



平等機會委員會
EQUAL OPPORTUNITIES COMMISSION

2016

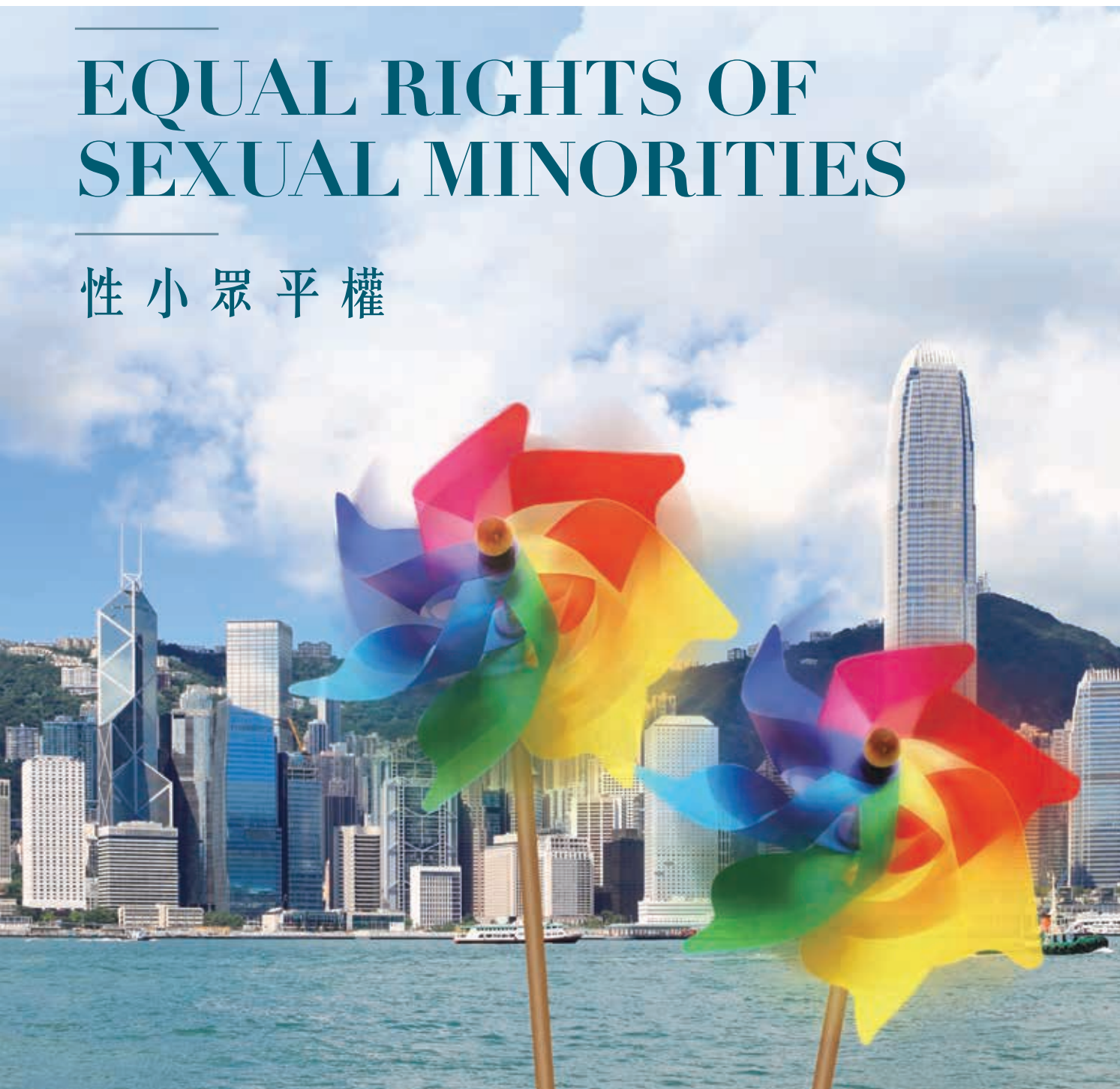
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EOC JOURNAL

EQUAL RIGHTS OF SEXUAL MINORITIES

性小眾平權



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主席的話

Message from the Chairperson

猴年伊始，我謹代表平等機會委員會(平機會)衷心祝福大家新春快樂、龍馬精神、猴年興旺！誠然，2016年對平機會來說，是別具意義的一年。因為香港第一條反歧視法例《性別歧視條例》於1995年通過，平機會就是根據該條例於次年成立，而今年剛好是二十周年。

過去二十年來，香港和其他司法管轄區在平權事務上出現了很大變遷。隨著人口變化，加上社會對多元共融價值觀有更深的認識，市民大眾期望得到更大的保障，免受歧視和不平等對待。香港的反歧視條例保障範圍也相應擴大，現已涵蓋性別、婚姻狀況、懷孕、殘疾、家庭崗位及種族。

然而，不平等和偏見並未銷聲匿跡。愈來愈多證據顯示，歧視仍然植根於我們的都市。我們必須作好準備改革更新，以配合人權疆界不斷拓展。平機會一直前瞻未來，積極面對這些轉變和考驗。今期，我們將重點報導平機會針對不同範疇、一些現時尚未有具體法例保障的歧視議題所作出的最新研究。

首先，平機會於今年1月初公布了「職場年齡歧視的探索性研究」結果。研究結果顯示香港職場存在年齡歧視，尤其是年紀較大的員工最受歧視。同月，我們亦公布了「有關立法禁止性傾向、性別認同及雙性人身份歧視的研究」結果。這是香港到現時為止就相關議題進行的最全面研究，我們相信研究結果提供了充分理據，證明政府需要進行有關立法的公眾諮詢。

平機會很快亦會公布「歧視條例檢討」的結果。「歧視條例檢討」旨在根據我們過去二十年的運作經驗和國際反歧視法例的發展，審視現有反歧視法例，從而加強保障。

這些研究提供了事實基礎，不但有利我們計劃應付新歧視問題的方針，也讓市民大眾對相關議題有所認識。誠然，社會對歧視問題存在不同的觀點、經驗和思考角度。因此，在追求平等的過程中，我們必須保持理性和持續的對話。不管各自的立場如何，我們都應繼續討論、學習及願意溝通。這樣，我們才能共同努力，邁向人人共享平等機會和社會共融的目標。

無疑我們當前正站在變革的十字街頭，我在此感謝過去二十年來與平機會並肩奮鬥，爭取人人平等的夥伴，並期望未來與你們繼續攜手邁步向前。最後，我借此機會，祝願各位事事順遂、身體健康、幸福美滿。

平等機會委員會主席
周一嶽
2016年3月



My hearty greetings to you from the Equal Opportunities Commission (EOC) in this first issue of the EOC Journal for 2016. Indeed, this year is very special for our organisation, as it marks the 20th anniversary of the EOC's establishment with the passage of the Sex Discrimination Ordinance, the city's first specific anti-discrimination law, back in 1995 and its implementation the year after.

Over the last two decades, the equality landscape, both for Hong Kong and in other jurisdictions, has seen a tide of change. Demographic changes, coupled with wider understanding of the values of diversity and inclusion, have raised expectations for greater protection against discrimination and inequality. Aptly, the anti-discrimination protection in our city has accordingly expanded, and now covers specific characteristics of sex, marital status, pregnancy, disability, family status, and race.

Yet inequality persists and prejudices remain. There is growing evidence that we need to seek, and be ready for, change, as the boundaries of human rights continue to expand. The Commission has been looking ahead and actively preparing for these shifts and challenges. In the coming pages, you will learn more about some of our recent studies on different areas of discrimination for which there is currently no specific legal protection.

In early January, we released the Exploratory Study on Age Discrimination in Employment, which found that age discrimination is indeed occurring in the Hong Kong workplace, with mature workers being especially vulnerable. In the same month, we also published the findings of our Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status.

This is the city's most comprehensive study on this issue to date, the results of which, we believe, justify the need for the Government to launch public consultation on possible legislative remedies.

And we will soon release the findings of the Discrimination Law Review, which looks at strengthening the protection under the existing anti-discrimination ordinances based on our operational experience over the last two decades as well as international developments.

These studies were intended to provide the necessary factual foundation and help inform Hong Kong as we map our own approaches to these emerging issues of discrimination. Certainly, the evolution of equality must be accompanied by continuous and rational dialogues, bearing in mind that there is a diversity of viewpoints, experiences, and perspectives. Whatever our stance, we should continue to discuss, learn, and engage with one another. This is how we can, together, achieve our shared goal: an inclusive Hong Kong where all people can enjoy equal opportunities.

As we stand at the crossroad of change, I thank you for being our partners over the last two decades in this fight for equality for all. The Commission looks forward to continuing our work alongside all of you. May I also wish you a joyful year ahead, as well as a happy and prosperous Year of the Monkey.

York Y. N. CHOW
Chairperson
Equal Opportunities Commission
March 2016

平機會論壇2015



02

平等機會委員會(平機會)於2015年11月24日假鰂魚涌香港青年協會大廈舉辦了公開論壇，吸引了約240位來自政府部門、公/私營機構、以及不同界別的非政府組織和關注團體(例如教育和社會服務界)代表出席。藉著這次機會，平機會希望能加深公眾對委員會工作的認識，並締造平台與市民交流和分享關於歧視的議題。

平機會乃於2012年舉行首屆公開論壇，旨在加強與持份者的溝通，提高透明度及問責性。過去四年，平機會透過論壇與市民大眾分享委員會的工作和表現，並就如何消除歧視聽取公眾的意見。

於2015年的論壇上，平機會主席周一嶽醫生為論壇的第一部分揭開序幕，重點介紹了平機會各個優先工作領域的工作進度，包括：歧視條例檢討、立法保障不同性傾向人士免受性傾向、性別認同及因雙性人身份引致的歧視、倡議少數族裔學生和有特殊學習需要學生的平等教育和就業機會、倡議政府執行職能時顧及殘疾人士的實際需要，以及持續推動反性騷擾運動。

隨後，周醫生又與平機會屬下四個專責小組的召集人及代表一起解答台下參加者的問題。

論壇第二部分的焦點是「少數族裔人士在教育和就業上面對的挑戰」。與去年一樣，平機會為2015年論壇訂立主題，務求讓與會者可集中、深入地討論有關議題。平機會除了介紹其少數族裔事務組的工作策略外，更邀請了少數族裔人士和領事館人員參加，並安排來自政府及私營機構的代表分享他們的觀點和舉措。

在教育方面，教育局首席教育主任(課程發展)李沙崙先生報告了局方為非華語學生加強中文學習及教授的工作進度。



至於就業方面，勞工處高級勞工事務主任(就業)(政策)羅瑞芳女士及公務員事務局助理秘書長(聘任)陳燕婷女士，分別就為少數族裔人士所提供的就業支援以及聘用少數族裔人士作為公務員這兩個課題進行簡報。

就推動工作間多元文化的議題，太平洋咖啡區域經理——培訓及發展潘佩儀女士分享了其公司的經驗。醫院管理局高級行政經理(業務支援及發展)李行思先生則介紹了醫院管理局為少數族裔人士所提供的支援。

論壇得到積極回應，參加者就少數族裔所面對的困難進行了熱烈討論，交換意見，冀找到解決的方法。這些意見有助平機會思考如何持續提升工作表現及向公眾負責。

根據當日從參加者收回的問卷調查顯示，九成受訪者認為論壇能夠加強平機會與持份者和公眾之間的溝通。

周一嶽醫生總結時強調：「近年，本港社會的分歧日益擴大，每每困於紛亂意見和長期對立之中。在推動社會前進時，我們必須要以互相尊重的態度作為基礎，方能進行有建設性的對話。我們必須建立平台及營造機會，讓不同界別之間進行溝通和交流，以便攜手合作找出解決方法，並確保我們的社會上沒有人會遇到不公平的歧視。」

90% 受訪參與者認為論壇能加強平機會與公眾的溝通



EOC Forum 2015

On 24 November 2015, the Equal Opportunities Commission (EOC) held a public forum at The Hong Kong Federation of Youth Groups Building in Quarry Bay. Bringing together almost 240 representatives from Government departments, public and private entities, non-governmental organisations and concern groups across different sectors, such as education and social service sectors, the event served to enhance better understanding of the EOC's work and provide a platform for exchange and sharing on issues related to discrimination and inequality.

basis of sexual orientation, gender identity and intersex status; advocating equal education and employment opportunities for ethnic minorities; promoting integrated education for students with special educational needs; urging the adoption of an updated and unified definition of disability in the performance of Government functions; as well as the continuous implementation of the anti-sexual harassment campaign.

Dr. Chow was joined by the Convenors and representatives of the four Committees under the EOC to answer questions from the floor participants following his presentation.



This initiative to engage stakeholders and enhance transparency and accountability was first rolled out by the EOC in 2012. For the last four years, the EOC has been leveraging on the occasion to share its work and performance with members of the community, and solicit their views on measures to tackle discrimination.

The first part of the 2015 forum featured a presentation by Dr. York CHOW, the EOC Chairperson, who highlighted the progress of the priority work areas of the Commission. These included: conducting the discrimination law review; seeking legal protection for sexual minorities from discrimination on the

The second part of the forum focused on the education and employment challenges of ethnic minorities (EM). Similar to the previous year, the EOC adopted a special theme for the 2015 forum to give emphasis and motivate in-depth discussion on the subject matter. On top of introducing the strategies of the EOC's Ethnic Minorities Unit, the Commission invited the participation of EM groups and consular corps, and arranged for representatives from the Government and the private sector to share their views and initiatives.



