾研討會，市民、LGBTI人士關注組織及所有持份者組織均獲邀出席研討會，表達他們的意見。有意出席人士須事先於研究專設網站([www.cuhk.edu.hk/research/sogistudy](http://www.cuhk.edu.hk/research/sogistudy))登記。

專設的雙語網站更提供了是項研究的基本資料。市民、個別LGBTI人士和所有其他持份者都可透過網站提出意見或分享他們曾受到的歧視經歷。

### 即將舉行的公眾研討會

跨地域比較：性傾向、性別認同及雙性人身份反歧視立法的實踐與啟示

日期：2014年8月30日

時間：早上十時至下午十二時半  
(早上九時半登記入場)

地點：香港中央圖書館演講廳

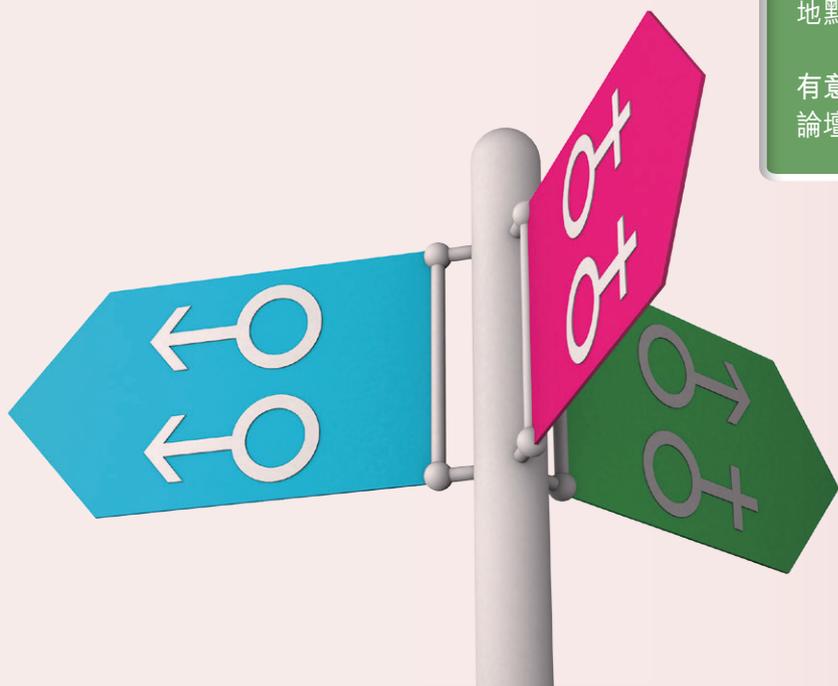
是危是機？性傾向、性別認同及雙性人身份反歧視立法對香港社會的影響

日期：2014年9月27日

時間：下午二時半至五時半（下午二時登記入場）

地點：香港中文大學鄭裕彤樓1號演講廳

有意出席人士均須事先透過研究專設網站登記。論壇將提供中/英語即時傳譯及手語傳譯服務。



# EOC Commissions CUHK to Conduct Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status



Sexual minorities in Hong Kong have been largely misunderstood and marginalised in our society, in the absence of relevant legislation on recognition and protection of their rights. Despite efforts in recent years by different groups, including the EOC, to raise public awareness and understanding on the challenges faced by sexual minorities, social stigma and prejudices surrounding the LGBTI (lesbian, gay, bisexual, transgender and intersex) persons remain.

The EOC believes there is a need to systematically identify discrimination, harassment and vilification encountered by LGBTI persons in the public sphere, including employment, education and training, social interaction, public access, services and facilities, as well as management of premises, and to explore possible means including legislation to address the discrimination. To that end, the EOC announced in May 2014 that it has commissioned the Gender Research



Centre (GRC) of Hong Kong Institute of Asia Pacific Studies at The Chinese University of Hong Kong to conduct a Feasibility Study of Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status (SOGI).

The study was launched “in view of Hong Kong’s international legal obligations to prohibit discrimination against sexual minorities and the increasing public demand for protecting their rights legally,” as explained by Dr York Chow, Chairperson of the EOC.

“In commissioning the study to the GRC, an independent and neutral research body, the EOC attempts not to interfere with the process and outcomes of the study. We hope that the study could open up further discussions and enhance understanding of the general public and stakeholders on the relevant issues,” Dr Chow said.

The GRC of the CUHK is the first and only research unit focusing on gender and sexuality issues in Hong Kong. Members of the research team come from different fields, including Sociology, Cultural Studies, Law, Psychology, Social Work, Education and Public Health. The multi-disciplinary research team is expected to bring to the study valuable insights and expertise from a wide range of angles.

The research team will employ mixed modes of methodologies for the study. In addition to extensive literature review of previous studies on discrimination, the GRC will conduct focus group meetings with

sexual minorities and stakeholders concerned about SOGI issues. There will also be in-depth interviews with legal experts on discrimination from within Hong Kong and overseas jurisdictions, as well as telephone questionnaire survey among a representative sample of at least 1,000 people aged 15 or above.

And to raise public awareness on LGBTI rights and discrimination against them, the GRC has lined up three large-scale public forums from June to September, which are open to members of the public, LGBTI concern groups and all relevant stakeholders groups to express their opinions. Registration can be made at the special website ([www.cuhk.edu.hk/research/sogistudy](http://www.cuhk.edu.hk/research/sogistudy)) created by the GRC for the study.

The bilingual website offers essential information about the study. Members of the public, LGBTI individuals and all other stakeholders can also express their opinions and concerns, as well as share their experiences of discrimination through the website.

### Upcoming Public Forums

#### Inter-regional Comparison: The Practices and Implications of Legislating against Discrimination on the Grounds of SOGI and Intersex Status

Date : 30 August 2014

Time : 10:00am – 12:30pm (9:30am registration)

Venue : Lecture Theatre, Central Library,  
Hong Kong

#### Fight or Flight? An Analysis of the Social Effects and Impacts of Legislating against Discrimination on the Grounds of SOGI and Intersex Status in Hong Kong

Date : 27 September 2014

Time : 2:30pm – 5:30pm (2:00pm Registration)

Venue : Lecture Theatre 1, Cheng Yu Tung Building,  
The Chinese University of Hong Kong

**Prior registration for attendance is required and can be made at the website.**

Simultaneous Chinese/English interpretation and sign language service will be provided at the forums.

# 我們的香港：2020年憧憬



平等機會委員會（平機會）與明愛青少年及社區服務在2014年3月16日合辦了一場公開活動，慶祝每年3月21日的國際消除種族歧視日。這次為平機會與明愛第二年攜手舉辦活動，以提高公眾對種族歧視的認識。今年活動主題為「我們的香港：2020年憧憬」，目的是鼓勵公眾展望一個種族共融的香港，並思考如何於2020年達成這個目標。

活動由主禮嘉賓香港特別行政區政務司司長林鄭月娥女士，GBS, JP主持開幕典禮。其他主禮嘉賓包括保安局局長黎棟國，SBS, IDSM, JP；教育局局長吳克儉，SBS, JP及公務員事務局局長鄧國威，JP。此外，平機會主席周一嶽醫生，GBS, JP；明愛社會工作委員會主席羅致光博士，SBS, JP以及明愛社會工作服務部部長陳美潔女士則分別代表合辦機構出席。

政務司司長林鄭月娥女士於致辭時強調消除種族歧視的重要性。「香港是一個擁有多元文化的亞洲國際都會，數十萬名少數族裔居民以香港為家，他們大多數已經在香港落地生根，並對香港的發展有著非常重要的貢獻。政府一向致力促進少數族群融入社會，並鼓勵他們保留其獨特的文化特色。今年行政長官在《施政報告》中提出了一系列『扶助少數族群』的新措施，希望幫助少數族裔人士，特別是年輕一代及新來港人士，更順利地融入香港社會。就讓我們一同努力，為少數族裔融入社會提供更好的支援。」

