



我們的抱負 Our Vision

建設一個沒有歧視、崇尚多元、包容共濟的社會，人人共享平等機會。

To create a pluralistic and inclusive society free of discrimination where there is no barrier to equal opportunities.

我們的使命 Our Mission

為實踐抱負，我們會：

- 與社會各界建立夥伴關係；
- 促進社會人士對平等機會和多元化的關注、認識和接納，進行教育，以預防歧視；
- 執行反歧視條例；及
- 為歧視的受屈者提供途徑，討回公道。

We seek to achieve our vision by :

- establishing partnerships with all sectors in the community;
- promoting awareness, understanding and acceptance of diversity and equal opportunities and providing education to prevent discrimination;
- enforcing compliance with provisions in the anti-discrimination legislation; and
- providing access to redress for discrimination.



主席序言 Chairperson's Foreword

明報圖片 Photo: Ming Pao



平等機會委員會(平機會)在香港推行三條反歧視條例已超過十個年頭。我很高興在2006/07年,平機會在數個範疇上取得了進展,我們將繼續努力,為未來爭取更好成績。

去年,我們籌備並推出了一個為期12個月的平機會十周年活動計劃,以慶祝成立十周年。這個活動計劃是一項重要的工作,讓平機會的夥伴及社會大眾參與其中,並加深他們對平等機會在本港社會主流化的認識和支持。這個活動計劃在2006年10月「平等機會之友會」的成立典禮上揭開序幕。「平等機會之友會」是一個資訊交流平台,為公司和機構提供如何在工作間推行平等準則的指引。一直以來,在我們收到的投訴當中,接近八成是關乎僱傭範疇的,有鑑於此,我們設立「平等機會之友會」,以改善機構遵守平等機會法例的情況。

十周年活動計劃的重點之一,是平機會與瑞典駐香港總領事館、瑞典文化學會及香港中文大學合辦的「兩性平等的進程—瑞典和香港的情況」研討會,眾所周知,瑞典獨特的兩性平等模式被視為拉近兩性差距的楷模,因而獲得高度評價。海外和本地專家於研討會上就兩性平等的發展及未來路向作出深入討論。這個國際研討會的另一部分,是探討性別定型問題的青年論壇,論壇於研討會翌日假香港中文大學舉行。

The Equal Opportunities Commission (EOC) has entered the second decade of implementing Hong Kong's three anti-discrimination ordinances. I am glad to report that we have completed a full year of activities in 2006/07, and progress has been made in a number of areas. However, it is also timely to plan for what more can be achieved.

Last year, we prepared and launched a 12-month programme of events and activities to commemorate our 10th Anniversary. The 10th Anniversary Year Programme was a major undertaking to engage our partners and members of the public to understand and support the mainstreaming of equal opportunities in our community. The Programme was launched at the inauguration of the EO Club in October 2006, an information-sharing platform that provides guidance for businesses and organizations to implement equality standards in the workplace. Over the years, close to 80% of our complaints have been employment related and it is based on this evidence that we created the EO Club to improve compliance.

One of the highlights of the anniversary year programme was the Seminar on Advancement in Gender Equality – The Swedish and Hong Kong Stories, which was jointly organized by the Commission, the Consulate General of Sweden, the Swedish Institute and the Chinese University of Hong Kong (CUHK). As we all know, Sweden's unique model for gender equality is highly regarded for closing the gender gap. Overseas and local experts were able to reflect on the progress of gender equality, and the way forward. As part of the international seminar, a youth forum on gender stereotypes was held the following day, at the CUHK campus.

主席序言

Chairperson's Foreword



為介紹平機會過去十年的工作成果，我們舉辦了「十年回顧展」，在港島、九龍及新界12個公眾場地巡迴展覽，當中展示的統計數字，讓市民更瞭解平機會一直以來的工作。在過去十年，我們處理了接近118,000宗查詢、收到的投訴共6,641宗，而法庭判定的損害賠償及庭外和解款項金額合共2,300萬元，派發給社會大眾的平機會刊物則超過600萬份。由此推論，若說平等機會的觀念是得到很多人的關注和支持的，這並非言過其實。

由2006年5月開始，平機會首次推出為期14個月的電台節目，在香港電台第2台每周播放嘉賓專訪。我們藉着這個節目進行持續的推廣工作，邀請了超過60位嘉賓出席電台節目，與我們合力提高市民對多元共融的認識，這些嘉賓來自社會各界，包括立法會、非政府機構、大學、復康組織及婦女團體。除了獲得廣泛的支持外，平機會亦透過這個電台頻道，每週與相關機構/人士聯繫及溝通。