On education, Mr. Sheridan LEE, Principal Education Officer (Curriculum Development) from the Education Bureau, reported on the progress of the Bureau's effort to enhance Chinese learning and teaching of non-Chinese speaking students.

On employment, Ms Catherine LAW, Senior Labour Officer (Employment Services) (Policy) from the Labour Department and Ms Eunice CHAN, Assistant Secretary (Appointment) from the Civil Service Bureau highlighted the support for EM and employment of EM in the civil service respectively.

In addition, Ms Ivy POON, Regional Manager – Training and Development of Pacific Coffee Company, shared the company's experiences of promoting culturally diverse workplace, while Mr. Hans LI, Senior Manager (Business Support Services) from the Hospital Authority talked about the support for EM provided by the Hospital Authority.



The Forum drew enthusiastic response and feedback, as participants eagerly shared their views and suggestions on measures to address the challenges faced by the EM. The insights and feedback will be helpful to the EOC, as the Commission seeks to enhance its accountability and performance continuously.

According to the findings of the questionnaire survey conducted among the participants, 90 per cent of the respondents who returned the questionnaire agreed that the forum enhanced the communication between the EOC and its stakeholders as well as the general public. As Dr. Chow emphasised in his concluding remarks, "Our city has witnessed widening divisiveness due to differences in opinions and persistent misunderstanding in recent years. To move forward as a society, what is needed is constructive dialogue grounded in mutual respect. We must, therefore, create platforms and opportunities for inter-sector communication and exchange, in order to collectively arrive at a solution and ensure that no one faces unfair discrimination in our society."



90% participants surveyed agreed the forum enhanced communication between the EOC and the public

香港少數族裔能走出貧窮的困局嗎？



「孤獨和不受歡迎的感覺
是最可怕的貧窮。」

德蘭修女

特

區政府於2015年12月31日發表了《香港少數族裔人士貧窮情況報告》，並已於12月初把報告結果呈交扶貧委員會。報告根據2011年人口普查的數據，發現政策介入後，香港的少數族裔貧窮住戶約為9,800戶，而少數族裔貧窮人口約有24,800人；至於少數族裔的貧窮率為13.9%，低於政策介入後的全港貧窮率(15.2%)。

儘管如此，政府統計處於2014年進行的「有南亞裔學童住戶統計調查」顯示，經恆常現金政策介入後，南亞裔的貧窮率仍高達30.8%，遠高於全港整體有兒童住戶的平均率(16.2%)。當中有兒童的巴基斯坦住戶貧窮率更高達44.8%。

貧窮問題

上述數字突顯出居港少數族裔受貧窮困擾的景況特別嚴重。2014年的調查亦發現，南亞裔貧窮住戶有兩大特徵：第一，這些住戶的家庭成員明顯較多，當中近60%是五人或以上家庭；第二，這些家庭的在職成員比例明顯較低，這種情況在巴基斯坦家庭尤其明顯，由於他們的女性成員勞動參與率相對較低，因此整個家庭往往只靠少數成員負擔家計，而礙於在職成員的教育程度和中文水平偏低，他們只能從事較低技術和低薪酬的工種。

平等機會委員會(平機會)十分關注香港少數族裔社群面對的貧窮問題，包括於平等教育和就業方面的阻礙。這些障礙對少數族裔能否打破貧窮的惡性循環有深遠影響。有見及此，平機會在過去幾年都把提倡少數族裔平等教育和就業機會列為策略性優先工作領域之一，並成立「少數族裔事務組」，專責協助少數族裔爭取平等機會。

平機會在2015年11月向立法會扶貧小組委員會提交意見書，指出要消除本港少數族裔的貧窮問題，並提高他們的社會上流機會，至關重要的是讓他們享有平等教育和就業機會，同時需加強語言支援，提高服務提供者的文化敏感度。

教育及就業問題

事實上，如上述調查顯示，很多有兒童的南亞裔貧窮住戶在家通常以母語溝通。另外，那些在工作上遇到困難的南亞裔人士認為他們面對的主要障礙是使用中文。語言障礙亦令他們在社會的投入程度較低，不少人更表示因語言問題，以致不知道個別的支援服務。

平機會主席周一嶽醫生於2015年11月19日在《明報》撰文指出，對香港很多少數族裔而言，他們面對的教育問題早在學前階段已開始。

「縱使家長希望安排子女入讀教授本地課程的幼稚園，以便子女能夠學習中文，但申請入學之初，有部份幼稚園只提供中文版本的資料，或只以中文進行面試，這情況對非華語家長造成了重大的障礙…意味着有相當多的學童未能在關鍵時機學習中文，而這正是影響他們未來前途的關鍵因素。」

「到了小學階段，他們的語言障礙已經形成，既不懂中文，若不因應他們作為第二或第三語言學習者的特殊需要，而在學習系統上提供支援，這個障礙便會令他們難以繼續學習新知識，要升讀中學或考上大學便難上加難。欠缺更高的學歷，對他們將來求職亦有長遠的影響。」

周醫生又指很多少數族裔求職時也會遇到歧視和其他困難。他在文章內提到：「很多職位廣告均列明應徵者需精通中文，意味着少數族裔往往只能從事一些薪酬較低的崗位和行業，接受較長的工時，工作亦較乏味或危險，更遑論升職機會。現時整體人口中，有相當高比例的少數族裔人口從事較低薪的初級職位。」

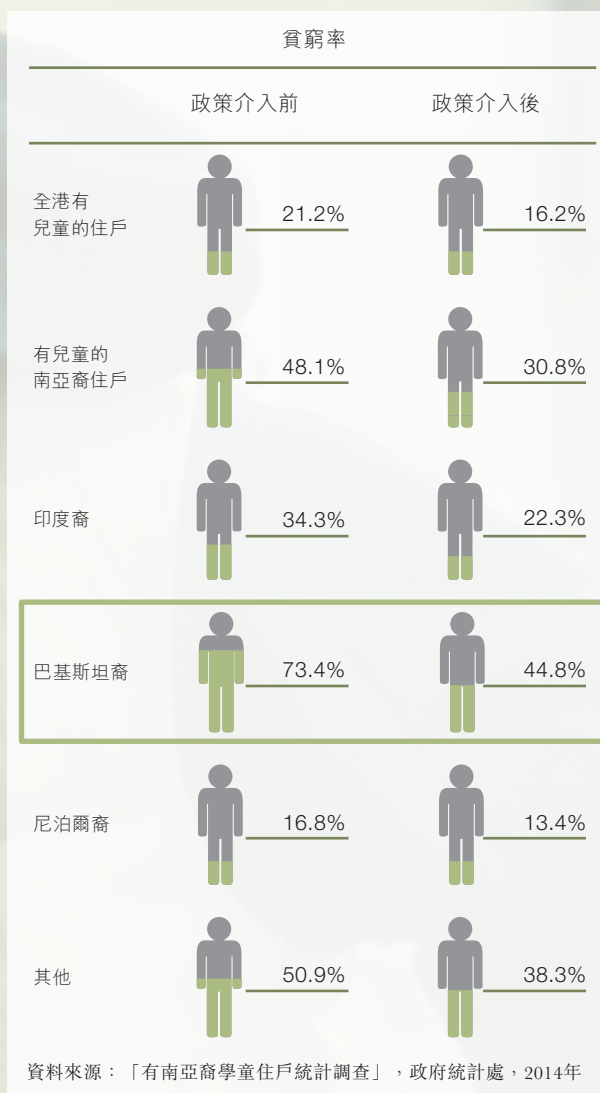
政策方案

周醫生認為應有更全面的政策來解決這些問題，且應由學前階段作為起點。他指出：「當然，有些層面是需要優先處理的，例如，教育局可以在選校過程中為少數族裔家長提供更多支援，並撥出資源讓所有來自不同背景的學生，都能夠一同有效地學習。政府亦必須監察和確保這些增配的資源是用於支援教育和社會共融的措施之上。」

「根據最新的統計資料，目前公務員團隊裡只有2%是來自少數族裔背景的香港居民，政府應考慮增聘少數族裔擔任政府職位。我一直促請政府重新考慮某些空缺的中文要求，並且在招聘時承認求職者的第三語文能力，特別是那些直接為市民服務的崗位。以醫護專業人員為例，如能招募更多少數族裔人士加入，必可提升本港醫院的服務效率和文化敏感度，並可減少對傳譯人員的依賴，確保每個人都能夠獲得平等的服務。」

「我亦已促請當局承認額外的語言技能，並劃一接納其他中國語文科成績作為入讀專上院校的入學資格，當中包括副學位課程在內。同時，學校及大學的行政人員應該積極主動地確保校園生活的其他層面，包括在宿舍政策或學生活動方面，不會在無意間構成種族歧視。僱主亦應審視各個職位的中文水平要求是否合理抑或過高。」

周醫生表示：「我們絕對可以採取更多行動來幫助本地少數族裔社群獲取社會的上流機會。同樣重要的是，我們需要確認少數族群與我們同樣都是香港社會的一份子，同樣能參與建構我們所有人的未來……毫無疑問，我們每個人都可以為消除歧視出一分力，好讓身陷貧窮的人走出困局。」



Can Hong Kong's Ethnic Minorities Break the Cycle of Poverty?



On 31 December 2015, the SAR Government released the "Hong Kong Poverty Situation Report on Ethnic Minorities", which findings were presented to the Commission on Poverty earlier in the month.

Based on data from the 2011 Population Census, the report showed that after policy intervention, there were about 9,800 poor ethnic minority (EM) households in Hong Kong, with the size of poor EM population estimated to be 24,800. Their poverty rate, which was 13.9 per cent, was lower than the overall poverty rate of 15.2 per cent (after policy intervention).

However, according to the "Survey on Households with School Children of South Asian Ethnicities" conducted by the Census and Statistics Department in 2014, the poverty rate of South Asians after recurrent cash policy intervention stood at 30.8 per cent, much higher than the average rate of 16.2 per cent for the overall households with children in Hong Kong. In particular, the poverty rate of Pakistani households with children was even higher at 44.8 per cent.

Poverty Issues

These figures highlighted the vulnerability of Hong Kong's EM population to being impoverished. According to the 2014 survey, there were two major attributes of the poor South Asian households. First, these households were visibly larger, with almost 60 per cent having five persons or more in each household. Second, the proportion of working members of the family was markedly lower. This was particularly so for the Pakistani families, whose women tend to have a relatively lower labour participation rate. As a result, the financial burden of the large household was borne by a few family members,

many of whom were limited to elementary occupations with lower earnings due to their relatively low educational attainment and Chinese proficiency.

The Equal Opportunities Commission (EOC) holds great concerns about the poverty issues, including the educational inequality and the barriers to employment, faced by many in Hong Kong's EM communities. These barriers have far-reaching implications which could impact the ability of EM to break the poverty cycle. The Commission has named advocating equal education and employment opportunities for ethnic minorities one of the EOC's strategic work priorities over the last few years, and has established a dedicated Ethnic Minority Unit to fight for the cause.

Back in November 2015, the EOC made a submission to the Legislative Council Sub-Committee on Poverty. The Commission pointed out that to alleviate poverty and promote upward mobility of EM Hongkongers, it is important for them to have equal access to schooling and job opportunities, and to strengthen language support and cultural sensitivity in service provision for EM communities.

Education and Employment Issues

Indeed, as shown in the above-mentioned survey, most poor South Asian households with children usually spoke in their mother tongue at home. Those who experienced difficulties at work attributed the major obstacle to the use of Chinese. These households also had low community involvement, and many expressed that they were not aware of certain support services owing to their language barriers.

In an article published in the *South China Morning Post* on 17 November 2015, Dr. York CHOW, Chairperson of the EOC, pointed out that for many ethnic minority Hongkongers, the problem begins in education, starting as early as the pre-primary stage.

"Many parents wish to send their child to a kindergarten offering a local curriculum, in order to enable the child to learn Chinese. However, some kindergartens provide school information or conduct admission interviews in Chinese only, which poses significant barriers for many non-Chinese applicants...This means that a considerable number of ethnic minority children may lose out on a crucial time to nurture their Chinese language skills, which is a key determinant of their future prospects in the city."

“Loneliness and the feeling of being unwanted is the most terrible poverty.” *Mother Teresa*

“Consequently, by primary school, a language gap is already in place. Without adequate and systematic support that fully recognises their specific needs as second- or third-language learners, this gap will likely persist and widen as they continue their education. Subsequently, at present, fewer ethnic minority students are able to gain admission to higher-band schools and universities. These factors will have a long-term impact on their ability to find gainful employment later.”

Dr. Chow said that many ethnic minorities also face discrimination and other hardships in looking for work. “Many job advertisements demand high-level Chinese proficiency, even if it is clearly not inherent requirements of the job. This means that ethnic minorities are often relegated to certain roles and industries with lower pay, more tedious or dangerous work, and few opportunities for advancement. A considerably higher proportion of the ethnic minority community presently engage in lower-paying elementary occupations, compared to the whole population.”