平機會主席周一嶽醫生表示：「透過舉辦這次活動，我們希望令公眾注意到少數族裔是香港社會重要的一部份，讓少數族裔有平台表達心聲，並鼓勵他們實現對未來的憧憬。我們期盼到了2020年，能見到一個種族共融的香港。」

國際消除種族歧視日2014的活動包括講座、在港少數族裔的文化表演、以及相關法律和服務的資訊展覽。除了音樂表演，藝人喬寶寶和瑪俐亞等亦和台下觀眾分享了有關歧視的經歷和他們對平等所抱有的期望。

主禮嘉賓於當日參觀了不同的文化攤位，並與少數族裔青年作出交流，聆聽他們所關注的議題，包括就業機會，以及在服務、商品和設施的提供上，如何切合少數族裔社群的需要。

大會亦邀請了兩名在香港長大的少數族裔青年—Sadia Bibi和Sandeep Singh—與觀眾分享他們如何面對挑戰、勇於追求理想的故事。他們鼓勵席間的年輕人和其家人在面對逆境時不要放棄，並要堅持學習中文，才能提高他們完全融入社會的能力。

為了鼓勵青年積極行動以及提升普遍市民對種族歧視的關注，平機會和明愛舉辦了一個名為「我們的香港：2020年憧憬」的青年寫作比賽，作為國際消除種族歧視日2014的牽頭活動，比賽收到超過100篇來自本地學生的入圍作品。大會於活動上舉行了頒獎儀式，而勝出的參賽者更向在場的來賓誦讀出其得獎作品，及與主禮嘉賓見面，表達他們渴求有一個更公平的香港，並就一些必要的行動和政策發表意見。



是次活動收到非常正面的反應。約九成的受訪者一致認為活動能夠幫助推廣平等機會。青年寫作比賽中的紅寶石大獎得主黃洛詩在其作品中概括了國際消除種族歧視日2014活動的精神，她指：「完全消除種族歧視是一項十分艱巨的任務，但若香港市民願意齊心協力、互相諒解、接受和付出愛心，去發掘任何能消除種族歧視的辦法，香港真正可達致種族共融和多元文化，不再是一個憧憬，而是一個現實。」



# Hong Kong for All: Vision 2020



On 16 March 2014, the EOC and Caritas Youth and Community Service co-organised “Hong Kong for All: Vision 2020”, a public event to celebrate the International Day for the Elimination of Racial Discrimination (IDERD) 2014. This marked the second year of collaboration between the EOC and Caritas to commemorate the IDERD, which is observed annually on 21 March, and raise public awareness on the issue of racial inequality. The theme of this year’s event, “Hong Kong for All: Vision 2020”, was formulated with the aim of encouraging the public to envision racial inclusion in Hong Kong and what is needed to achieve this goal by the year 2020.

Officiating at the launch ceremony was the Guest of Honour, The Hon Mrs Carrie Lam Cheng Yuet-ngor, GBS, JP, Chief Secretary for Administration, Hong Kong SAR. Other officiating guests included The Hon Lai Tung-kiok, SBS, IDSM, JP, Secretary for Security; The Hon Eddie Ng Hak-kim, SBS, JP, Secretary for Education; and The Hon Paul Tang Kwok-wai, JP, Secretary for the Civil Service.

In addition, Dr York Chow, GBS, JP, Chairperson of the Equal Opportunities Commission; Dr C K Law, SBS, JP, Chairman of the Social Work Committee of Caritas; and Ms Maggie Chan, Director of Social Work Services of Caritas represented the co-organisers in the ceremony.

In her opening remarks, Mrs Carrie Lam noted the importance of eliminating discrimination on the basis of race. “Hong Kong’s international and cosmopolitan character is built on embracing cultural diversity and racial harmony,” she stated. “It is important for all of us to continue working together to promote racial harmony and mutual understanding in our society.”

Dr York Chow, the EOC Chairperson said, “We want to see a more inclusive Hong Kong by 2020. By organising this event, our goal was to draw attention to the fact that ethnic minorities form a key part of Hong Kong’s society, and their visions for our collective future must have a platform in order to be heard and nurtured.”



The IDERD 2014 event featured talks, cultural performances from different ethnic communities in Hong Kong and information exhibitions on relevant laws and services. Apart from their musical performances, artistes including Q Bobo and Maria Cordero discussed with the audience their experience of discrimination and their dream of equality in this city.

The officiating guests were also led through a tour of cultural booths, where they had the opportunity to interact with ethnic minority youths and hear their concerns on a variety of issues, including employment opportunities and the provision of culturally-sensitive services, goods and facilities to ethnic minority communities.

Two Hong Kong-raised ethnic minority youths, Ms Sadia Bibi and Mr Sandeep Singh, were invited to share with the audience their personal tales of overcoming challenges in order to pursue their aspirations. They urged the young people in the audience and their families not to give up in the face of barriers, and to persist in learning Chinese in order to enhance their ability to fully participate in society.

To encourage proactive action from young people and raise general public awareness on the issue of race discrimination, the EOC and Caritas launched a Youth Writing Competition with the topic "Hong Kong for All: Vision 2020" in the lead-up to IDERD 2014. Over one hundred entries were received from students across the city, and the prize presentation ceremony for the finalists was held at the event. The winning essayists recited their essays to the event's participants and met with the officiating guests during the cultural tour to relay their hope of a fairer Hong Kong for all, including their views on necessary action and policies to reach such a goal.

The event received very positive feedback, with nearly 90% of respondents concurring that the event could help to promote equal opportunities. The Ruby Prize winner of the Youth Writing Competition, Laurice Wong, summed up the spirit of the IDERD 2014 event when she wrote, "Eradicating racial discrimination completely will always be an extremely hard task. Yet, if Hong Kong people are willing to explore the possibilities with a spirit of cooperation, understanding, acceptance and love, true racial integration and diversity in Hong Kong will not be a vision, but instead a reality."



# 《婚姻（修訂）條例草案》 捍衛跨性別人士的尊嚴



政府於2014年2月就《婚姻（修訂）條例草案》（條例草案）刊憲，以落實終審法院於W 訴 婚姻登記官一案所下達的命令。W在完成由男變女的性別重置手術後，成功爭取以女性身份與男伴結婚的權利。條例草案訂明，跨性別人士在完成整套性別重置手術後，可以其確認性別在香港註冊結婚。

自2月以來，平機會一直透過不同渠道就條例草案公開表達意見。我們認為，條例草案規定跨性別人士要接受整套性別重置手術才能在香港結婚一事，可能違反跨性別人士的人權，亦未能落實終審法院要求政府設立正式性別承認程序的建議。聯合國多個機構也曾提出類似的關注，指須要完成整套性別重置手術的規定違反免受不人道的待遇的權利、私隱權、家庭生活權和不受歧視權<sup>1</sup>等相關國際和本土人權責任。

平機會主席周一嶽醫生於3月28日在《南華早報》和《明報》撰文，表達平機會對條例草案的立場。周醫生在文章中強調，整套性別重置手術屬入侵性手術，一般會導致永久絕育。周醫生指出，由於不少跨性別人士不能或不願接受整套性別重置手術，因此要求他們完成該

項醫療程序方可以後天性別註冊結婚，「可被視為一項高壓政策：要跨性別人士通過手術和絕育獲得法律認可和隨之而來的權利。」

終審法院認為英國的《性別承認法》是可取的做法，值得香港參考。為此，周醫生呼籲政府遵照法院對性別承認所作的建議。

平機會於4月舉行的立法會條例草案委員會會議上提交意見書，建議政府把條例草案修訂為以現有行政措施處理性別承認，不再在法例中要求完成性別重置手術。平機會也敦促政府盡快制定一套全面的、不包括完成性別重置手術的性別承認程序。平機會已把意見書和本港變性人士的權利問題（只有英文版）上載到平機會網站，讓公眾瞭解平機會的立場。