平機會於2006年11月公布「同值同酬」研究，這是我們為了在香港促進同值同酬原則而進行的長期工作項目。平機會根據曾進行的《可行性研究》和《顧問研究》，制訂出在香港推行同值同酬的方式。在未來數月，我們會為僱主制訂實用指引，並會加強有關此課題的公眾教育和培訓。這是一個複雜

For an account of what the EOC has been able to achieve in the past ten years, a series of exhibitions "Ten Years On" was mounted in 12 public venues across Hong Kong Island, Kowloon and the New Territories. A few statistics from the exhibitions can offer a closer look at our work so far, close to 118,000 enquiries handled, 6,641 complaints received, \$23 million settled including damages awarded by the courts and out-of-court settlements, and over 6 million copies of our publications distributed. It is not an overstatement to conclude that equal opportunity is indeed a concern that is shared and supported by many among us.

In the past year, for the first time, the Commission ran a weekly interview programme on RTHK Radio 2 for 14 months beginning May 2006. This was a sustainable promotional tool with over 60 guests from all walks of life, such as the Legislative Council, NGOs, universities, rehab and women's groups joining hands to raise public awareness about inclusion and diversity. Apart from winning wider popular support, the value of this weekly media forum also enabled the Commission to connect and interact with our stakeholders.

The Commission released its Study on Equal Pay for Work of Equal Value (EPEV) in November 2006 as a long term project undertaken to advance the principle of EPEV in Hong Kong. Based on work conducted in a Feasibility Study and a Consultancy Study, the Commission has mapped out the introduction of equal pay for work of equal value in Hong Kong. In the coming months, we will develop a practical guide for employers, and strengthen public education and training on the subject. This is a complex subject, and we have examined closely views

的課題，不同國家對這課題也有不同的做法，故此我們仔細審議相關人士的意見，從而確保所採取的方向，適合於在香港促進同值同酬。

平機會於去年12月公布「在某些公眾可進出的處所進行的無障礙通道/設施正式調查」計劃，這項正式調查集中研究由房屋委員會、房屋協會、領匯管理有限公司和政府所興建、擁有或管理的屋邨、商場、停車場、建築物及辦公室的若干處所的前往/使用方法，調查特別參照法例規定須以無歧視的方式，為殘疾人士提供可使用設施的要求。

無障礙通道及設施對殘疾人士在就業、獲得貨品和服務、個人發展和獨立生活方面是必須的。因此，建立一個沒有障礙的環境，令有殘疾和沒有殘疾的人士享有平等機會及盡展潛能，是非常重要的。這項正式調查是平機會為促進殘疾人士與非殘疾人士之間機會平等而進行的工作。

由於本港有傳媒機構以隱藏的攝影機拍攝某紅歌星在後台更衣的照片，照片刊登後引起公眾強烈反響，因而觸發平機會進行一項「公眾對香港傳媒描述婦女的手法的意見調查」。偷拍事件呈現了在媒介中女性形象被定型化的問題，而這項意見調查亦會探討市民對兩性平等的意識，及他們對文字印刷媒體描繪女性的方式的看法。

expressed by stakeholders. Different countries have taken different routes on EPEV and we need to ensure that the direction we are taking is appropriate to advance equal pay for work of equal value in Hong Kong.

In December 2006, the Commission unveiled its plan to conduct a Formal Investigation on Accessibility in Certain Publicly Accessible Premises. The Formal Investigation is a focused study into the means of access to or use of certain premises within housing estates, commercial centres, car parks, buildings and offices built, owned or managed by the Housing Authority, Housing Society, The Link Management Ltd. and the HKSAR Government, with specific reference to the legal requirement of providing accessible facilities to persons with a disability in a non-discriminatory manner.

Accessibility is essential for persons with a disability in their enjoyment of equal opportunities at work, in delivery of goods and services, personal development and independent living. It is imperative to create a barrier-free environment where individuals with or without disabilities can enjoy equal opportunities to develop their full potential. The Formal Investigation is the EOC's initiative to promote equality of opportunity between persons with and without a disability.

A Study on Public Perception of Portrayal of Female Gender in the Hong Kong Media was spurred by controversial pictures taken with a hidden camera of a popular singer changing backstage. A public outcry followed when the pictures were published in a weekly magazine. The incident raised questions about stereotypical images of women in the media, and this survey will address issues such as awareness of gender equality and public attitudes regarding the treatment of women in the print media.