Policy Solutions

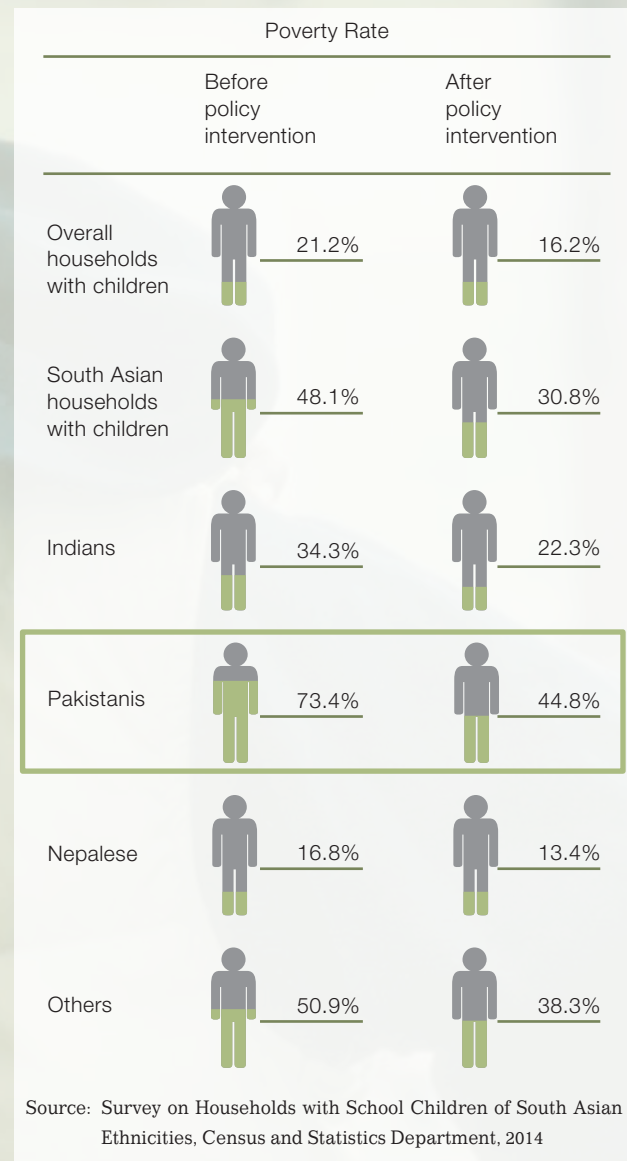
According to Dr. Chow, a more comprehensive policy solution, starting from the pre-school level, remains needed. “Certainly, there are some key areas for priority action. For instance, the Education Bureau can provide more support for ethnic minority parents in the school selection process, and resources should be put in place to enable students of all backgrounds to learn and succeed together. Such resources must be monitored to ensure their allocation towards measures supporting education and social integration.”

“The Government can also do more to hire ethnic minority Hongkongers into the civil service. As of the latest statistics available, Hongkongers of ethnic minority background make up only around 2 per cent of civil servants. I have been advocating for the Government to reconsider the Chinese-language requirements for certain jobs and recognise third-language capabilities in the recruitment process, particularly in roles that provide direct service to the public. For example, having more ethnic minority health-care professionals can surely enhance the efficiency and cultural sensitivity of services provided in our hospitals, as well as to lessen the reliance on interpreters and ensure that public services are accessible by all.”

“I have also urged that additional language skills be recognised and alternative Chinese qualifications be consistently accepted in admissions to tertiary institutes, including to sub-degree courses. School and university administrators should, moreover, proactively ensure that there is no inadvertent race discrimination in other areas of campus life, including in residence hall policies or student activities. Employers

should also determine whether their Chinese-language requirements for different jobs are truly necessary.”

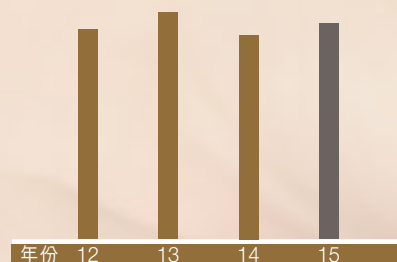
“Certainly, more can be done to enable our ethnic minority communities to access social mobility. Whatever our ethnic background, we are all a part of Hong Kong and contributors to our collective future. All of us can help to end discriminatory behaviour, and ensure that no one in our city suffers such poverty,” said Dr. Chow.



接納與關懷—— 醫治精神病的良藥



全港精神健康指數				
年份	2012	2013	2014	2015
平均分	56.25	59.72	55.93	58.72
(滿分為100分)				



社會上接連發生涉及精神病患或情緒困擾人士的倫常慘案，叫人不勝唏噓。這些悲劇都不禁叫我們疑惑，究竟現時本港預防及處理精神病患的政策是否全面，社會給予精神病患者及其家人的支援是否足夠。每年10月為精神健康月，正好讓我們反思，如何加強支援精神受困擾的人士，預防悲劇再次發生。



世 世界心理衛生聯盟 World Federation of Mental Health 於1992年將10月10日定為「世界精神衛生日」World Mental Health Day，藉此提高世人對精神健康問題的認識，以行動支持精神健康。而食物及衛生局更把每年10月定為「精神健康月」，與多個政府部門及非政府機構包括平等機會委員會(平機會)舉辦大型宣傳活動，讓社會加深了解及接納精神病患。2015年「世界精神衛生日」的主題是「尊嚴與精神衛生」，目的是指出不少精神病患者在接受診治以至日常生活中仍飽受傷害，尊嚴被剝奪。

對精神病的負面標籤和偏見

毫無疑問，社會上對精神病仍存有負面標籤和偏見，影響到精神病患者無法有尊嚴地生活。平機會於2011年進行了一項調

查，研究大眾對殘疾人士的態度。調查發現，在公共生活的多個範疇(包括房屋、公共服務、教育)，精神病患者持續地最受大眾歧視和不為接納。超過半數受訪者表示不想與精神病患者為鄰；近七成人不滿意融合教育有利患精神病的兒童。

近年政府積極在各區興建精神健康綜合社區中心，但屢遭阻撓，遇到社區人士反對。這些統計數字及現象均顯示，社會要摒除對精神病患的定型觀念和偏見，仍然長路漫漫。

精神病患者失業問題

誠然，定型觀念和偏見令精神病患者在就業和教育上備受歧視，從而減低他們融入及參與社會，以至自力更生的機會。根據統計署於2013年的資料，精神病患者或

「終我們一生，我們都有可能經歷情緒或精神健康問題，就有如傷風感冒一樣。當我們設身處地時，我們都希望得到支持與關懷，而不是抗拒與排擠。」

每7人便有一人有焦慮症或抑鬱症等情緒病



情緒病患者的失業率為7.8%，較全港整體失業率即3.4%，高出逾一倍。

現時《殘疾歧視條例》保障精神病患者在教育及僱傭等公共範疇免受歧視。然而平機會不時接獲及處理這類歧視投訴。當中不少屬僱傭範疇，主要是僱主無理解僱有精神病患或曾接受治療並已康復的員工，又或給予他們較差待遇。不少精神病患者亦表示，在工作間受到同事排擠。

更令人擔憂的是，這些偏見與歧視往往令精神病患者未能及時就醫及確診，以致演變成嚴重問題。事實上，不少病人以至其家人和至親可能因為懼怕外間目光或感到羞恥而不肯求助，有些則可能害怕失去工作、居所，甚至子女撫養權等，選擇隱瞞病情，不去醫治，令病情延誤。《香港精神健康調查2010-2013》估計，每7人便有一人有焦慮症或抑鬱症等情緒病；然而只有26%患者求醫，有更多患者默然忍受疾病的煎熬。

精神病患年輕化

其實每個人都會有精神健康變差的時候。香港工作時間長、生活節奏快和指數高、競爭劇烈，生活壓力高踞全球榜首，而壓力正是誘發精神健康問題的主要來源。近年本港精神病患更有年輕化的趨勢。根據2014精神健康月籌備委員會於2014年公布有關香港人身心健康質素的「精神健康指數調查」結果，年齡介乎15至24歲的受訪者，其精神健康指數平均值為53，較2013年的平均值63大幅下跌，反映出年輕人精神健康轉差。（註：2015年的男性平均值為55，女性為57。）

事實上，青年人的壓力絕對不少。除了學業，他們更要面對成長期的不同問題，包括自我肯定、建立社交網絡以至朋輩關係等，若得不到適當指引，可能會出現嚴重精神困擾。香港撒瑪利亞防止自殺會於2015年發表的調查報告便指出，年齡在11至30歲的年輕受訪者之中，有38.9%曾因壓力而有自殺念頭。

年輕人是社會的未來棟樑，我們必須協助他們建立良好心智及抗逆能力，以正面態度應付壓力與困難。除了給予年輕人多些關懷，作為父母及長輩的更應以正確態度面對下一代的情緒偏差或精神困擾問題，切勿忌諱精神病標籤而拒接受專業評估和治療，令問題惡化。

精神健康服務及人手嚴重不足

無可否認，香港的精神健康政策與服務目前仍有不足。病人到醫管局屬下精神科專門門診首次預約的整體輪候時間中位數由2011-12年的6個星期增至2013-14年度的8星期。同時，我們也欠缺足夠醫護人手(包括精神科醫生和護士，以及輔助醫療專業人員)，以應付本地精神健康服務的需要。這一切都窒礙了精神病患者及時醫治及康復的進程。

平機會倡議設立精神健康局

平機會一直倡議政府應規劃全面而長遠的精神健康政策，以促進和改善整體香港市民的精神健康，並制定策略和措施，讓病患者融入社區以及康復者重投社會，並處理與特定年齡有關的精神健康問題。政府又應根據適當和有廣泛基礎的統計和研究數據，擬定長遠人力計劃，培訓精神健康專業人士。

平機會更倡議，政府應考慮設立高層次的精神健康局，負責統籌和監察各項精神健康服務，以確保可成功推動跨界別合作，包括舉辦更多的公眾教育活動，以減除社會上對精神病的負面標籤和偏見。

結語

歸根究底，歧視與偏見是源於缺乏知識，因而產生恐懼、排斥。我們社會需要的是更多的諒解以及同理心。事實上，每個人不論年齡、性別、職業和背景，都有可能受到精神困擾。終我們一生，我們都有可能經歷情緒或精神健康問題，就有如傷風感冒一樣。當我們設身處地時，我們都希望得到支持與關懷，而不是抗拒與排擠。藉着每年一度的精神健康月，就讓我們摒棄歧視，好讓有需要的人得到關心照顧，過着有尊嚴的生活。

平等機會委員會主席
周一嶽

（原文刊於2015年10月29日明報）

Stigma — A Stumbling Block in Hong Kong's Efforts to Promote Mental Well-being

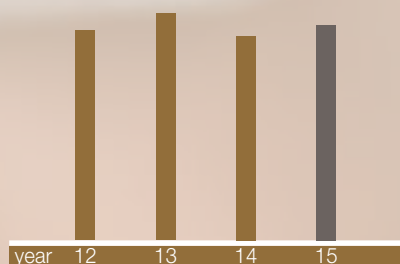


“There can be no life of dignity without inclusion and freedom from discrimination.”

Mental Health Index of Hong Kong People

Year	2012	2013	2014	2015
Average Score	56.25	59.72	55.93	58.72

(Maximum score is 100)



Dr. York CHOW, Chairperson of the Equal Opportunities Commission (EOC), calls for an end to the stigma that prevents the mentally fragile among us from seeking help.

October is Mental Health Month, and the theme of the 2015 World Mental Health Day, observed annually on 10 October, was “Dignity in Mental Health”, which served to highlight the fact that many people with mental illnesses continue to suffer indignities, both in access to necessary treatment as well as in everyday life.

Undoubtedly, the stigma and prejudice associated with mental illness poses a real barrier to ensuring a dignified life for those living with such conditions. In 2011, the EOC found in a survey that people with mental illness were consistently among the most stigmatised and avoided groups in different areas of public life, including housing, public services and education.

More than half of the Hongkongers surveyed said they did not want people with mental illness to live in their neighbourhood, while nearly 70 per cent disagreed that integrative schooling is preferable for children with mental illness.

These statistics clearly show that we still have a long way to go to dismantle the stereotypes and biases associated with

mental health, as also demonstrated in the local opposition to the setting up of integrated community centres for mental wellness in various districts.

Certainly, such thinking leads to discrimination in employment and education against people with mental health conditions, which reduces their chance to participate in society and make an independent living.

Lack of employment opportunities also contributes to the continued exclusion of people with mental health issues from community and civic life. Some may become homeless, as they cannot find gainful employment, while others may be shunned and left to fend for themselves.

At present, it is unlawful under the Disability Discrimination Ordinance to discriminate against a person with mental illness in such public domains as education and employment. Yet the EOC receives and handles these complaints from time to time, which often stem from a lack of understanding of mental illness.

More worryingly, such misunderstanding

One in seven persons is living with mood disorders



also poses a real hurdle in relation to timely treatment and intervention. Patients, as well as their families and loved ones, may feel too ashamed to seek necessary help. The Hong Kong Mental Morbidity Survey 2010-2013 estimated that one in seven is living with mood disorders such as anxiety or depression; however, only 26 per cent of those sought professional help, leaving many more to suffer in silence.

The consequence of such seclusion can also be seen in a number of recent tragedies involving persons with mental conditions.

In fact, life in our city is most stressful, with long working hours, high living costs, and a highly competitive environment. Such stress can often lead to mental health issues, particularly among young people who face enormous pressure to excel in their studies, given our city's focus on academic qualifications. This is very worrying.

In the 2014 Mental Health Index Survey of the Mental Health Month Organising Committee, there was a significant decline in index score of those aged 15 to 24 years, from 63 in 2013 to 53 in 2014. (Note: The average score in 2015 is 55 for male and 57 for female.)

This deterioration in mental wellness among our youth can have truly devastating impact. In 2015, the Samaritan Befrienders, a non-governmental organisation working on suicide prevention, released a survey in which it found that nearly 40 per cent of respondents aged 11 to 30 have had suicidal thoughts because of stress.