從過去幾個月所見，社會顯然對這課題存有很多誤解。條例草案原先排期在7月進行二讀，在這之前，周醫生特別於7月1日及7月2日分別在《南華早報》及《明報》再發表文章，對早前一些針對平機會的立場與職責的疑問作出回應。

周醫生在文章中解釋，平機會目前是根據《殘疾歧視條例》處理變性人提出的歧視投訴，因為根據世界衛生組織，性別認同障礙症被界定為影響精神健康的狀況。周醫生說：「在衡量跨性別及變性人士是否符合《殘疾歧視條例》下的保障特徵時，並非取決於他們是否進行了性別重置手術，而是性別認同障礙症對他們的思維模式以及情感的影響，以致他們全面參與社會的機會。值得注意的是，《殘疾歧視條例》下的殘疾定義不只涵蓋現有的殘疾，亦包括過往或曾經有的殘疾。」

政府認為在現有情況下，變性人有權選擇是否接受整套性別重置手術。周醫生不認同這樣的論點。周醫生說：「當局將手術變成跨性別人士更改性別和結婚的先決條件，亦即他們若要享有結婚及相關權益，便別無選擇，必須進行性別重置手術。這種要求又怎能說是自由選擇呢？的確，那些不能或不願意進行手術的人很有可能受到歧視和騷擾。」

社會對跨性別人士的定型想法，令這個在法律上被忽視、飽受中傷和誤解的群體受到「進一步負面標籤」，周醫生為此呼籲公眾與跨性別人士相處時要顧及他們的尊嚴。即使條例草案將於立法會暑假休會後恢復二讀、三讀，跨性別人士的景況仍然未必樂觀。政府的高層跨部門工作小組將全面地考慮性別認同課題，在他們發表報告（大概兩年時間）前，跨性別人士的法律權利與地位仍然是欠缺清晰界定。

國際上，近年跨性別人士的權利與地位持續獲得改善。愈來愈多國家（最新包括丹麥和印度）已從性別承認法例中減除那些過時的要求。作為國際大都會的香港，是時候作出改變，賦予我們的跨性別人士以及其他性小眾真正平等的權利，與世界接軌。

#### 備註：

平機會於2014年4月14日就《2014年婚姻（修訂）條例草案》向立法會提交的意見書，已上載到：

<http://www.eoc.org.hk/eoc/upload/2014527104531888734.pdf>

### 一些其他國家/地區的性別承認程序

**英國：**根據《性別承認法》，英國成立了一個由法律和醫學界代表組成的委員會負責審批性別承認申請。委員會考慮多項因素，包括申請者有沒有性別焦慮症，以及是否曾至少兩年完全以自己認同的性別生活。申請者不一定需已進行手術。

**阿根廷：**自2012年7月起，凡18歲或以上跨性別人士可合法和無條件地更改身份證明文件上的性別。

**台灣：**台灣的衛生福利部於2013年12月宣布，廢除合法更改性別的現有規定（包括：進行整套性別重置手術和精神評估）。衛生福利部在執行有關決定前，已呈交台灣的內政部戶政司作進一步審查。

### 性見共融國際研討會

平機會聯同歐盟駐香港及澳門辦事處、香港中文大學香港亞太研究所性別研究中心於2014年8月28至29日合辦國際研討會，以促進公眾就男／女同性戀者、雙性戀者、跨性別人士和雙性人權利進行對話。是項活動邀請到本地和海外的學術界、法律界、議會代表、政府官員和人權專家代表等共同探討香港和歐盟LGBTI人士的權利和經驗。透過交流對策略的看法、分享困難和成功例子，讓公眾認識立法對商界、教育界、宗教機構及社會的影響。詳情請瀏覽平機會網頁，網址：[www.eoc.org.hk](http://www.eoc.org.hk)。



<sup>1</sup>多個聯合國機構特別關注一些國家要求跨性別人士必需進行性別重置手術和絕育手術才能獲得性別承認的規定。當中包括聯合國人權理事會的2011年報告及聯合國酷刑問題特別報告員的2013年報告（《酷刑和其他殘忍、不人道或有辱人格的待遇或處罰問題特別報告員報告》，人權理事會第22屆會議，2013年2月1日，A/HRC/22/53）。特別報告員就跨性別人士提出建議：特別報告員呼籲所有國家廢除任何允許入侵性和不能逆轉的治療方法的法律，包括在有關人士非自願和不知情的情況下強迫進行生殖器改變手術、非自願絕育、不道德實驗、醫療展覽、「修復療法」或「轉化療法」。

# The Marriage (Amendment) Bill

## *Defending the Dignity of Transgender Persons*

In February 2014, the Government gazetted the Marriage (Amendment) Bill to implement the order of the Court of Final Appeal in the case of *W v the Registrar of Marriages*. After male-to-female sex reassignment surgery, “W” sought and won the right to marry her male fiancé as a woman. The bill provides that transsexual persons will have the right to marry in their affirmed gender, after having completed sex reassignment surgery (SRS).

Since then, the EOC has publicly voiced our concerns about the proposed bill and its requirement of full SRS for marriage rights through different platforms. We believe the bill likely violates the human rights of transgender persons and fails to implement the recommendations of the court for the Government to establish a formal gender recognition process. Similar concerns have been raised by various United Nations bodies that requiring full SRS is not compliant with international and domestic human rights obligations regarding people’s right to be free from inhuman and degrading treatment, and the rights to privacy, family life and non-discrimination.<sup>1</sup>

On 28 March, the EOC Chairperson, Dr York Chow, published an opinion article in the *South China Morning Post* and *Ming Pao Daily* to articulate the Commission’s position on the bill. In his article, Dr Chow emphasised that full sex reassignment surgery is invasive and normally results in sterilisation. As many transgender persons cannot or choose not to undergo full surgery, requiring such medical procedures before one can marry in their acquired gender “can also be construed as a policy of coercion: surgery and sterilisation for legal recognition and subsequent rights,” he observed.

Dr Chow also appealed to the Government to follow the court’s recommendation regarding gender recognition, noting that the court held up the UK’s Gender Recognition Act as a “compelling model” for Hong Kong.

In April, the EOC made a submission to the Legislative Council Bills Committee to recommend that the Government amends the bill to refer to existing administrative practices rather than an explicit legislative requirement for full SRS. The Commission also urged the Government to introduce a comprehensive process for gender recognition, without the requirement for full SRS, as soon as possible. To help the public understand the Commission’s position, the EOC has uploaded the submission, along with a set of “Questions & Answers on the Rights of Transsexual People in Hong Kong”, on its website.

Over the last months, it became apparent that there remains a great deal of misunderstanding surrounding this issue. In the lead-up to the scheduled second reading of the bill in July, Dr Chow published another opinion article in the *South China Morning Post* and *Ming Pao Daily* on 1 and 2 July respectively. The article aimed at answering some of the questions raised in previous meetings about the EOC’s stance and duties.

In his article, Dr Chow explained that the EOC currently considers complaints of discrimination from transsexual persons under the Disability Discrimination Ordinance (DDO), because gender dysphoria is considered a mental health condition as defined by the World Health Organization. “The main factor to determine if such persons have a disability is not whether they have undergone sex reassignment surgery, but whether having gender dysphoria affects their thought processes and emotions. It should also be noted that the DDO can apply in relation to past disabilities, not just existing ones,” Dr Chow said.

Moreover, Dr Chow disagreed with the Government’s contention that, under current circumstances, there is no obligation for transsexual persons to undergo full SRS. “The Government has argued that the choice to undergo sex reassignment surgery ultimately belongs to

each transgender or transsexual individual,” observed Dr Chow. “But this is an oversimplification. If the ability to access rights is conditional upon having had these surgeries in full, then the choice could hardly be categorized as truly ‘free’. Indeed, those who cannot or choose not to undergo such operations are left at high risk of discrimination and harassment.”