主席序言 Chairperson's Foreword



去年，我們繼續在立法會提出意見及建議，並報告我們的工作進度。我們曾應若干立法會事務委員會及小組委員會會議的邀請，參與討論關乎性別、殘疾及其他人權問題的事宜。把平等納入主流以帶動變革是平機會的基本工作，然而，即使在現存的法律框架之下，我們仍經常體會到，在現實生活中獲得更優質生活的機會，並不是平均分配給社會每個人的。我們長久以來推動有關「殘疾人士的交通需要及為他們提供公共交通票價優惠」的工作，就是一個好例子。

我們完全明白，在推動平等機會時，單靠立法未必足以改善弱勢社群在各個範疇的機會。實踐平等的意願、對社會公義或公平運用社會資源的追求，主動權都在決策者。本港一些主要的公共交通營運商已採取了實質的步驟，落實企業社會責任，例如為學生和長者提供票價優惠。我希望在不久的將來，他們會將殘疾人士納入這種優惠之列。一份由政府委託香港大學進行的研究指出，提供票價優惠實際上可以鼓勵殘疾人士和他們的照顧者增加出外，從而增加營運商的收入，抵銷提供優惠的開支。確實，很多海外研究都顯示，企業社會責任是利營商的。

In the past year, we continued to provide views, advice and reported progress in the Legislature. At the invitation of a number of Legislative Council panel and subcommittee meetings, the issues discussed focused on gender, disability and other human rights concerns. Mainstreaming equality to effect change is the cornerstone of our work. However, despite the existing legal framework, one is reminded that in reality, equal access to a better quality of life is not evenly distributed among everyone in our society. The lengthy campaign that has been waged for "Transport Needs of and Provision of Concessionary Fares for Persons with Disabilities" is a case in point.

We fully realize that in advancing equal opportunities, legislation itself may not be sufficient to improve life chances for marginalized groups. The willingness to put equality into practice, the quest for social justice or equitable use of the community's resources lie with the decision makers. Some of our major public transport operators have already taken concrete steps to embrace corporate social responsibility, such as by offering concessionary fares to the young and the aged. I hope that before long, they will extend this allowance to persons with disabilities. A University of Hong Kong study commissioned by the government has pointed out that concessionary fares could actually encourage more travel for persons with disabilities and their carers, thus increasing revenue to offset the cost of providing the concession. Indeed, many studies overseas have shown that corporate social responsibility makes good business sense.

More fundamentally, at a time when corporatization of public services has become more frequent (no doubt, for good and valid economic reasons), it is important for

更重要的是，當公共服務基於合理及有根據的經濟原因而日趨公司化的時候，企業的管理人員應緊記，對盈利的追求不應抵銷企業對社會責任的承擔。同樣，決策者在公司化的過程中亦應明瞭，新模式的法律擁有權或專利形式的管理並不會改變公共服務的「公共」性質，特別是有關設施的實益擁有權仍屬行政機關所持有。

殘疾歧視現仍普遍存在。我們的投訴數字顯示，關乎工傷的問題：例如不為員工提供遷就、解僱員工、及病假等仍然佔投訴的大多數。至於根據《性別歧視條例》而提出的投訴當中，則以懷孕歧視的數目佔最多，當中很多婦女都是在產假後復職時被解僱的。為了打擊這種形式的歧視，我們推出了一項傳媒計劃，包括兩個電視及電台宣傳短片，提醒僱主不應歧視女性僱員。

在為個別人士提供途徑以尋求法律索償時，我們發現投訴人與答辯人大多傾向進行庭外和解。這種情況顯示我們的制度能夠為雙方面服務，而訴訟並非解決糾紛的唯一可行途徑。我們着重以調查和調解的做法去促進社會對平等機會觀念的接納，這較耗費更多時間及人力的訴訟可取。然而，假如我們反歧視制度的重要元素受到質疑，我們將毫不猶疑地行使法例所賦予的權力，透過法律行動尋求解決。

corporate managers to bear in mind that the quest for more profits should not be at the expense of lowering the commitment to corporate social responsibilities. Likewise, decision makers in the process of corporatization should be mindful that a new mode of legal ownership or a franchised form of management does not change the 'public' nature of public services, especially where beneficial ownership in the facilities remain vested in the executive authority.

Disability discrimination remains prevalent. Our complaint figures show that work injury related issues, such as lack of accommodation for staff, dismissals, and sick leave matters still dominate. Meanwhile, pregnancy discrimination ranks the highest number of complaints under the Sex Discrimination Ordinance. To tackle this form of discrimination, we proceeded with a media campaign, comprising two sets of TV and radio announcements of public interest to discourage employers from mistreating their female staff, as many are sacked when they return to work from maternity leave.

In providing individuals access to legal redress, we have found that the trend is for complainants and respondents to settle out of court. This shows that our system is able to serve both sides, and that litigation is not the only viable way to settle disputes. Our emphasis on investigation and conciliation is perceived as a preferred way to promote acceptance of equal opportunity, instead of engaging more time and effort in litigation. Nonetheless, where the essential component of our anti-discriminatory framework is ever thrown into doubt, we shall not hesitate to exercise our powers under the law to seek resolution through legal action.