As a society, we must do better to help our children build the right skills to navigate and handle our city's stressful education and employment systems. This has to be done with non-judgmental support and understanding, and a positive attitude towards mental health conditions among parents, teachers and peers.

Meanwhile, there remain inadequate support measures and other limitations in the healthcare system. In the year 2013-14, the median waiting time for first appointment at psychiatric specialist out-patient clinics under the Hospital Authority was eight weeks, compared to six weeks in 2011-12. There is still not enough healthcare manpower,

including psychiatric doctors and nurses, as well as allied health professionals, to adequately service the mental health needs of our city. The shortfall would invariably have an impact on the quality of care being provided, and hamper the recovery of mental patients.

The EOC has been advocating for the Government to map out a more comprehensive and long-term mental health policy to promote and improve the mental health of Hongkongers, including strategies to promote the integration of persons with mental illness and discharged mental patients back into the community, as well as measures to address age-specific mental health problems.

The Government should also map out long-term manpower plans in relation to the training of mental health professionals, based on appropriate and broad-based statistical and research data.

Furthermore, the Commission believes that a high-level mental health commission should be considered by the Government, to coordinate and monitor mental health services, in order to ensure successful multi-sectoral approaches that would include a strong public education element to combat stigma and prejudice.

But above all these, what is vitally needed is more compassion and understanding. Mental wellness affects all of us. Most of us, in our lifetime, will experience some mental health concerns or become emotionally distressed. Certainly we would want support and care, instead of judgment and exclusion.

Indeed, there can be no life of dignity without inclusion and freedom from discrimination. Everyone, from the Government to organisations both public and private, as well as individuals, must therefore do their part for a society that supports mental well-being and recovery. This includes educating ourselves about mental health issues and speaking out against unfair characterisations and disparagements of people with mental conditions.

Let us use this time to take a hard look at what we must do, as a community, to care for one another in time of need.

York Y. N. CHOW
Chairperson, Equal Opportunities Commission

(Note: A version of this article was originally published in the *South China Morning Post* on 29 October 2015.)

發揮青年動力 推動社會平等

談起時下年輕人，社會上有不同意見。近年不少年輕人積極參與社會運動，2015年的國際青年日(International Youth Day)，聯合國選取了「青年公民參與」(Youth Civic Engagement)為主題，正好讓我們可檢視青年人在社會發展以至推動社會平等公義中所扮演的角色。

改變的力量

我們每個人都經歷過青蔥歲月，對生命充滿熱忱，對未來懷著抱負、理想。面對社會上種種認為不公義的景況，年輕人往往忿忿不平，甚至有股衝動要改變社會、改變世界。近年香港不少年輕人積極參與社會政治運動，甚至走到上街，以表達訴求或支持他們的同伴。

有人認為，年輕人空有理想，卻不懂世情。有人批評他們表現過份激進，只會滋擾生事。亦有人以為，年輕人變得偏激，是因為缺乏向上流動的機會，又或不能置業，因此訴諸激烈行動表達不滿。

從我近年接觸年輕人、與他們交談及分享的經驗，我認為大部份的年輕人都善良謙和，他們熱愛和平、關心社會，對平等公義有強烈渴求，亦並不想以激烈對抗或衝突的方式來解決問題。我相信只要得到適當的引導，我們的新一代絕對可成為改變的力量，為社會作出貢獻，建造美好未來。

社會未能完全切合年輕人需要

誠然，這一代的年輕人，較上一代的生活環境為好，社會經濟整體穩定，物質豐裕。香港作為中西交融的國際都會，擁有相當完善的設備包括交通、醫療等系統。我們有全面的教育制度培育新一代，有龐大的社福網絡，為弱勢社群提供支援。更重要的是，我們有成熟的法制去保障不同團體及個人的權利，包括平等參與社會的權利，免受基於性別、殘疾、家庭崗位及種族的歧視。

但我們的社會是否真的切合年青一代的需要、他們的期望以及重視的核心價值？觀乎今日的香港，貧富懸殊仍然嚴重；人口老化帶來不少社會問題，加上近年港人及內地人因文化、習性差異而出現的衝突不斷升溫，在在都加深社會上的矛盾。

歧視情況仍然普遍

另一方面，社會上的歧視情況仍然普遍。《性別歧視條例》自1995年通過至今20年，兩性平等仍似是遙不可及，不少政商領導地位仍以男性主導，女性仍被傳統的家庭照顧者角色緊縛着。我們的殘疾人士在尋覓工作時仍處處碰壁，無法達成自給自足的願望；同樣地，少數族裔們面對嚴峻的教育及就業問題，甚至未能獲取公共服務。面對不平等的還有新移民，現時《種族歧視條例》並未涵蓋國籍、居民及公民身分，令新來港人士受到基於居民身分的歧視時無從申訴。此外，我們仍未有針對保障年齡、性傾向及性別認同歧視的法例。

以上的群體都是我們社會上的一份子，可能是你和我熟悉的面孔，我們的親人及朋友。他們所面對的歧視，以至貧窮及其他不公平待遇，都影響着我們社會的發展，破壞我們維護平等的核心價值。而這正是促使平等機會委員會(平機會)進行「歧視條例檢討」以及一連串研究調查的原因。事實上，隨著社會不斷演變，平等的尺度亦必須改變，我們必須審時度勢，配合社會發展及國際趨勢，進一步完善反歧視法例，為我們下一代建立更平等的社會。

「從我近年接觸年輕人、與他們交談及分享的經驗，我認為大部份的年輕人都善良謙和，他們熱愛和平、關心社會，對平等公義有強烈渴求，亦並不想以激烈對抗或衝突的方式來解決問題。」



年輕人重視公義平等

無可否認，我們的年輕人追求的已不只是自身的個人發展，他們更關心社會及制度的發展，重視公義平等。事實上，年輕人對於社會上的問題越來越勇於發聲，作出批評。但空有挑戰權限的勇氣並不足夠，在追求公義的過程，年輕人必須有勇有謀，知所進退，並做到有容乃大，即使面對意見紛陳，仍能保持開放的懷抱、互相尊重的態度，透過對話、溝通和討論，達至共識。

尊重差異 多元共存

首先，在面對不同觀點時，我們應保持開放的態度，去聆聽不同聲音，了解不同論據。事實上，活在全球一體化、多元的世界，我們必須接納差異，尊重而非惡意攻擊或謾罵抹黑與自己見解不同的人。正如法國哲學家伏爾泰所說：「雖然我不同意你的觀點，但我要以生命捍衛你說話的權利。」在捍衛自身權益及立場時，我們亦必須尊重別人，不應踐踏別人的權利及尊嚴。

有部份年輕人在表達訴求時，傾向以較「出位」的言行以取得當權者的注視，不難理解。但為了達到目標，是否一定要通過激烈對抗，甚至暴力鬥爭呢？在進行談判、表述的過程中，是否可以理性和平而非敵對的方法呢？是否一定「二元對立」，還是可「多元共存」？我認為這些都是值得時下參與社會運動的年輕人反思的問題。

勇於妥協 知所進退

另外，有些年輕人認為所謂「共識」即「妥協」，而妥協代表懦弱、退縮，背棄信念，甚至抱有「寧為玉碎，不作瓦存」的想法。但我認為妥協是需要勇氣與智慧的決定。當我們採取強硬立場，寸步不讓時，我們必須想想，究竟是擇善固執，還是為了堅持而堅持，為了反對而反對？到最後會否進退失據，分歧依舊，無法解決問題，與當初的目標背道而馳？

我們都明白年輕人欲推動社會改革的熱熾的心，但激烈抗爭的方式及敵對的態度，根本不能建立互信的基礎，更遑論達成諒解及共識。再者，當衝擊變成常規，最終只會被視為習以為常、被忽略及被邊緣化。相反，若能以具說服力的理據、創新的思維，以理性及不亢不卑的態度來爭取改變，必定能贏取更多的社會大眾的支持。

「隨著社會不斷演變，平等的尺度亦必須改變，我們必須審時度勢，配合社會發展及國際趨勢，進一步完善反歧視法例，為我們下一代建立更平等的社會。」

結語

對於年輕人熱衷社會運動，不少父母都感到憂心，認為他們應專注學業。但我認為年輕人關心社會、願意為社會付出，是可喜的現象。年輕人絕對有參與社會的權利，對於影響他們的政策發聲，而當權者亦應多聆聽年輕人的聲音，了解他們的需要。作為父母及長輩的，除了給予他們空間，應著力培養年輕人的博闊目光及多元世界觀，更重要的是助他們建立同理心，懂得體諒及理解別人的處境，關心社會上的弱勢社群，勇於為公義發聲。事實上，年輕人是我們社會的未來棟樑，我們每個人都有責任協助他們，在成長路上作好裝備，好讓他們能夠面對挑戰，為社會帶來正面改變，為我們建立真正平等、共融的大同世界。

平等機會委員會主席
周一嶽

（原文刊於2015年8月12日明報）

Learn to Respect Different Views

Dr. York CHOW, Chairperson of the Equal Opportunities Commission (EOC), says that, given Hong Kong's turbulent times, it is especially important to teach children respect for others' views even when we disagree, and to be ready for dialogue.

August 12 is International Youth Day, with the 2015 theme focusing on "Youth Civic Engagement." The topic is indeed fitting for Hong Kong, given that our young people have, over the past year or so, attracted much attention locally and internationally due to their active and, to some, radical participation in our city's political and social issues. While some may perceive our younger generation as impractical in their idealism, I believe they can be a force to drive the advancement of equality in our society forward.

Throughout my career and as a parent, I have had numerous conversations with young people on issues relating to social justice and civic responsibilities. These thoughtful dialogues reaffirmed my belief that young people will play a key role in defining our city's human rights landscape in the years to come.

Indeed, we are standing on the precipice in the way that we, as a society, must define ourselves and our core values. In many respects, we are well-equipped for this task. As a cosmopolitan city and an international centre for commerce and business, we have long been a place where East meets West, where diverse values and traditions co-exist and thrive. We are proudly a leader in the region with regard to our legal infrastructure for the protection of individual rights, including the right to equality and non-discrimination – universally recognised as one of the main pillars for all other rights. And we are one of the few places in the region with specific anti-discrimination laws, which gives us a good infrastructure of legal protection as well as a foundation to build on when looking to extend such protection.

Certainly, by comparison with other Asian jurisdictions, Hong Kong has a relatively strong track record in supporting minorities, such as rehabilitation services for people with disabilities, and ensuring we have universal access to education, healthcare, and gender mainstreaming in the Government.

But that does not mean we should be complacent. After all, the

conceptualisation of "human rights" is always evolving. For Hong Kong to continue to thrive, we must be ready to adapt accordingly and allow our laws to catch up. That means we must enable the next generation of leaders to continually seek solutions to address areas that are still vulnerable to discrimination.

For instance, currently, people facing multiple discrimination due to a combination of characteristics, such as disability and race, may struggle to access appropriate support. Upon closer examination, many groups of women and children continue to face inequality. Women are still paid less on average across different jobs, and are underrepresented in senior leadership positions, while many children live in poverty, especially those new arrivals from the Mainland. At present, religion, language, citizenship or nationality are not specifically protected grounds under the Race Discrimination Ordinance. This is one of the reasons that the EOC has embarked on the comprehensive review of the discrimination laws, which we expect will help us to strengthen our existing legal framework.

But beyond reviewing the laws, we must also begin to draw our own roadmap for the shifting equality landscape, including in raising public awareness. For example, we still have no specific anti-discrimination ordinance on the grounds of age or sexual orientation.

These are issues that impact young people in their daily lives, and will continue to do so over multiple generations. It is time that we proactively address them head-on, including how these rights can be concretely and realistically realised at different levels of society, taking into account the disparity between them.

Our galvanised youth, full of passion to serve and coming from a variety of backgrounds, can surely make an important contribution to the discussion. To achieve this, we must equip our young people with the skills to look at these concerns with empathy, mutual respect, and an open mind.



“The conceptualisation of ‘human rights’ is always evolving. For Hong Kong to continue to thrive, we must be ready to adapt accordingly and allow our laws to catch up. We must enable the next generation of leaders to continually seek solutions to address areas that are still vulnerable to discrimination.”

First of all, we must inculcate in our youths a willingness to engage in dialogue even in disagreement, and an ability to balance between various priorities and values. In a diverse society, opposing positions and views must be expected. By not getting bogged down by competing ideologies, one can focus on creating safe spaces for discussion, compromise, and common action. It is important to teach young people to ask questions and seek answers for themselves. It means enabling each to listen and learn from multiple sides, before sifting through competing ideas and forming their own opinions, while remaining open to adjustments.

In order for young people to gain respect and support across many generations and agendas, they must aim to do so through constructive engagement alongside self-reflection, learning both necessary traits if they wish to effect real changes in society. They should impress with their intellectual prowess, not antagonism. Indeed, a society which

lacks the ability or desire to self-reflect, or to learn and change, will be at risk of stagnation, incapable of rationally determining its own future direction.

We must also do more to nurture among our youths a sense of empathy and compassion, particularly on issues which do not appear to directly impact them. In fact, such values must form the basis of our educational system. Beyond academic success, we must instil in our children a dedication to treating others with respect, offering a hand to those in need, and standing up for others who may be in a precarious position or belong to a minority group.

A good starting point should be a shared commitment to inclusive values, to ensure that our diverse population can access the opportunities provided by this great city. We certainly can do more to give our children and our fellow Hongkongers a clear voice against injustice due to irrelevant factors like their race, disability, or sexual orientation. And on such an important issue, the focus must be on stimulating sharing, discussion and learning, so that we can build a better world. Even one small step forward is often just what is needed to turn up the momentum, so that we can all move towards the right direction.