Dr Chow also called on the public to treat transgender persons with dignity, noting that negative stereotypes about them “further stigmatise a population that is already legally marginalised, unfairly maligned, and largely misunderstood.” Their situation remains precarious even with the passage of the proposed bill, the second and third reading of which is now scheduled to resume after the LegCo summer recess. Indeed, it would mean continuing uncertainty on the legal rights and status of transgender people until the Government’s high-level inter-departmental working group, tasked

to consider the issue of gender recognition more comprehensively, issues its report – likely in two years time.

Internationally, there has been steady progress on this front. Many countries have already taken the step to shed these outdated requirements for gender recognition, with the list growing to include, most recently, Denmark and India. Isn’t it time for Hong Kong to also do better?

#### Remarks:

Submission by the EOC to the Legislative Council on the Marriage (Amendment) Bill 2014 on 14 April 2014 is available at:

<http://www.eoc.org.hk/eoc/upload/2014424105611969728.pdf>

### Some Gender Recognition Processes Around the World

**UK:** The Gender Recognition Act sets up a panel of representatives from the legal and medical fields to assess applications for gender recognition by considering a number of factors, including if a person has gender dysphoria and has been living in their identified gender for a period of at least two years, but not necessitating surgery.

**Argentina:** Since July 2012, transgender persons aged 18 and over can legally change their sex on identity documents without any prerequisites.

**Taiwan:** In December 2013, Taiwan’s Ministry of Health and Welfare announced its conclusion to void the existing requirements for legal gender change, which included full sex reassignment surgery and psychiatric evaluation. The decision has been forwarded to the Ministry of Interior’s Department of Household Registration for further examination before it can be implemented.

### “Working Together for an Inclusive Society: LGBTI Rights in Comparative Perspective”

To advance public dialogue on the issue of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights, a two-day international conference on 28-29 August 2014 will be co-organised by the Equal Opportunities Commission (EOC), the European Union Office to Hong Kong and Macao, and the Gender Research Centre of the Hong Kong Institute of Asia Pacific Studies at The Chinese University of Hong Kong. The event will bring together local and overseas representatives from the academia and legal profession, legislators, government officials and human rights experts to examine the issues and experiences relating to the rights of LGBTI persons in Hong Kong and the European Union. Through the exchange of views on strategies, challenges and successes, the event aims to heighten understanding on the impact of potential legislation on business, education, religious organisations, and the wider society. For more information, visit the EOC website: [www.eoc.org.hk](http://www.eoc.org.hk).

<sup>1</sup>A number of United Nations bodies have raised particular concerns about requirements in countries for sex reassignment surgery and sterilization for a transsexual person to have their gender change recognized, including the United Nations Human Rights Council in a report of 2011, and the United Nations Special Rapporteur on Torture in 2013 (Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Human Rights Council, 22nd session, A/HRC/22/53, 1 February 2013). The Special Rapporteur recommended in relation to transgender people: The Special Rapporteur calls upon all States to repeal any law allowing intrusive and irreversible treatments, including forced genital normalizing surgery, involuntary sterilization, unethical experimentation, medical display, ‘reparative therapies’ or ‘conversion therapies’, when enforced or administered without the free and informed consent of the person concerned.

# 平機會密切關注政府就改善少數族裔學生學習中文的措施

## EOC Maintains Close Watch on Government Measures to Enhance Chinese Learning by Ethnic Minority Students

少數族裔在港生活一直面對着種種困難，當中包括教育及就業困難，令他們難以完全及平等地融入香港的日常生活。這些障礙絕大部分源於少數族裔在非母語環境的主流學校內學習中文時，缺乏支援。

針對以上問題，特區政府在2014年的施政報告中，發表了對非華語及／或少數族裔學生的教育支援措施。這些措施包括提供一個「中國語文課程第二語言學習架構」，以及與資歷架構掛鈎的高中分階段提供的應用學習（中國語文）科目，這相關認可資歷有助非華語學生將來就業和升學，銜接多元出路。

平機會對以上建議措施表示歡迎，並促請政府盡快公布有關詳情及具體計劃。平機會亦會繼續密切監察政府的工作，並跟進措施的成效。

與此同時，平機會在2014/15財政年度得到了政府提供469萬元新增的經常性撥款，向少數族裔推廣共融、多元及平等機會的訊息。為此，平機會正籌組一隊多元種族工作小組，進行相關的公眾教育及社區外展活動、文化觸角培訓、及針對少數族裔面對的問題和挑戰而進行研究，以推動政策改革。

而為了進一步促進平等教育機會和建立包容與關懷的學校環境，平機會於2014年6月推出了《種族平等與校服》指引（校服指引），為學校提供參考，鼓勵他們按

照平等原則制定並實施校服規則。平機會亦為學校管理人員、校長及教師舉行了研討會，以加深他們對《校服指引》的認識和他們在法例下的責任。《校服指引》以中英文編印，亦將印製其他語言版本，包括印尼語、印度語、尼泊爾語、菲律賓語、泰語、和烏都語，並會分發予全港所有中小學。《校服指引》全文亦載於平機會網站：[http://www.eoc.org.hk/eoc/Upload/booklets/schoolUniform/2014\\_02.pdf](http://www.eoc.org.hk/eoc/Upload/booklets/schoolUniform/2014_02.pdf)。



Many ethnic minorities (EM) continue to face various barriers, including in education and employment, to their full and equal participation in everyday life in Hong Kong. The obstacles stem in large part from the lack of support for EMs to learn Chinese in mainstream schools in the absence of a home language environment.

In the 2014 Policy Address, the Government announced education support measures for non-Chinese speaking (NCS) and/or ethnic minority students. These measures include providing a “Chinese Language Curriculum Second Language Learning Framework” and an Applied Learning (Chinese Language) subject at senior secondary levels pegged to the Qualification Framework, the latter as an alternative qualification for NCS students to enhance their employability.

The EOC welcomes these proposed measures and urges the Government to release more details and concrete plans at an early date. The EOC will also continue to rigorously monitor and follow up with the Government on the effectiveness of the enhanced measures.

Meanwhile, the EOC has received additional recurrent funding of \$4.69M from the Government to promote inclusion, diversity and equal opportunities for ethnic minorities from 2014/15. To this end, the EOC is in the process of forming a multi-ethnic taskforce to conduct targeted public education and public outreach programmes, cultural sensitivity training and focused researches on issues and challenges faced by EMs with the aim of stimulating policy changes.

To further facilitate equal access to education as well as an inclusive and caring school environment, the EOC introduced in June 2014 the “Racial Equality and School Uniform” Guide to provide guidance to schools in the development and implementation of uniform rules in accordance with the principles of equality. The EOC has also organised seminars on these issues to strengthen the understanding among school administrators, headmasters and teachers of the guide and their responsibilities under the law. The Guide has been published in English and Chinese and will be available in Indonesian, Hindi, Nepali, Tagalog, Thai, and Urdu, at a later date. It will be distributed to all the primary and secondary schools. The full text of Guide is also available on the EOC website at [http://www.eoc.org.hk/eoc/Upload/booklets/schoolUniform/2014\\_02.pdf](http://www.eoc.org.hk/eoc/Upload/booklets/schoolUniform/2014_02.pdf).

## 平機會的少數族裔公眾教育活動

許多不同少數族裔社群，由於文化和語言障礙，不時在使用公共服務時遇到困難。有見這問題，平機會在2014年6月7日舉辦了一個為社區工作者而設的工作坊，以協助他們向少數族裔講解「如何使用平機會的投訴處理機制」及提供相關服務。是次工作坊旨在提高大眾認識平機會及其向少數族裔提供的服務和設施。平機會亦與多個領事館合辦講座，從而讓不同社區人士認識他們在香港反歧視法例下的權利。

另外，為了鼓勵少數族裔人士參與「歧視條例檢討」公眾諮詢，平機會將於2014年8月及9月舉辦多場設有不同少數族裔語言翻譯的公眾諮詢會。有關這些會議的詳情，請電2106-2106與我們聯絡。

## The EOC's Public Education Initiatives for Ethnic Minorities

Many members of different ethnic minority groups continue to experience difficulty accessing public services, due to cultural and linguistic barriers. To address this gap, on 7 June 2014, the EOC organised a workshop specifically for community workers who provide services to ethnic minorities on how to utilise the EOC's complaint-handling mechanism. The workshop aimed to heighten awareness about the EOC and facilitate access to the Commission's services by ethnic minority users. The EOC has also been collaborating with various consulates general to provide talks to different communities to enhance their understanding of their rights under Hong Kong's anti-discrimination laws.