主席序言 Chairperson's Foreword



平機會亦以法庭之友的身份參與了有關《刑事罪行條例》內性傾向歧視的上訴程序。事緣政府就原訟法庭於2005年所作的一項裁決提出上訴，而上訴庭去年維持原先的裁決，即裁定法例禁止21歲以下人士進行同性性行為，卻同時訂立異性性行為的年齡下限為16歲的條文違憲。儘管所涉及的問題是性傾向歧視，但平機會認為法庭很可能會觸及歧視的一般概念，而這問題可能會對我們的工作有所影響，因此要確保上訴庭就此類觀念獲得不偏不倚的意見，這亦是對平機會工作有利的。

展望未來，我們已部署計劃為《種族歧視條例草案》立法而作好準備，以提高我們的運作能力，去擔當新的角色。幾位主要職員於2006年11月前往倫敦出席了英國種族平等委員會舉辦的種族會議，探討有關融合身份、平等機會、移徙、種族多元化及商界角色等問題，亦瞭解到英國及其他地方在推行種族歧視法例及改善種族關係方面的經驗。我們的同事亦到訪英國種族平等委員會，就實務守則、投訴處理、訴訟及與商界融合等議題作出交流。

按照計劃，我們已着手為員工提供培訓及研習班、進行研究項目及意見調查、擬備實務守則、建立聯繫網絡、舉辦公眾教育活動及草擬內部語文政策。

The EOC also participated as amicus curiae in the appeal proceedings concerning sexual orientation discrimination in the Crimes Ordinance. The government's appeal was against a Court of First Instance ruling in 2005. The Court of Appeal last year upheld the original ruling, which decided that a provision prohibiting homosexual sex until the age of 21 as opposed to 16 for heterosexuals was unconstitutional. Even though the subject matter was sexual orientation discrimination, the Commission considered that the Court was likely to deal with the general concepts of discrimination, which may impact on our work and that it was in the interest of the EOC to ensure that the Court of Appeal received impartial assistance on such concepts.

Looking ahead, in preparation for the enactment of the Race Discrimination Bill, we have proceeded with a plan of action for capacity building to assume our new role. A number of key staff attended the Race Convention in London in November 2006, organized by the Commission for Racial Equality (CRE) in the United Kingdom, which dealt with racial issues including the concept of integration identity, equal opportunities, migration, diversity and the role of business. Participants also learned about the experiences on implementing race discrimination legislation and promotion of race relations in the UK and elsewhere. Our colleagues also visited the CRE covering issues such as code of practice, complaint-handling, litigation, integration with the business sector.

As according to plan, we have embarked on training and study programmes for staff, conducting research projects and surveys, preparation of Codes of Practice, networking and organizing public education programmes, and drafting of an internal language policy.

在與海外機構建立聯繫網絡方面，平機會與香港教育學院合辦了一個為期三日的國際會議，以評估教育範疇的兩性差異，並為青少年男女探索新的學習機會。2006年6月舉行的「性別平等教育的挑戰與前景：亞太區第二屆國際研討會」，有來自11個國家及地區的超過100位專家講者及參加者出席。

我們亦積極參與「聯合國消除對婦女歧視委員會」的會議，及《保護和促進殘疾人權利和尊嚴的全面綜合國際公約》特設委員會的聯合國會議(亞洲及太平洋經濟社會委員會工作坊)。聯合國大會已於2006年12月通過這份具有重大意義的《殘疾人權利公約》，而當公約於2007年3月開放給各國簽署時，中國已成為最早簽署的締約國之一。

明年將會是平機會繁忙的一年，我期望與各委員及平機會的合作夥伴一同努力，進一步推動平等機會。

平等機會委員會主席

鄧爾邦

In networking with our counterparts overseas, the EOC joined the Hong Kong Institute of Education (HKIEd) in holding a 3-day international conference to evaluate gender differences in education and explore new learning opportunities for young women and men. "Challenges and Possibilities in Gender Equity Education: The Second International Conference in the Asia-Pacific Region" opened in June 2006, with over 100 expert speakers and participants from 11 countries and regions.

We have also been able to contribute to United Nations' meetings of the Committee on the Elimination of Discrimination Against Women (CEDAW), and the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (ESCAP Workshop). The UN General Assembly has endorsed the landmark treaty, the Convention on the Rights of Persons with Disabilities, in December 2006 with China becoming one of the early signatories when the Convention was open for signature in March 2007.

The Commission is expecting another busy year ahead, and I look forward to working with our Members and other partners to further the cause.

Raymond Tang
Chairperson, Equal Opportunities Commission