York Y. N. CHOW
Chairperson, Equal Opportunities Commission

(Note: An edited version of this article was originally published in the *South China Morning Post* on 12 August 2015.)

支持母乳餵哺 孕育未來棟樑

母親經歷十月懷胎，誕下子女，自然想將最美好的東西給予他們，讓子女健康快樂地成長。而母親給孩子最寶貴的禮物之一，莫過於以母乳餵哺孩子。母乳餵哺的好處毋庸置疑，可是香港作為先進的國際都會，其母乳餵哺率竟是全球最低的地區之一，較不少第三世界的國家為低。事實上，現時本港對餵哺母乳的支援嚴重不足，無論是公共空間的設施或企業的政策，均有待改善；另外，坊間對餵哺母乳亦存在不少誤解，甚至歧視，對女性授乳造成不少困難。



嬰兒在出院時的母乳餵哺率：

84%

以全母乳餵哺的6個月大嬰兒：

2%

母乳的好處

母乳餵哺可說是最自然不過的育兒方式。世界衛生組織建議，嬰兒首6個月應以純母乳餵哺。多年以來，不少研究顯示，母乳可提供嬰兒成長所需營養，有助嬰孩體能及智力發展。母乳中含有很多抗體及免疫球蛋白，有助增加嬰兒的免疫力，減低患病機會，變相可減少公共衛生及醫療開支。此外，餵哺母乳可增加母親與孩子的親密感覺，建立親子關係，助母親減低產後的焦慮。

國際母乳餵養行動聯盟(World Alliance for Breastfeeding Action, WABA)將每年8月1日至7日定為「國際母乳哺育周」(World Breastfeeding Week)，就是要促進社會及公眾認識母乳餵哺的重要性和支持母乳餵養。

半歲嬰兒全母乳餵哺率近全球最低

近年香港初生嬰兒的餵哺母乳比率持續增長。根據聯合國兒童基金會愛嬰醫院香港協會(UNICEF愛嬰醫院香港協會)每年的問卷調查，2013年本港母親在出院時的母乳餵哺率達84.2%，較1992年的19%大幅上升。

可是，母親在出院後的全母乳餵哺率則強差人意。根據本港衛生署的數字，2012年以全母乳餵哺的1個月大嬰兒，比率只有22%；至於6個月大的嬰兒更跌至只有2.3%，大幅低於全球平均約40%(註一)以及發展中國家約37%的數字，甚至可說幾乎是全世界最低。

很多人以為，這些數字沒甚麼大不了，嬰兒不吃母乳，可改吃配方奶粉。然而，配方奶粉根本不能媲美母乳，給予嬰兒全面營養，減低感染及患病風險。事實上，母乳對母嬰雙方以至公共衛生都有正面影響，而下一代的健康更直接影響香港社會的未來發展。因此，本港絕對有需要加強推動母乳餵哺。

要提升母乳餵哺率，我們必須打造餵哺母乳的友善環境及政策，包括醫護人員的專業支援、公共場所的育嬰設施、工作間的友善政策以及社會大眾的接納，當然還有家人的支持及鼓勵。

加強專業醫護支援

在專業支援方面，醫護人員尤其是前線人員扮演重要角色，協助母親掌握授乳的技巧及方法。可是，根據衛生署、醫院管理局(醫管局)和UNICEF愛嬰醫院香港協會去年公布的

調查結果，只有16%的婦產科醫生及33%的兒科醫生於任職6個月之內有接受8小時的「母乳育嬰」訓練。這些數字無疑直接反映現時母親在餵哺母乳方面未能得到全面支援，衛生署及醫管局等應儘快加強醫護人員，包括兒科護理人員、兒科及產科醫生的訓練，並投放更多資源，加強宣傳母乳的好處。

改善公共設施配套

在配套方面，目前很多公眾場合沒有育嬰間，對女性餵哺母乳造成不便。不少媽媽在公眾地方授乳屢被勸走甚至驅趕。曾聽過有母親要躲在洗手間的廁隔內餵哺母乳，不但地方狹窄，更有欠衛生。2014年一位媽媽在巴士上餵哺母乳被偷拍，引起社會很大迴響。平等機會委員會(平機會)譴責有關暗中拍攝行為，侵犯個人私隱。我們認為母親有權利在任何時間及地方餵哺母乳，公眾人士應予以接納。政府更應帶頭在各公共場所如康文設施設立育嬰室及授乳間，並鼓勵其他公私營機構仿效，設立「母乳餵哺友善場所」，讓女性可以在合適的環境及保障私隱的空間餵哺母乳。

檢討歧視法例

以上偷拍事件亦反映到目前社會上對餵哺母乳的認識及接納程度仍有待改善。不少人認為母親應在家中餵哺母乳，對在公眾場合餵哺母乳的母親總投以奇怪或責備目光，令她們感到尷尬及不受尊重。事實上，平機會過往曾收過不少有關餵哺母乳的女性遭歧視的投訴，並根據《家庭崗位歧視條例》處理有關投訴。目前條例訂明，僱主若基於僱員的家庭崗位而歧視該名員工或給予較差待遇，即屬違法。同樣地，任何向公眾提供貨品、服務及設施的人，若基於某人的家庭崗位而歧視該名尋求獲得或使用設施或服務的人，亦屬違法。雖然目前法例下，「家庭崗位」的定義沒有包括餵哺母乳的女性，但餵哺母乳可看成是照顧直系家庭成員，即有血緣的子女的責任。

為了令法例更清晰，保障餵哺母乳的女性免受歧視，平機會在2014年進行的《歧視條例檢討》公眾諮詢中，便徵詢公眾應否指明「家庭崗位」的定義包括餵哺母乳的女性。平機會現正整理收集到的公眾意見，預計將於2016年初向政府提交報告及有關立法的建議。

有關《家庭崗位歧視條例》

《家庭崗位歧視條例》訂明，僱主若基於僱員的家庭崗位而歧視該名員工或給予較差待遇，即屬違法。同樣地，任何向公眾提供貨品、服務及設施的人，若基於某人的家庭崗位而歧視該名尋求獲得或使用設施或服務的人，亦屬違法。餵哺母乳可看成是照顧直系家庭成員，即有血緣的子女的責任。

友善工作間政策

除了完善法例，訂立及確切執行母乳餵哺政策亦非常重要，尤其是工作間的友善政策。根據香港大學於2010年的研究，重返職場的母親傾向在嬰兒未滿月時便為孩子戒掉人奶，事實上，不少母親停止餵哺母乳的原因是「要返工」。

現時本港女性佔整體人口近54%，但其勞動人口參與率(54.6%) (註二)則較男性的比率(68.8%)為低，對比鄰近地區如新加坡的比率(58.6%) (註三)亦相對較低。本港普遍社會仍存在「男主外，女主內」的看法，不少婦女為照顧家庭而無奈放棄工作，除了不能盡展所長，更要面對經濟壓力。本港現正面對人口老化、勞動力

「母乳對母嬰雙方以至公共衛生都有正面影響，而下一代的健康更直接影響香港社會的未來發展。」

下降的問題，要促進女性加入或在生育後重投勞動市場，必須加強對婦女的支援，協助她們兼顧工作及家庭責任，這方面政府可說是責無旁貸。特區政府在2013年公布「母乳餵哺友善工作間政策」，鼓勵各政策局及部門實施哺乳友善的職場政策。政府著實應加強監督各部門落實執行政策，並推動公共機構以至私人企業推行有關政策，支持員工於產後返回工作崗位時仍持續授乳。

除了政府及公營機構，私營企業亦應積極實施哺乳友善的職場政策，例如容許授乳員工有擠奶時間、提供具私隱的空間如空置的會議室或房間供員工擠奶，以及提供冷藏設施存放母乳等。這些舉措都不需投放重大資源，但卻可讓企業挽留人才，增加員工歸屬感及提升工作表現，維持良好僱傭關係。試想想，若員工的子女健康些，他們要請假照顧子女的機會亦會減少，變相有助維持企業的穩定運作。另外，企業亦應向所有員工解釋支持餵哺母乳的立場及政策，讓員工接納和體諒餵哺母乳的同事。

另一個影響母親授乳的因素是產假。目前香港的法定產假只有10個星期，平機會一直促請政府參考國際勞工組織的建議(註四)，檢視政策。適當地延長產假不單可讓母親生育後有更多休息時間，調理身體，對她們持續授乳亦有所幫助。

其實，婦女要兼顧工作及照顧嬰兒，可謂勞心勞力，絕不容易。2015年「國際母乳哺育周」的主題正是在職婦女與授乳，正好讓我們反思目前社會支援餵哺母乳婦女的不足之處及改善措施。

結語

兒童是我們社會未來的主人，而家庭就是社會最基本的單元。維持工作與家庭平衡，建立關愛家庭文化及環境，絕對可推動社會安定發展，提升競爭力。因此，我們社會上每個人都有責任，確保幼兒，尤其是在襁褓時得到悉心照料，享有健康成長及全面發展的權利。我們更應摒棄偏見，並呼籲身邊的人，給予餵哺母乳的媽媽更多支持。就讓我們一起努力，建立平等、融和的愛嬰社會。

平等機會委員會主席
周一嶽

(原文刊於2015年8月1日明報)

註釋：

註一：世界衛生組織《世界衛生統計資料2013》

(www.who.int/gho/publications/world_health_statistics/2013/en/)

註二：《香港便覽》2015年4月

註三：《新加坡勞動力報告2014》

註四：國際勞工組織制訂的《2000年保護生育公約》(第183號公約)訂明，女性僱員應享有不少於14星期的產假

Support Hong Kong Mums so They Don't Give Up on Breastfeeding

Dr. York CHOW, Chairperson of the Equal Opportunities Commission (EOC), says good policies and open mind are needed to keep our babies breastfed for a longer time.



84%

Breastfeeding rate upon discharge from hospital

2%

Hong Kong babies being exclusively breastfed at the age of six months

August 1 marks the beginning of World Breastfeeding Week, observed annually to promote and support breastfeeding and the health of infants. The theme of working women and breastfeeding in 2015 provided us with an opportunity to consider how Hong Kong is faring here.

The benefits of breastfeeding, both immediate and long-term, are well-recognised. According to the World Health Organisation (WHO), which recommends that mums breastfeed exclusively until a child is six months old, this is the "best way" to provide infants with the nutrients they need for healthy growth, and also gives them protection from illnesses. In turn, this has positive impact on the family and society, including improvements in children's physical and cognitive wellbeing, as well as lower public spending on healthcare.

In Hong Kong, these benefits are increasingly recognised by mothers and families. According to an annual survey conducted by UNICEF's Baby Friendly Hospital Initiative, the breastfeeding rate upon discharge from maternity units in our city has risen from 19 per cent in 1992 to 84 per cent in 2013.

Nevertheless, exclusive breastfeeding is often not sustained. According to Department of Health statistics, only 22 per cent of Hong Kong babies born in 2012 were exclusively breastfed at the age of one month, with the figure dropping to a mere 2 per cent at the age of six months. A 2010 study by scholars at The University of Hong Kong found that because mothers were returning to work, they were among those more likely to wean the child from breastfeeding before the age of one month.

We all want to give our children the best possible start in life. Many working mothers wish to breastfeed, but may be unable to do so because of long working hours, a lack of supportive policies, and limited public facilities available for this purpose. As a society, we must do better to enable mothers who wish to breastfeed, especially working women, to do so at any time and in any place. We need stronger policies and infrastructure, including friendly workplace policies, as well as wider acceptance from the community at large.

The EOC handles complaints related to breastfeeding under the Family Status Discrimination Ordinance, which makes it unlawful for any employer or provider of goods, facilities or services to the public to discriminate against a person who has family care responsibility in the course of employment or the provision of goods or services. As part of our comprehensive review of the discrimination laws launched in 2014, the Commission consulted the public on expanding the definition of “family status” to expressly include breastfeeding women.

It is our belief that this would provide clarity to the existing protection of a woman’s right to breastfeed in Hong Kong. We are currently compiling the responses received through this exercise, and will make recommendations to the Government in due course.

About the Family Status Discrimination Ordinance

The Family Status Discrimination Ordinance stipulates that it is unlawful for any persons concerned with the provision of goods, facilities or services to the public to discriminate against a person who has a family status and seeks to obtain or use those facilities or services. “Family status” in relation to a person means the status of having responsibility for the care of an immediate family member who is related to that person by blood, marriage, adoption or affinity. The nursing and/or breastfeeding of a child by a mother can be considered as having the responsibility for the care of an immediate family member and hence covered by the Ordinance.

Another issue is maternity leave. Currently, women are entitled to 10 weeks of statutory maternity leave in Hong Kong. The Commission believes the Government should consider the policy with reference to the International Labour Organisation. Suitably extending the maternity leave period would enable women to breastfeed for a longer duration, as well as help to retain the talents of working mothers and facilitate women’s equal access to employment.

More promotion is also needed about the benefits of breastfeeding. In fact, many mothers continue to face negative attitudes about breastfeeding, particularly at work and in public. In 2014, a photo of a woman breastfeeding her child on a bus, taken without her consent, went viral and sparked a heated discussion about public decency. The Commission reiterated at that time our stance that it is a mother’s right to breastfeed her baby anywhere and at any time, and urged for wider public acceptance. The incident illustrated the need for greater awareness and public education.