To boost the participation of ethnic minorities in the public consultation for the Discrimination Law Review, the EOC will be organising various sessions with interpretation into ethnic minority languages in August and September 2014. Please contact us at 2106 2106 for more details on these sessions.

# 平機會出席聯合國審議會

## EOC Participates in United Nations Committee Hearings



平機會政策及研究專責小組召集人謝永齡博士和政策及研究主管朱崇文博士於2014年5月出席了聯合國經濟、社會與文化權利委員會於瑞士日內瓦舉行的第52次會議。委員會在會上審議了中國根據《經濟、社會與文化權利的國際公約》提交的第二份報告內，有關香港特別行政區（特區）的內容，即特區政府提交的第三份報告。

平機會較早時已就香港實施《經濟、社會與文化權利的國際公約》的情況，向委員會提交非政府報告。在正式召開審議會前，兩位代表向委員會介紹該份非政府報告。該報告提出一連串問題供委員會審議特區政府的報告時考慮，或向特區政府提問。

謝博士在會上強調需要立法禁止對性傾向、性別認同及雙性人(LGBTI)身份的歧視。他表示平機會一直倡議LGBTI人士應享有平等權利，平機會亦已計劃進行有關LGBTI人士受歧視的研究，以及立法禁止有關歧視的可行性。

委員會的另一大關注是香港少數族裔人士的教育問題。謝博士指：「少數族裔由於缺乏充分及適當支援，在學習中文時往往遇到重大困難，亦因此影響了他們日後升學及就業的機會。」

委員會成員及後在正式的審議會上，均有提出上述各項問題。委員會並於5月26日出版了就中華人民共和國香港特別行政區參照《經濟、社會與文化權利的國際公約》提交的第三次報告的審議結論。

委員會建議香港應考慮設立獨立的人權機構，亦關注到香港未有全面的反歧視法例保障性小眾，並促請香港採取足夠措施確保男/女同性戀者、雙性戀者、跨性別人士都能在不受歧視的情況下充分享有經濟、社會與文化權利。至於少數族裔的教育問題，委員會建議香港盡快採取一切必需措施來消除對非華語學童的歧視，確保為學生提供以中文為第二語言的高質素教育。

平機會將繼續密切監察情況和政府為回應委員會建議而採取的措施。

同時，平機會計劃於今年10月出席聯合國消除對婦女歧視委員會的會議，會上委員會將審議中國推行《消除對婦女一切形式歧視公約》所提交的報告以及當中有關香港特區的內容，即特區政府提交的第三份報告。平機會早於今年二月已向委員會提交一份意見書，羅列出香港在實施公約方面的問題。

平等機會委員會向聯合國委員會提交的意見書，可於平機會網頁[www.eoc.org.hk](http://www.eoc.org.hk)瀏覽。

In May 2014, Dr John TSE Wing-ling, Convenor of the EOC's Policy and Research Committee, and Dr Ferrick CHU Chung-man, Head of Policy & Research of the EOC, attended the 52nd Session of the UN Committee on Economic, Social and Cultural Rights in Geneva, Switzerland, when the Committee conducted a hearing to examine the Hong Kong Special Administrative Region (HKSAR)'s third report on the implementation of the International Covenant on Economic, Social and Cultural Rights (the ICESCR), as submitted under China's second report.

Prior to the official hearing, the two gave a presentation on the alternative report submitted by the EOC to the Committee on the implementation of the ICESCR in Hong Kong. The report served to influence the list of issues which the UN Committee would consider and the questions that they would raise with the SAR Government during the hearing.

Dr Tse emphasised the need for outlawing discrimination on the grounds of sexual orientation and gender identity (SOGI), as well as intersex status. Dr Tse said that the EOC has been advocating equality of rights for the LGBTI community and had made plans to conduct a study on the discrimination faced by the community in the city, and the feasibility of introducing legislation to redress the discrimination.

Another topic on which the Committee held great concern was education for the ethnic minorities in Hong Kong. Dr Tse said, "Ethnic minorities face great hardship in accessing higher learning and employment opportunities due to the lack of adequate and appropriate support to help them master the Chinese language."

The above-mentioned issues, along with others, were raised by Members of the Committee during the official hearing session. In addition, on 26 May, the Committee published its concluding observations on the third report of the HKSAR under ICESCR.

The Committee recommended that Hong Kong should establish an independent human rights institution. The Committee was also concerned, amongst other issues, about the absence of comprehensive anti-discrimination legislation against sexual minorities,



and urged Hong Kong to take adequate measures to ensure that lesbians, gays, bisexual and transgender persons are able to fully enjoy their economic, social and cultural rights without any discrimination. On the issue of education for ethnic minorities, the Committee recommended Hong Kong to urgently take all necessary measures to eliminate the de facto discrimination against non-Chinese speaking students, and to ensure high-quality education in Chinese as a second language for the students.



The EOC will continue to monitor closely the situation and the measures taken by the Government in response to the recommendations by the Committee.

Meanwhile, the EOC has made plans to participate in the session of the Committee on the Elimination of Discrimination against Women this October, during which the Committee will hold a hearing on the third report of the HKSAR as part of China's report regarding the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Earlier this year in February, the EOC already made a submission to the Committee, highlighting the issues relating to the implementation of the Convention in Hong Kong.

Submissions made by the EOC to the UN Committees can be viewed at the EOC website [www.eoc.org.hk](http://www.eoc.org.hk).

# 平機會呼籲為精神病患學生提供更多支援和制定全面的精神健康政策

## EOC Calls for Enhanced Support for Students with Mental Illness and Comprehensive Mental Health Policy



平機會一直關注殘疾學生的問題，致力確保他們可透過融合教育獲得平等學習機會。我們把這方面的工作列為平機會策略工作計劃的優先領域，並一直與相關持份者作出跟進。

為了提高社會大眾對此事宜的認識和影響政府的政策，平機會積極在多方面工作，包括進行研究、透過大眾媒體發聲及與持份者交流，例如平機會於2012年便進行研究，發現香港在融合教育制度推行上存在不少問題。這些問題嚴重影響有特殊教育需要學生的平等學習與就業機會。

平機會於2014年7月8日向立法會教育事務委員會提交的意見書，討論到有關推行融合教育的投訴處理機制，和在現行融合教育制度下對精神病患學生的支援。

為了確保有精神病患或有特殊教育需要的學生享有平等教育機會，平機會建議應在學前階段進行全面及詳盡的評估，以便及早識別。政府亦應正視人手短缺的問題，加強培訓教師和校長，加深認識殘疾學生（特別是精神病患學生）的需要。

事實上，香港對精神病患的服務及資源仍然不足。平機會於2014年6月16日向

立法會衛生事務委員會提交了《精神健康政策及服務》意見書，指出香港現有精神健康政策及相關服務仍然不足夠。除了資源短缺和精神健康專業人士不足外，把精神健康綜合社區中心擴展至全港18區的計劃也困難重重，主要是缺乏永久會址和受到地區居民反對。另外，由於社會對精神病的歧視和負面標籤，不少精神病患者在求職時遇上困難重重。事實上，平機會所調查因精神病引致的殘疾歧視投訴中，大多屬於僱傭範疇。