The Government can certainly lead the charge by being a positive role model to the private sector. In 2013, the Food and Health Bureau issued a public health advice to all Government bureaux and departments urging them to implement Breastfeeding Friendly Workplace Policy. Suggested supportive measures include permitting lactation breaks during the workday and providing appropriate space and refrigeration facilities. This was a positive step.

To communicate a stronger message, the Government should ensure that all bureaux and departments have adopted these recommendations, and provide more resources to promote breastfeeding in hospitals to new mothers. It should also make certain that all Government and other public premises have breastfeeding and baby-care facilities and rooms. This would help to set a good example for private property owners and employers.

Indeed, it is in the interest of employers to offer facilities to assist breastfeeding employees. In 2013, women made up 48 per cent of our city’s economically active population, and the majority of women of child-bearing age are participating in the labour force. By taking steps that allow new mothers returning to work to breastfeed or express and store breast milk, employers can help retain female talent and foster staff loyalty.



Aside from providing accommodation measures such as hygienic storage options and private location for milk expression, employers and managers should also visibly communicate their support for breastfeeding mothers and ensure that workplace policies relating to breastfeeding are clearly laid out and made known to all employees. This can go a long way towards changing any negative misconceptions about breastfeeding at work and in public generally.

Expanding the options for women who would like to breastfeed longer or exclusively would help to provide our children with a healthy beginning to the rest of their lives. For our collective future, we must all work together towards this goal.

York Y. N. CHOW
Chairperson, Equal Opportunities Commission

(Note: A version of this article was originally published in the *South China Morning Post* on 1 August 2015.)

愛的抉擇—— 細談《電子健康紀錄互通系統條例》



2015年7月立法會通過《電子健康紀錄互通系統條例草案》。該條例可以說具前瞻性意義，進一步確認同居伴侶的平等權利，以有效可行的法律框架及措施，回應社會的實況及需要。

人生難免要經歷令人傷痛的事。我在醫護界工作多年，更是見盡人生悲歡離合。其中最教人心痛的莫過於眼見至親至愛身受重傷或病患，但他們卻無法向醫護人員表達需要或意願，包括接受或不接受某些治療，而有些伴侶身為傷病者最親密及信任的人，卻又因為沒有法定婚姻地位而無權為所愛作出醫療決定，眼白白看着伴侶受折磨，那種痛苦尤其錐心徹骨。

一直以來，社會上對於同居伴侶的醫療決定權有不少爭議。2015年7月立法會通過《電子健康紀錄互通系統條例草案》(條例)。該條例提供了法律框架，讓政府可正式建立全港病歷電子互通平台，促進公私營醫療服務提供者的合作。透過平台，公私營醫護人員在病人同意的情况下，可查看及閱覽病人健康方面的資料。

條文肯定同居伴侶享平等權利

條例涵蓋了電子健康紀錄互通系統內資料及資訊互通和使用、以及系統的保護等條文。條例並具體註明，當一個病人或醫護接受者本身未能作出決定時(例如：休克、不省人事或精神上無行為能力)，可由指定人士，即所謂「代決人」，代表醫護接受者決定其健康紀錄互通的事宜。

有關「代決人」的定義，原先條例草案只包括「在有關時間陪同該醫護接受者的直系家庭成員」，而所謂「直系家庭成員」，即只限於藉血緣、婚姻、領養或姻親關係而與醫護

接受者有關的人士。在草案審議階段時，有立法會議員認為，在緊急情況下，醫護接受者的同居伴侶亦應有權為其伴侶作出決定，因此建議將「代決人」的定義擴大至與醫護接受者同住的人。最終政府接納立法會議員的建議，將有關條文修訂為「在有關時間陪同該醫護接受者的家庭成員，或與該醫護接受者同住的人」。

平等機會委員會(平機會)認為政府今次的做法既務實，亦切合社會實況，實在值得稱許。有關條文不但可確保需要治療卻未能溝通的人士可以得到子女、家長、配偶和有家庭關係的伴侶的適切照顧，更展示對同居伴侶(不論是同性或異性關係)的尊重，肯定他們與法定婚姻關係下的配偶一樣，享有平等權利。

事實上，在海外，不少實施類似香港司法制度的國家和地區都有類近的做法。例如新西蘭的《2005年關係(法定參考)法案》，就全面修正大量昔日只向有婚姻關係人士提供權利的法例，當中包括讓同居關係的伴侶在有關醫療診治問題上享有與配偶類似的權利。除此，澳洲維多利亞省的《1986年監護人及行政法案》亦規定，若有病人無法作出醫療決定，其家庭同居伴侶可代為作決定。而所謂「同居伴侶」，在以上提及的司法地區，都同時適用於異性及同性同居伴侶。

香港方面，早於1986年，政府訂定《家庭暴力條例》保障市民免受家庭暴力時，已確認同居伴侶在這方面的權利。除

了夫婦，條例的保障範圍亦涵蓋異性同居者。到了2009年政府修訂《家庭暴力條例》，更進一步保障同性同居關係人士免受家庭暴力。條例具體地把同居關係定義為包括異性和同性關係，更列出一系列考慮確立同居關係的因素，包括所指的關係是否穩定和長遠、是否財政上互相依賴、互相承諾共同生活的程度等。

多元家庭型態是不爭事實

今次《電子健康紀錄互通系統條例》可以說具前瞻性意義，進一步確認同居伴侶的平等權利，以有效可行的法律框架及措施，回應社會的實況及需要。事實上，平機會過往便曾指出，隨著社會發展及變遷，家庭的模式亦出現轉變。在21世紀的多元社會，多元家庭型態已是不爭事實，有人選擇不婚，有人與配偶離異，亦有人選擇如夫妻般共同生活，過著圓滿家庭生活。

平機會相信，是時候讓社會考慮應否讓同居伴侶在不同範疇亦享有平等的法律保障，包括現時反歧視條例賦予在就業、貨品及服務提供、政府職能等範疇免受歧視的保障。亦正因如此，平機會去年進行「歧視法例檢討」，便諮詢公眾應否擴大法例保障範圍，包括事實婚姻關係/類似婚姻的同居關係的人士。

首先，平機會諮詢公眾應否修訂《家庭崗位歧視條例》中「家庭崗位」的定義。現時《家庭崗位歧視條例》保障需照顧有血緣、婚姻、領養或姻親關係「直系家庭成員」的人士免受歧視。平機會徵詢市民，應否把保障擴大至包括照顧「事實婚姻伴侶」的情況。其次，平機會諮詢市民，應否修訂《性別歧視條例》保障免受婚姻狀況歧視的範圍。目前法例只保障單身、已婚、已離婚或喪偶等婚姻狀況，平機會提出，是否有需要保障有事實婚姻關係的人免受歧視。

平機會無權處理婚姻法例

平機會在諮詢期間收集到不同意見，不少團體及個別人士擔心，平機會在反歧視條例中引入同居伴侶的保障，包括異性及同性的同居伴侶，會影響家庭或婚姻的定義，甚至推動同性婚姻合法化。在此我們必須強調，平機會並沒有

「隨著社會發展及變遷，家庭的模式亦出現轉變。在21世紀的多元社會，多元家庭型態已是不爭事實。平機會相信，是時候讓社會考慮應否讓同居伴侶在不同範疇亦享有平等的法律保障。」

權力處理有關婚姻的法例事宜。正如《家庭暴力條例》的設立是為了處理家庭成員之間出現的暴力，以及《電子健康紀錄互通系統條例》是為了建立病歷電子互通平台，反歧視法例是要處理在特定公共範疇出現的歧視情況，而不是為婚姻作出法律界定或詮釋法例。

雖然如此，平機會認為香港作為一個國際都會，實在不可迴避討論有關問題，相關持份者需要就議題展開理性及富有建設性的討論，從而考慮香港的未來路向。而平機會的角色，就是要透過研究及倡議，推動公眾深入討論有關議題。就「歧視條例檢討」方面，平機會現正根據公眾諮詢收集到的意見擬備報告，計劃於2016年初出版報告和向政府提交有關法律改革優次的意見書。

家人同伴支持助跨障礙

平機會樂見政府今次定立《電子健康紀錄互通系統條例》，考慮了香港不同類型家庭的需要。事實上，家人的關懷及支持對於患病人士極其重要。生老病死本就是人生必經階段，唯有家人及同伴的支持和鼓勵，我們才可堅強面對挑戰，跨越障礙，重投豐盛人生。平機會期待與政府攜手，進一步推動社會中多元家庭的平等權利。

平等機會委員會主席
周一嶽

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Celebrate the Family In All its Diversity



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Dr. York CHOW, Chairperson of the Equal Opportunities Commission (EOC), says as our notion of what constitutes a family changes, so too must our laws, to ensure that those living outside mainstream norms do not suffer discrimination.

Like most people in Hong Kong, I grew up in a traditional family that values love, care and unity, particularly during adversities. I have always looked at the family unit as society's bedrock, upon which one can grow to be his or her best self.

As a doctor, I also recognise the importance of family support during a patient's recovery. I have seen how family members rally to make difficult medical decisions for their loved ones. In that crucial moment, the person making decisions on the patient's behalf should be someone they most trust, love and treasure – in short, the person they consider their family.

I must, therefore, applaud the Government and Legislative Council Members in not restricting the definition of "family", particularly in emergencies, with the passage of the Electronic Health Record Sharing System Ordinance. Aside from creating an electronic system for patients' health information, the ordinance also defines who can be a "substitute decision

maker" for patients unable to decide for themselves, such as if they are in a coma or mentally incapable.

In the original bill, the substitute decision maker was defined as "immediate family members" related to the patient by blood, marriage, adoption or affinity. However, some legislators argued that a person cohabiting with the patient should also have this right, and the Government sensibly agreed. Thus, in the enacted ordinance, a "substitute decision maker" is more reasonably defined to also include "a person residing with the healthcare recipient."

This shows both foresight and pragmatism on the part of the Government and LegCo. Over the years, society has undergone enormous transformation. Many couples choose not to or cannot marry, but are in committed, de facto relationships like marriage. Being unmarried does not mean that the bond between the partners is any less secure or lasting. By allowing a wider definition of "family members" to include cohabiting

“By allowing a wider definition of ‘family members’ to include cohabiting couples, our policymakers are wisely adapting to the shifting reality of what it means to be a family.”



couples, our policymakers are wisely adapting to the shifting reality of what it means to be a family.

This also builds on both overseas and local precedents. For instance, under Hong Kong’s Domestic and Cohabitation Relationships Violence Ordinance, cohabiting couples, both same-sex and opposite-sex, are explicitly protected.

Like Hong Kong, as a society, must consider how to equally safeguard all families. We are all someone’s family, and we need to create a non-judgmental environment so that every family member can be loved and cared for.

Bearing this in mind, the EOC consulted the public in 2014 on issues relating to protecting de facto couples from discrimination, as part of our comprehensive review of the discrimination law.

First, we looked at whether the protection against marital status discrimination under the Sex Discrimination Ordinance should also expressly cover de facto relationships, in addition to being single, married, divorced or widowed.

Second, we asked whether the Family Status Discrimination Ordinance’s protection should be expanded to cover family care responsibility arising out of de facto relationships. Currently, “family status” is specified as the responsibility to

care for “immediate family members” who are related by blood, marriage, adoption or affinity. This means, for example, a person is protected from discrimination if he has to care for his sick spouse, but not if they are in a de facto relationship.

But beyond reviewing the law, we must open our hearts. The passage of the Electronic Health Record Sharing System Ordinance is significant because it is another step towards recognition of the diversity among our families, which is crucial for the protection of their well-being. Stigma and discrimination can wreak real harm upon one’s mental health, self-esteem, and sense of belonging. It also obstructs their equal participation in society and access to vital services.

Rather than judging, we must support each other to be the best family members to those we love, and teach our children the values of diversity and inclusion. If we truly believe that families are society’s building blocks, then we must protect them in their many forms.

York Y. N. CHOW
Chairperson, Equal Opportunities Commission

(Note: A version of this article was originally published in the *South China Morning Post* on 10 September 2015.)



平機會公布「職場年齡歧視的探索性研究」結果



香港人口正急速老化。根據政府的推算數字，到了2041年將有接近三分之一人口達65歲或以上；屆時香港的年齡中位數將為52歲。與此同時，勞動人口將日益萎縮，由2014年的360萬人跌至下半世紀的311萬人。基於人口結構改變，港人愈來愈關注社會上人口老化的問題，包括職場上與年齡有關的障礙。



為更深入瞭解香港職場年齡歧視的現象及其對僱主和僱員的影響，平等機會委員會(平機會)進行了「職場年齡歧視的探索性研究」，並於2016年1月7日發表研究結果。是項探索性研究採用了量性及質性研究方法，以電話訪問了401位在職人士，同時又與來自中小企的僱主和僱員，以及立法會議員等主要持份者進行深入訪談。

研究結果顯示，香港職場存在年齡歧視。根據電話訪問，35%在職人士於過去五年曾在工作上遇上某種形式的年齡歧視，其中以年紀較大的員工最受歧視，尤其是50歲及以上人士，當中四分之一人表示曾因年齡問題不獲升職。最常見的歧視形式包括得到較少報酬、失去升職機會，和感到被視為架構重組的裁員目標。整體而言，35%受訪者認為香港職場的年齡歧視問題「嚴重」(28%)及「非常嚴重」(7%)。

年齡歧視對香港作為國際商業中心的前景及影響實在令人憂慮。平機會主席周一嶽醫生於2016年1月8日及1月12日分別在《南華早報》及《明報》刊出文章，他強調消除能力及表現與年齡掛鈎的定型觀念十分重要。周醫生寫道：「事實上，現時人類的壽命延長了，不少長者仍維持良好體魄和富有幹勁，加上資訊科技發達，讓他們與社會保持聯繫。不少長者希望繼續工作，維持獨立自主的生活，這並不足為奇。」

平機會的研究結果顯示，逾四分之三(77%)受訪者表示渴望退休後重新受聘擔任較高級或同級職位，例如以自由職業或兼職形式工作。周醫生在文章寫道：「可惜現時年長僱員仍面對着負面的定型觀念，令他們重新尋找工作時困難重重。再者，對比起世界其他同樣面對人口老化的社會，本港職場亦普遍缺乏年齡友善僱用政策或再聘用退休員工的措施。」



「處理年齡歧視的問題可說是刻不容緩，政府是時候正視香港職場的年齡障礙，以締造年齡共融的社會。」

平機會根據研究結果提出多項政策建議供政府及其他持份者考慮。建議包括：特區政府應定期進行大規模有關年齡歧視現況的調查，監察公眾意見及其發展，以鼓勵公眾對話及建立教育平台，讓反年齡歧視條例立法的討論得以儘快進行。事實上，平機會的研究顯示港人強烈支持立法：70%的在職受訪者，不論年齡和教育程度，都同意有需要立法，尤以年齡介乎20至29歲受訪者的支持度最高(81%)。

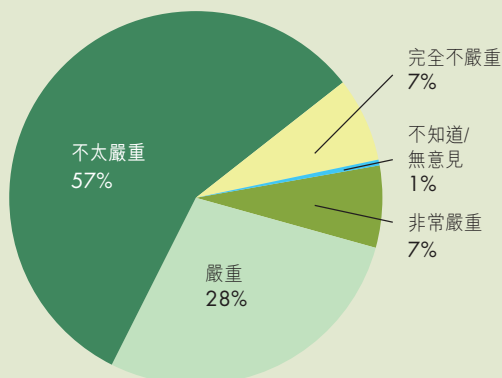
政府應積極採取措施，協助年長人士參與勞動市場。逾五分之三在職受訪者認為政府的支援措施，例如薪金或交通津貼以及針對年長僱員的就業支援中心，能鼓勵年長人士退休後繼續工作。其他建議包括：就老齡化、健康、工作能力之間的相互關係收集數據和進行個案分享；檢討某些行業現有發牌政策以及年齡法定

要求，檢視所定的年齡上限是否客觀合理；以及政府實行試驗計劃，在各部門開設兼職或工作分享的職位，重新聘用年長人士，為其他界別樹立榜樣。

除了年長僱員，研究顯示三分一的受訪者認為職場上年齡介乎15-19歲的年輕僱員容易受到年齡歧視，例如被僱主先入為主認為不可靠。有見及此，平機會建議政府可實行跨行業合作，與教育界及商界合作，為年輕僱員提供更多就業及訓練機會。

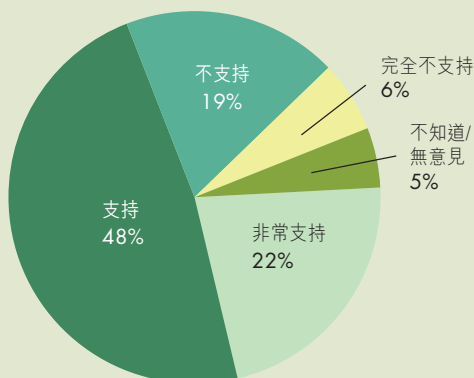
這些支援措施既能惠及全部僱員，又可為僱主提供更多勞動生力軍，有關方面著實應積極考慮和推行。誠然，處理年齡歧視的問題可說是刻不容緩，政府是時候正視香港職場的年齡障礙，以締造年齡共融的社會。

超過三分一的在職人士認為香港職場年齡歧視問題「嚴重」(28%)及「非常嚴重」(7%)。



70%在職人士「支持」(48%)或「非常支持」(22%)訂立年齡歧視法。

- 所有年齡層的在職人士都普遍支持訂立年齡歧視法。
- 尤以20-29歲人士傾向於有較高支持率。



The EOC Releases Findings on the “Exploratory Study on Age Discrimination in Employment”



Hong Kong is rapidly ageing. Government data projects that nearly one-third of Hong Kong's population will be aged 65 or above by 2041. The median age of Hong Kong will be 52, and the labour force is getting smaller, down from 3.6 million in 2014 to 3.11 million over the next half-century. Given these demographic changes, the Hong Kong public has shown increasing concern about issues related to our ageing society, including age-related barriers in the workplace.

In order to gain a deeper insight into the occurrence of age discrimination in Hong Kong's workplace and its impact on both employers and employees, the Equal Opportunities Commission (EOC) commissioned the “Exploratory Study on Age Discrimination in Employment”, which findings were released on 7 January 2016. The exploratory study featured a quantitative telephone survey with 401 employed persons as well as qualitative in-depth interviews with key stakeholders, including employers and employees from small-and-medium enterprises (SME) as well as Legislative Councillors.

The findings of the study suggest that age discrimination is occurring in our workplace. According to the quantitative survey, 35 per cent of employed persons have experienced some form of age discrimination at work in the last five years. Mature workers, especially those aged 50 and above, report being particularly vulnerable to age-discriminatory treatments, with almost one-quarter saying they had been denied a job promotion due to their age. The most common forms of discrimination included receiving lower salaries, being denied a job promotion, and being targeted for redundancy in organisational re-structuring. Overall, 35 per cent of the respondents perceived the problem of age discrimination in the workplace as “serious” (28 per cent) and “very serious” (7 per cent) in Hong Kong.

This is a worrying situation for Hong Kong's future as an international business centre. In an article in the *South China Morning Post* and *Ming Pao Daily*, published on 8 January and 12 January 2016 respectively, Dr. York CHOW, the EOC Chairperson, stressed the importance of shedding stereotypes about age, capability, and performance. “Indeed, our people are living longer than ever before, and they are doing so with better health and vitality while also maintaining their social and professional networks,” wrote Dr. Chow. “Not surprisingly then, many wish to continue working past the traditional retirement age, which helps to keep them active and engaged.”



In the EOC's study, over three-quarters (77 per cent) of the respondents in the study expressed their desire to be re-employed in a higher or equivalent position after retirement, such as in a freelance or part-time capacity. "But currently, many mature workers still face negative stereotypes which pose barriers to their re-employment," noted Dr. Chow in his article. "And, contrary to developments in other ageing societies around the world, age-friendly initiatives remain rare in the Hong Kong workplace, including few structured re-employment programmes which target older workers."

The Commission made a number of recommendations for the Government and other stakeholders to address the situation. They include monitoring public views and developments on the prevalence of age discrimination through regular, large-scale surveys. Doing so could help to encourage public dialogue and also serve as an educational platform, so as to start discussion on legislating against age discrimination as soon as possible. Indeed, the Commission's study showed strong support for legislation: 70 per cent of employed respondents across all age groups and educational levels agreed that wider legal protection is needed in this area, with support being particularly strong (81 per cent) among those aged 20-29.

The Government should also do more to engage mature workers in employment. Over three-fifths of the employed respondents of the EOC's study felt that Government support measures, such as wage or transport subsidies as well as establishing targeted employment support centres, would encourage mature people to continue working after retirement. Other recommendations by the EOC include data collection and case-sharing on the relationship between ageing, health, and work ability; reviewing the existing relevant licensing policies and statutory requirements that set an age criterion in some specific industries to see if such age limits are objectively justified; and creating part-time or job-share posts in Government departments for the re-employment of mature people as a pilot scheme and possible model for other sectors.

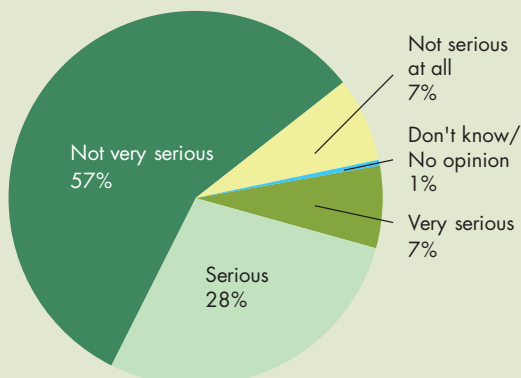
In addition to mature workers, the study revealed that one-third of respondents felt that young workers aged 15-19 were also vulnerable to age discrimination in employment, such as being unfairly characterised as unreliable. To address this situation, the EOC further recommended that there should be cross-sectoral collaboration between the Government, educational institutions, and the business sector to provide more employment and training opportunities for young workers.

These support measures would benefit all workers irrespective of age as well as enlarge the labour pool for employers. It is high time for the Government to address the age barriers in Hong Kong's workplace, and take steps to ensuring an age-inclusive society for all.



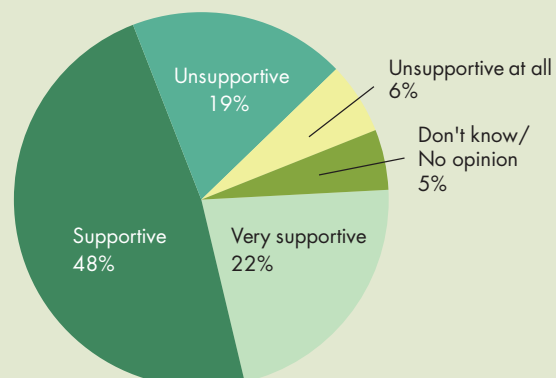
"It is high time for the Government to address the age barriers in Hong Kong's workplace."

Over one-third of the employed persons perceived the problem of age discrimination in the workplace as "serious" (28 per cent) and "very serious" (7 per cent) in Hong Kong.



70 per cent of the employed persons were "supportive" (48 per cent) / "very supportive" (22 per cent) of legislating against age discrimination.

- In general, support for introducing an age discrimination legislation was noted across all age groups.
- In particular, such proportion tended to be higher among those aged 20-29.



平機會公布「有關立法禁止性傾向、性別認同及雙性人身份歧視的研究」報告

平等機會委員會(平機會)於2014年委托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研究」，並於2016年1月26日公布有關研究的報告。

平機會是於2014年啟動有關研究，以配合政府及「消除歧視性小眾諮詢小組」在有關方面的工作，探討消除基於性傾向、性別認同及雙性人身份歧視的措施。

是項研究在多方面都具相當重要性。這是香港同類研究中首次同時使用定量和定質研究方法，有系統地全面探討同性戀者、雙性戀者、跨性別人士及雙性人(性小眾)歧視經驗的研究。除蒐集歧視經驗的數據外，研究亦廣泛徵詢市民大眾的意見，包括這類歧視可作出的補救措施之意見。同時，研究亦有系統地檢視其他司法管轄區的類似法例，當中包括受中國文化影響的地方，並借鑒他們的經驗，為香港取經。

研究方法

是項研究涵蓋了全港性的電話意見調查，訪問了1,005位受訪者；從三次公開論壇、13個公開焦點小組討論會(當中包括為持強烈意見的關注群組而設的焦點小組討論會)、網上和郵遞的意見書，以及透過14個焦點小組訪問61位來自性小眾群體所收集的定質研究結果。研究亦進行了文獻審閱，並對其他司法管轄區的同類反歧視法例進行分析。研究小組參考的司法管轄區不單包括與香港相似的司法體系，更包括台灣和澳門在內相近受中國文化影響的地區之法例。



研究方法

公眾研討會

- 3 個公眾研討會
- 超過 600 名參與者
- 229 份口頭和書面提問及意見

LGBTI 焦點小組

- 13 個LGBTI 焦點小組及 1 個後同焦點小組
- 61名參與者

公眾焦點小組

- 13 個公眾焦點小組(根據年齡、教育程度、語言、宗教及家長身份劃分)及3個專為持強烈意見的關注群組而設的焦點小組
- 88名參與者

電話問卷調查

- 全港具代表性的隨機抽樣電話問卷調查
- 超過 1,000 名受訪者

公眾意見收集

- 經網上或郵遞方式收集
- 1,694 份書面意見

跨地域法律比較

- 其他司法管轄區的經驗(澳洲、英國、加拿大、荷蘭、新西蘭、台灣和澳門)

主要研究結果

歧視性小眾人士情況普遍

正如報告所展示，在僱傭、教育、提供服務、處置及管理處所以至政府職能等範疇，經常出現不同性傾向、性別認同或雙性人身份的人士受歧視的情況。這些歧視行為對受害人有廣泛和負面的影響，包括心理、財政及身體狀況方面。當受到歧視時，性小眾受訪者感到難以或無法討回公道。多位性小眾受訪者認為立法禁止歧視是保障他們的基本人權與尊嚴的必要第一步。

明確支持反歧視法例

大眾市民明確表示支持制訂禁止性傾向、性別認同及雙性人身份歧視的條例。根據全港電話問卷調查結果顯示，55.7%的受訪者贊同立法保障性小眾。與2005年政府進行的相近問卷調查比較，只有28.7%的受訪者支持立法，顯示過去10年間民意有明顯轉變，而年齡介乎18至24歲的受訪者(91.8%)尤其贊成立法。

值得注意的是，接近半數(48.9%)自稱有宗教信仰的受訪者贊同應立法禁止性傾向、性別認同及雙性人身份的歧視。這顯示有宗教信仰人士的意見多元不一。更重要的是，宗教團體與性小眾人士的權利不一定是對立的。