平機會呼籲政府應規劃全面長遠的精神健康政策，以促進整體香港市民的精神健康，並制定策略處理與特定年齡有關的精神健康問題。平機會再次促請政府考慮設立精神健康委員會，積極統籌制定及推行各項有關精神健康服務的政策和行動方案，並且作出監察。

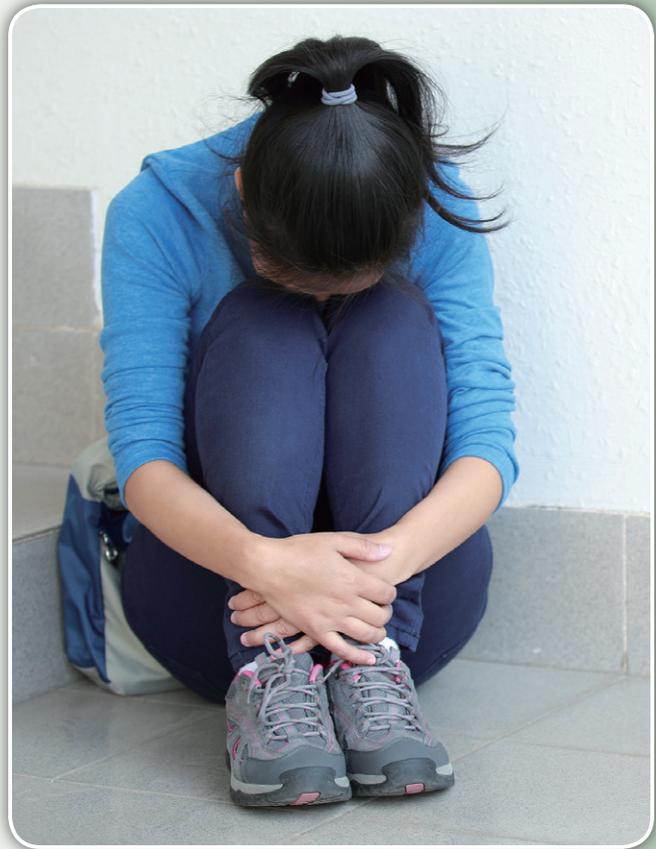
The EOC has long voiced concern for students with disabilities and ensuring their equal access to learning opportunities through integrated education. We have included this as one of our strategic priority work areas, and have been following up with relevant stakeholders.

To raise awareness and influence policy changes, the EOC undertakes initiatives on various fronts, including research, advocacy through public platforms, and exchange with stakeholders. For instance, the EOC conducted a study in 2012 which indicated a number of problems with the operation of Integrated Education (IE) in Hong Kong. These negatively impact the ability of students with special educational needs to pursue equal opportunities in education and employment over their lifetime.

On 8 July 2014, the EOC made a submission to the Legislative Council Panel on Education on the mechanism for handling complaints about the implementation of integrated education and the support for students with mental illness under the existing integrated education system.

To ensure students with mental illness and special educational needs enjoy equal learning opportunities, the EOC has recommended that there should be early identification, with comprehensive and detailed assessment made at the pre-school level. Also, the Government should address the problems of manpower shortage and strengthen the training for teachers and principals on the needs of students with disabilities, particularly students with mental illness.

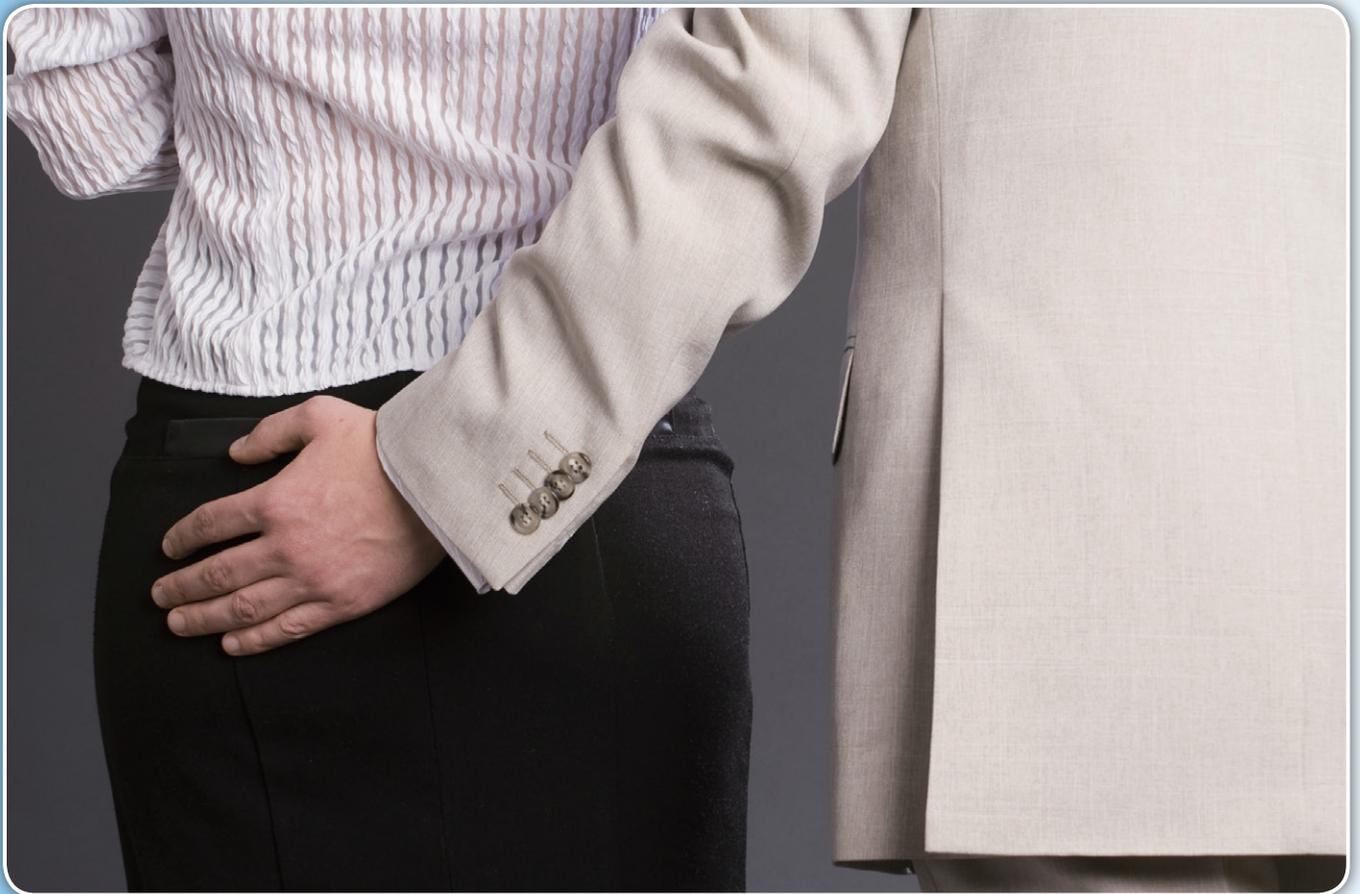
Indeed, services and resources for people with mental illness remain insufficient. On 16 June 2014, the EOC made a submission to the Legislative Council Panel on Health Services to highlight the inadequacy of existing mental health policy and related services in Hong Kong. Aside from the problems of shortage in resources and mental health professionals, the expansion of the Integrated Community Centre for Mental Wellness across 18 districts has also encountered difficulties because of the lack of permanent site and opposition from local residents. Furthermore, many persons with mental illness face barriers in finding work, owing to the discrimination and stigma attached to mental illness. In



fact, a large number of the EOC-investigated complaints about disability discrimination due to mental illness were related to employment.

The EOC calls on the Government to map out a comprehensive and long-term Mental Health Policy to promote the mental health of the people of Hong Kong as a whole, with strategies to address age-specific mental health problems. The EOC also reiterates our appeal to the Government regarding setting up a Mental Health Commission to proactively co-ordinate and monitor the formulation and implementation of both policies and initiatives related to mental health services.

# 平機會呼籲正視職場性騷擾



在香港，職場性騷擾問題持續困擾上班族。為了提高公眾對這課題的認識，平機會在2014年上半年分別公布了以航空業和服務業僱員為對象的兩項問卷調查結果。

2014年2月，平機會發布了《職場性騷擾及歧視—空中服務員的問卷調查》結果。這項調查由平機會與香港空中服務員工會聯盟合作進行，共收回392份問卷。

調查顯示航機上經常發生性騷擾，超過四分之一(27%)受訪者在過去12個月曾於當值時受性騷擾。另有47%受訪者表示，曾經目睹或聽聞同事在飛行期間受性騷擾。但半數受訪者沒有向上級報告有關情況或提出投訴，情況

令人擔憂。事實上，68%受訪者表示沒有接受過任何關於防止性騷擾的培訓，顯示有需要加強打擊這種違法行為。

2014年5月，平機會公布了另一項以服務業員工為對象的問卷調查結果。調查由平機會與香港工會聯合會及香港職工會聯盟合作進行。調查顯示472名受訪者中近兩成(19%)過去12個月曾在工作時受性騷擾，亦有6%受訪者表示曾在工作間目睹或聽聞性騷擾投訴。當中最常見的性騷擾者為同級同事(39%)及顧客(28%)，另外還包括上司(23%)及下屬(9%)。

平機會政策及研究專責小組召集人謝永齡博士表示：「性騷擾已變成服務業工作文化的一部份，情況令人擔憂。服務業員工，尤其是無固定工作的人如兼職或臨時工，特別容易受到性騷擾。因為他們權力相對較低，受到的保障亦較少。而且由於他們工作不穩定，所以亦傾向不作出投訴。事實上，數據亦顯示僱員在服務業工作得越久，便越適應業內的獨特環境，而接納性騷擾是工作間會遇到的情況。」

為了處理這個問題，平機會促請政府修訂《性別歧視條例》，以保障提供貨品、設施及服務者免受顧客性騷擾。與此同時，平機會一直與工會及其他機構通力合作，為其會員提供防止性騷擾的培訓。同時又在平機會網站增闢專設的資源網頁，為學界和在職人士提供關於防止及處理性騷擾的實用資料。平機會將繼續加強公眾教育活動，預防性騷擾。

如需為員工安排防止性騷擾的培訓，歡迎致電 2106 2155與平機會機構傳訊及培訓組聯絡。

香港政府於6月25日提出《2014年性別歧視（修訂）條例草案》，其主要目的為保障提供貨品、設施及服務者免受顧客性騷擾。有關保障亦涵蓋在香港註冊船舶及飛機上的服務提供者。

平機會進行的「歧視條例檢討」公眾諮詢亦會徵詢公眾，應否把性騷擾保障範圍進一步擴大至同一工作地點受僱於不同僱主的僱員。詳情可瀏覽 [www.eocdlr.org.hk](http://www.eocdlr.org.hk)的專設網頁。

## 性騷擾 – 注意事項

- 根據《性別歧視條例》規定，任何人如在提供貨品、設施或服務的過程中，對他人作出性騷擾，即屬違法。性騷擾是指任何涉及性而不受歡迎的行徑，包括不恰當的身體接觸、姿勢和言論。歧視或騷擾的「意圖」並不是考慮有否違法的因素。沒有意圖而作出涉及性的行徑，例如開玩笑又或是無心之失，也可構成涉及《性別歧視條例》的違法行為。
- 不管有沒有人看見性騷擾事件的發生，或性騷擾事件只發生過一次，任何人都受到法律保障免受性騷擾。性騷擾往往是在沒有第三者在場或目擊證人的情況下發生。雖然如此，平機會在進行調查時，會考慮所有情況和投訴人提供的資料。
- 受害人應記錄性騷擾的日期、時間、地點、證人及性質（騷擾者所說的話和做過的行為），以及你的反應。因為當你想作出投訴時，這些資料會很有用。
- 平機會鼓勵僱主採取合理可行的措施，確保在前線提供貨品、設施或服務的員工，得到充足的防止性騷擾培訓。

# 27%

受訪空中服務員在過去12個月曾於當值時受性騷擾

# 68%

受訪空中服務員表示沒有接受過任何關於防止性騷擾的培訓

# EOC Raises Voice against Sexual Harassment in the Workplace



Sexual harassment in the workplace remains serious in Hong Kong. To raise public awareness over the issue, the EOC released the findings of two questionnaire surveys – for the airline and service industries respectively – in the first half of 2014.

In February 2014, the EOC announced the findings of the questionnaire survey on sexual harassment and discrimination against flight attendants, which was conducted in partnership with the Hong Kong Flight Attendants Alliance and based upon 392 returned questionnaires.

The results showed that sexual harassment is a regular occurrence on board, with over a quarter or 27% of the respondents having been sexually harassed when they

were on duty over the last 12 months. Another 47% indicated that they had either witnessed or heard about co-workers being sexually harassed in-flight. Worryingly, half of them did not report the case or lodge a formal complaint. In fact, 68% of the respondents claimed they had not received any training on preventing sexual harassment, underlying the need for strengthened effort to combat the unlawful act.

In May 2014, the EOC released the findings of another questionnaire survey on workers of service industries. Conducted with the assistance of the Hong Kong Federation of Trade Unions and Hong Kong Confederation of Trade Unions, the survey showed that almost one-fifth or 19% of the 472 respondents had been sexually harassed at work over the last 12 months, while another 6% had either witnessed or heard about complaints of sexual harassment in the workplace. Most of the alleged harassers are colleagues of the same rank (39%) and customers (28%). Others included superiors (23%) and sub-ordinates (9%).

“It is worrying that sexual harassment has become part of the working culture of the service industries,” Dr John TSE Wing-ling, Convenor of the EOC’s Policy and Research Committee said. “Workers in the service sector, especially those in precarious employment such as part-time or temporary jobs, are particularly vulnerable to sexual harassment as they possess less power and have fewer protections in the workplace. It is also less likely for them to report harassment given the insecurity of their jobs. Indeed, the statistics indicate that the longer the employees are in the service industries, the more they are adapted to the industries’ unique setting and accept sexual harassment as part and parcel of their jobs.”

To tackle the problem, the EOC has been urging the Government to amend the Sex Discrimination Ordinance, as currently there is no legal provision on protecting providers of goods, services and facilities against sexual

harassment by their customers. Simultaneously, the EOC has been working with the trade unions and other organisations on providing training on preventing sexual harassment for their members. A dedicated resource webpage has also been set up at the EOC website to provide those in the educational sector and the workplace with practical information on preventing and dealing with sexual harassment. The EOC will continue to strength its public education efforts and speak up against sexual harassment.

*To line up training on preventing sexual harassment for your staff members, please contact the EOC Training Unit at 2106 2155.*

On 25 June, the SAR Government introduced the Sex Discrimination (Amendment) Bill 2014, which aims to provide protection for providers or prospective providers of goods, facilities or services from sexual harassment by customers. The protection will extend to service providers on board Hong Kong-registered ships and aircrafts.

Under the public consultation on the Discrimination Law Review, the EOC is seeking the public's views on whether the protection from sexual harassment should be further extended to employees working in common workplace but for different employers, amongst other proposals. Details can be found on the dedicated website via [www.eocdlr.org.hk](http://www.eocdlr.org.hk).

### Sexual Harassment – Points to Note

- Under the Sex Discrimination Ordinance (SDO), it is unlawful for a person to sexually harass another person in the course of providing goods, facilities or services. Sexual harassment is unwanted sexual attention, including inappropriate touching, gestures or remarks. Intent to discriminate or harass is irrelevant. Unintended acts of a sexual nature, such as jokes, may still be unlawful under the SDO.
- Everyone is protected from unlawful sexual harassment even if nobody saw it happen or it happened only once. While sexual harassment often happens in isolation without witnesses, the EOC will consider all circumstances and information provided by the complainant in our investigation.
- Keep a written record of each incident, including dates, time, places, presence of any witnesses, nature of the harassment (what the harasser said and did) and your own responses. Such records may be useful if you decide to lodge a complaint.
- Employers are encouraged to take reasonably practicable steps to ensure that frontline staff members who regularly provide goods, facilities or services to customers are given adequate training to prevent sexual harassment.

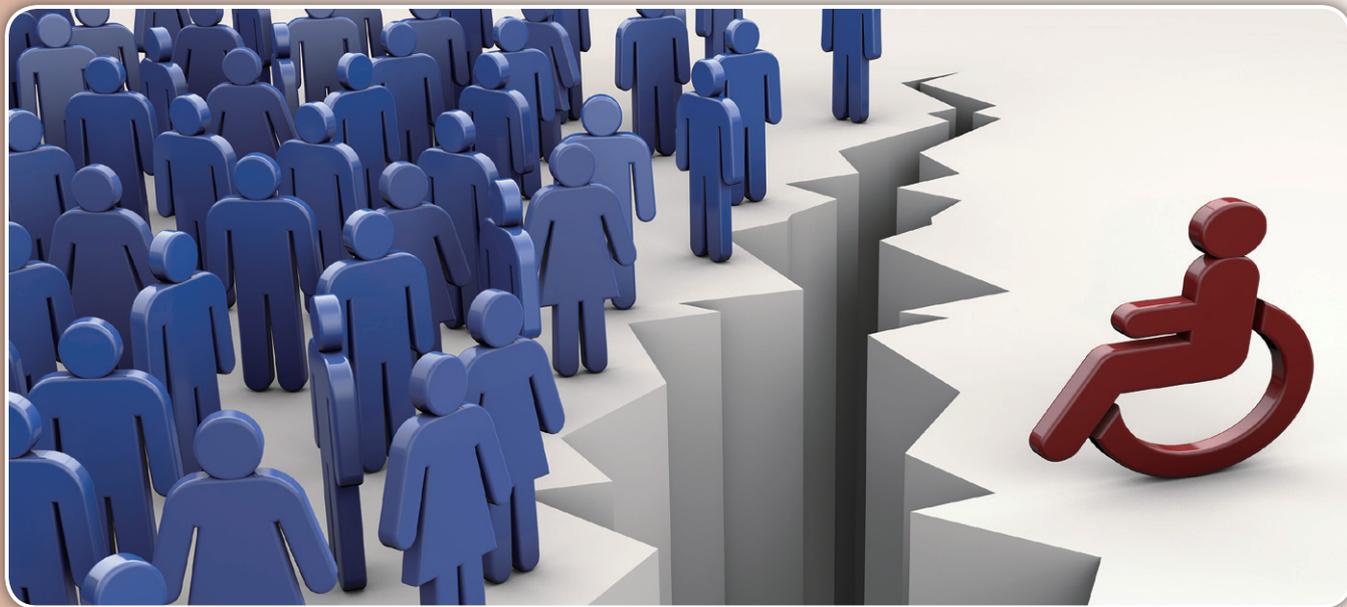
**27%**

of the responding flight attendants have been sexually harassed

**68%**

of the responding flight attendants had no training on preventing sexual harassment

# 2014年上半年歧視投訴數字 Discrimination Complaints in January - June 2014



平等機會主要職能之一是處理公眾根據《性別歧視條例》、《殘疾歧視條例》、《家庭崗位歧視條例》及《種族歧視條例》所作出的投訴。

平機會於2014年1月至6月期間共收到276宗投訴，與去年同期收到的投訴個案（290宗）相若。連同2013年未完成的個案，平機會於2014年1月至6月期間共處理了530宗投訴，而去年同期則有596宗。

此外，平機會上半年處理了8,679宗查詢，較去年8,574宗輕微上升。其中4,412宗(50.8%)屬一般查詢，另外2,152宗屬可能發展成投訴的查詢，餘下的2,115宗則屬其他範疇的具體事項查詢。

## 與僱傭範疇有關的投訴

平機會收到及處理的投訴中，大多數(49%)都涉及《殘疾歧視條例》，共有258宗，當中超過四分之三的投訴屬僱傭範疇。同樣，涉及《性別歧視條例》的投訴大部分

(93.4%)也屬僱傭範疇。事實上，平機會收到的投訴之中，近80%與僱傭範疇有關。

以上數字突顯出僱主需要採取積極措施，例如為員工提供培訓及委任「平等機會主任」，以應對工作間上平等機會的問題。以上措施不僅有助減少企業可能需要承擔的責任，亦能提升員工的生產力和士氣。

平機會致力與各企業和機構合作，協助他們推行良好管理常規，以確保僱主已做好準備，在工作環境中採取平等標準。我們亦透過專題培訓課程提升僱主及僱員對反歧視條例的認識。

此外，「平等機會之友會」更為感興趣人士提供平台，讓他們有機會掌握平等機會的最新發展及措施，以及接觸其他人力資源從業員和平等機會事宜的專家，彼此交流經驗。如欲加入平等機會之友會，請瀏覽平等機會委員會網站：[www.eoc.org.hk](http://www.eoc.org.hk)。

One of the key functions of the EOC is to handle the complaints made by members of the public under the four anti-discrimination ordinances, namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO).

Between January and June 2014, the EOC received a total of 276 complaints, which was similar to the level (290 complaints) during the same period last year. Together with the investigations initiated by the EOC and the complaints carried forward from 2013, the EOC handled a total of 530 complaints from January to June 2014. The number in the corresponding period of 2013 was 596.

Separately, the EOC handled 8,679 enquiries in the first half of 2014, slightly more than the 8,574 in 2013. Half (50.8% or 4,412) of these enquiries were general in nature, while 2,152 were specific ones leading to prospective complaints. Another 2,115 were specific enquiries relating to other topics.

### Complaints related to employment

Of all the complaints received and handled by the EOC, the majority or 49% were lodged under the DDO, which totalled 258. More than three quarters of these complaints fell in the employment area. Similarly, the majority (93.4%) of the complaints under the SDO were related to employment. Indeed, on average around 80% of all the complaints received by the EOC were related to employment.

These figures underline the need for employers to take proactive steps to address equal opportunities (EO) issues in the workplace, such as providing training to staff members and appointing EO officers. Such actions are important not only for minimising the organisation's potential liability, but also for enhancing overall staff productivity and morale.



The EOC has been working with businesses and organisations to assist them in implementing good management practices and to ensure that they are prepared to apply equality standards in their work environment. We also work with employers and employees to enhance their understanding of the anti-discrimination ordinances through tailored training workshops.

In addition, the EO Club provides an opportunity for interested parties to keep themselves abreast of the latest EO trends and practices, to network and share experiences with other HR and EO professionals. To join the EO Club, please visit the EOC website: [www.eoc.org.hk](http://www.eoc.org.hk).

平機會處理  
EOC handled

8,679

宗查詢  
enquiries



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

# 防止 校園性騷擾 網上課程

Online Training Module  
on Preventing  
Sexual Harassment  
on Campus

[www.eoc.org.hk:8080/shoncampus](http://www.eoc.org.hk:8080/shoncampus)

凡成功完成此課程的登記用戶，將獲贈一枚8GB USB記憶體以示獎勵。紀念品數量有限，送完即止。各得獎者將獲專函通知。

One 8GB USB memory stick will be presented to the registered users who have successfully completed the training module as a token of their effort while stock lasts. All winners will be notified individually.

☎ 2511 8211 @ [eoc@eoc.org.hk](mailto:eoc@eoc.org.hk)

抗騷擾 保尊嚴

Defend  
your dignity:  
Say NO to sexual  
harassment

參與院校  
Participating institutions:



(排名按筆劃序)