在整個研究進行期間，研究小組考慮了各社會團體提出的憂慮。於研究和分析其他司法管轄區的類似法例時，研究小組特別注意到其他地區如何在立法過程和法例中處理各種因可能立法而引起的憂慮。平機會認為在保障其他團體的言論自由、宗教自由及私隱等權利與保障性小眾免受歧視之間可取得平衡。香港現有的人權法例和反歧視法例早已考慮到這些權利的平衡。其他司法管轄區的經驗和做法，亦為香港提供有用的參考模式。

其他司法管轄區的比較

司法管轄區	保障特徵		
	性傾向	性別認同	雙性人
英國	✓	✓	未涵蓋
荷蘭	✓	(詮釋為一種性別歧視)	未涵蓋
加拿大	✓	(詮釋為一種性別歧視)	未涵蓋
新西蘭	✓	(詮釋為一種性別歧視)	不明確但可詮釋為一種性別歧視
澳洲	✓	✓	✓
台灣	✓	✓	未涵蓋
澳門	✓	未涵蓋	未涵蓋

建議

研究小組綜合研究結果，包括性小眾在香港遇到歧視的情況普遍；社會大眾支持立法禁止性傾向、性別認同及雙性人身份的歧視；並在比較了其他司法管轄區為性小眾提供的法律保障之後，提出了多個建議。

首先，香港政府應盡快就立法禁止性傾向、性別認同及雙性人身份的歧視進行公眾諮詢，以便社會上每個人都可表達自己的看法，在制定法例過程中有機會參與。具體而言，公眾諮詢不應再探討是否進行立法，重點應在立法的範圍和內容，包括法例應涵蓋那些受保障的特徵和相關定義、立法形式、違法行為、保障範圍及可能考慮的豁免。平機會認為，香港應積極面對有關議題，邁出必要的一步，以規劃本身的方針。

鑑於研究時有意見認為立法可能會令有宗教信仰人士受到「逆向歧視」，平機會促請政府應考慮進一步探討宗教或信仰歧視的問題。

直至今日為止，香港有關宗教或信仰歧視程度的研究甚少，而免受宗教歧視的保障亦只限於規管政府或公共機構的行為。由此可見，社會需要更多相關研究資料。

平機會亦促請政府透過工作坊、培訓或公開論壇等不同途徑，鼓勵不同團體就性小眾受歧視的問題進行對話，以增進瞭解；尤其是應向前線公務員和提供公共服務的公營機構職員提供完備指引和適當訓練；平機會相信更多公眾教育亦有助消除社會大眾對性小眾人士的誤解和成見。為確保正面對障礙和困難的性小眾能得到所需的協助，平機會建議政府加設更多性小眾人士友善設施和增加支援性小眾人士的措施。

平機會相信以上建議是確保性小眾人士享有平等機會的第一步。平機會已向政府提交研究報告供審議，並為不同持份者團體安排簡布會，包括於2月15日向立法會政制事務委員會講解研究報告的內容。

未來路向

香港一直是鄰近地區中保障平等的先鋒，擁有相對完備的反歧視法例。現在是適當時候把保障範圍延伸至性小眾人士。研究報告已清楚顯示公眾支持立法，而不同團體的憂慮亦能通過不同渠道商議解決。另外，多個聯合國人權監察機構一再呼籲香港立法保障性小眾，包括經濟、社會及文化權利委員會於2014年作出了呼籲。香港政府無疑可採取更積極的行動，確保這城市內人人可享平等機會，無分性傾向、性別認同及雙性人身份。

「那是一種你失去了任何被欣賞的感覺，在這城市中沒有任何地方需要你的感覺。那種對地方的歸屬感、一種人生的目標、責任和身份的感覺——這些你一樣都沒有。因為你壓根兒不屬於這裡。」

~ 摘錄自一位性小眾受訪者的歧視經歷





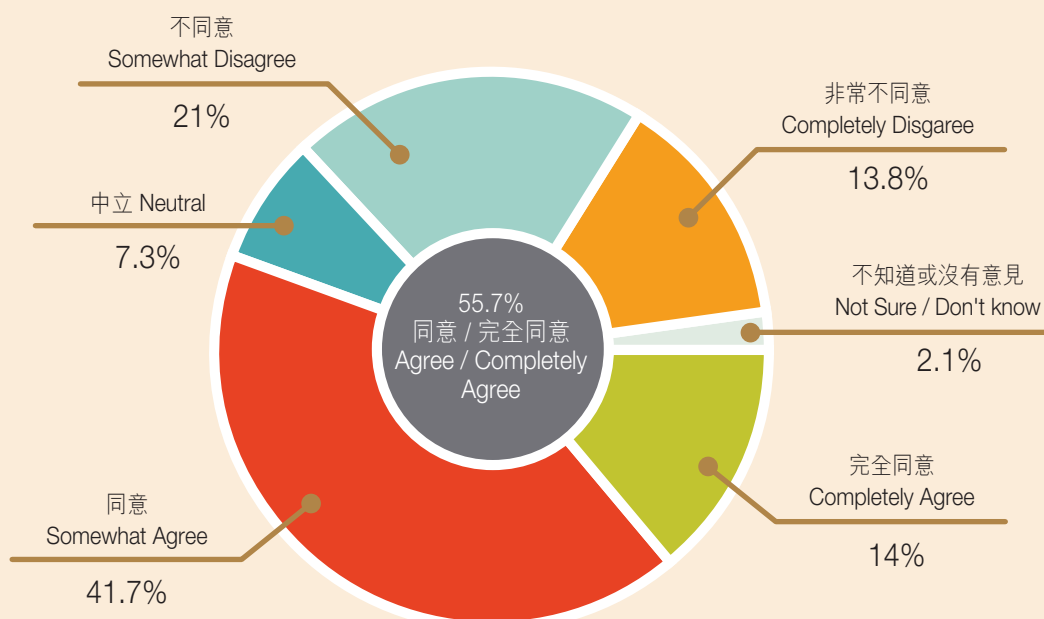
公眾意見 Views of General Public

		同意 / 完全同意 Somewhat agree / Completely agree	人數 Base
年齡 AGE	18-24	91.8%	98
	25-34	69.1%	175
	35-44	55.7%	183
	45-54	49.7%	199
	55-64	48.2%	170
	65或以上 65 or above	36.7%	177
	拒絕回答 refused to answer	50.0%	2

整體而言，你是否同意應該為不同性傾向、性別認同及雙性人身份的人士提供法律保障免受歧視？

Overall speaking, should legal protection against discrimination be provided for people with different sexual orientation, gender identity and intersex status in Hong Kong?

		同意 / 完全同意 Somewhat agree / Completely agree	人數 Base
宗教 Religion	沒有宗教信仰 no religion	59.2%	662
	有宗教信仰 have religion	48.9%	333
	拒絕回答 refused to answer	50.0%	8



The EOC Releases Report on “Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status”

On 26 January 2016, the Equal Opportunities Commission (EOC) released the report on the “Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status”, which was commissioned in 2014 to the Gender Research Centre of the Hong Kong Institute of Asia-Pacific Studies at The Chinese University of Hong Kong.

Initiated in 2014, the study was meant to complement the work of the Government and the Advisory Group on Eliminating Discrimination against Sexual Minorities to identify possible measures for eliminating discrimination on the grounds of sexual orientation, gender identity, and intersex status.

This study is significant in a variety of ways. It is the first study of its kind in Hong Kong to employ both qualitative and quantitative approaches to examine comprehensively and systematically the experiences of discrimination faced by LGBTI individuals, as well as collate public opinions on the issue, including possible remedies against such discrimination and views about them. It is also the first study to systematically examine similar legislation in other jurisdictions, including those influenced by the Chinese culture, to consider what lessons can be learnt and applied in Hong Kong.

Methodology

The study featured a territory-wide telephone public opinion survey with 1,005 respondents; qualitative findings collected from three public forums, 13 public focus groups including those with strong concerns, interviews with 61 respondents from the LGBTI community in 14 focus groups; as well as online and postal submission of opinions. The study also conducted legal review and analysis of comparable

anti-discrimination legislation in other jurisdictions, including those with similar legal systems to Hong Kong and those which share similar Chinese cultural characteristics and influences, namely Taiwan and Macau.

Research Methodology



Public Forum

- 3 Public Forums
- over 600 participants
- 229 oral and written enquiries and opinions



LGBTI Focus Group

- 13 LGBTI & 1 post-gay Focus Groups
- 61 participants



Public Focus Group

- 13 Public Focus Groups (10 groups based on stratification - age, education, parental status and religion & 3 groups for people with strong concerns)
- 88 participants



Telephone Survey

- A territory-wide representative telephone survey
- Over 1,000 respondents



Public Opinions Collected

- Online & postal channels
- 1,694 written opinions



Comparative Literature Review

- Experience of other jurisdictions (Australia, Great Britain, Canada, the Netherlands, New Zealand, Taiwan and Macau)



Key Findings

Discrimination against LGBTI People Prevalent

As highlighted in the study's report, discrimination on the grounds of sexual orientation, gender identity, or intersex status is prevalent in the areas of employment, education, provision of services, disposal and management of premises, as well as government functions. Such discriminatory treatments have extensive and negative impact upon the victims, including on their psychological, financial, and physical well-being. Means of redress were felt by LGBTI respondents to be limited or non-existent, and many LGBTI people saw anti-discrimination legislation as a vital first step to protecting their basic human rights to equality and non-discrimination.

Clear Support for Anti-Discrimination Legislation

The general public also expressed a clear support for anti-discrimination legislation on the grounds of sexual orientation, gender identity, and intersex status. According to the territory-wide telephone survey, 55.7 per cent of respondents agree with legal protection for LGBTI persons. This represents a significant shift in public opinion over the last decade from a comparable Government survey in 2005, in which the corresponding figure of support for legislation among the general public was 28.7 per cent. Support was particularly strong among youth (aged 18-24), 91.8 per cent of whom agreed with legislation to prohibit discrimination on grounds of SOGI.

Notably, among those respondents who self-identified as having religious beliefs, nearly half (48.9 per cent) of them agreed that there should be legal protection against discrimination on the grounds of sexual orientation, gender identity and intersex status. This underlines that there is a diverse range of views on this issue among people with religious beliefs, and, importantly, the rights of religious groups and LGBTI people are not necessarily in opposition.

Throughout the study, various concerns raised by different community groups were taken into consideration. In the review and analysis of similar legislation in other jurisdictions, the study paid particular attention to how similar concerns were addressed in the legislative process and resultant laws elsewhere. The EOC believes that it would be possible to balance the need to protect LGBTI people from discrimination with concerns and rights of other groups (to freedom of expression, religion and privacy). Hong Kong's existing human rights legislation and anti-discrimination Ordinances already take into consideration how to balance such rights. The experiences and approaches of other jurisdictions, as examined in the study, may also provide useful models for Hong Kong to consider.

Comparative Review of other Jurisdictions

Jurisdictions	Protected characteristics		
	Sexual orientation	Gender identity	Intersex status
Great Britain	✓	✓	Not covered
Netherlands	✓	(interpreted as a form of sex discrimination)	Not covered
Canada	✓	(interpreted as a form of sex discrimination)	Not covered
New Zealand	✓	(interpreted as a form of sex discrimination)	Possibly as a form of sex discrimination
Australia	✓	✓	✓
Taiwan	✓	✓	Not covered
Macau	✓	Not covered	Not covered



Recommendations

The study made a number of recommendations for action to address this issue. These measures were recommended based on the findings on the prevalence of discrimination experienced by LGBTI people in Hong Kong; public opinion in support of legislating against discrimination on the grounds of sexual orientation, gender identity and intersex status; as well as a comparative legal review of how other jurisdictions provide legal protection for LGBTI people against discrimination.

First, the Hong Kong Government is urged to consider conducting a public consultation on introducing anti-discrimination legislation on grounds of sexual orientation, gender identity and intersex status as soon as possible, so that everyone in the community can express their views and play a part in the formulation of the legislation. Specifically, the consultation's focus should be on the scope and content of the legislation, rather than whether there should be legislation, including the protected characteristics to cover and relevant definitions; the format of the legislation; prohibited conduct; domains of protection; and possible exemptions. The EOC feels that this is a necessary step for Hong Kong to proactively face the issue and map its own approach.

In light of the concerns on "reverse discrimination" against people with religious beliefs voiced during the study, the EOC also calls on the Government to give further consideration to explore claims about possible discrimination on the grounds of religion or belief. So far, studies about the extent of discrimination on the grounds of religion or belief in Hong Kong have been limited, and protection against religious discrimination only exists in relation to actions by the Government and public bodies. Clearly, more information is needed.

Wider avenues, such as workshops, training, or forums, to encourage dialogue and better understanding between different groups on the issue of LGBTI discrimination are needed. In particular, comprehensive guidelines and training should be given to frontline Government officials and staff of public bodies who are providing public services. Greater public education measures will, the EOC believes, also help to dispel myths and misunderstanding about LGBTI people. To ensure that sexual minorities who are facing barriers and difficulties can get necessary assistance, the EOC also recommends that the Government put in place more LGBTI-friendly facilities and support measures for LGBTI people.

The EOC believes these recommendations are practicable first steps towards ensuring equal opportunities for the LGBTI community. The EOC has submitted the study report to the Government for consideration, and lined up briefings for stakeholder groups, including briefing for the Legislative Council Panel on Constitutional Affairs on 15 February 2016.

The Way Forward

Hong Kong has long been a leader in the region in the protection of equality, with relatively comprehensive anti-discrimination legislation. It is high time that such protection be extended to LGBTI members of our community. The report clearly shows that there is public support for legislation on these grounds, and that concerns from different groups can be negotiated and addressed adequately through various means. Additionally, various United Nations human rights monitoring bodies, most recently the Committee on Economic, Social and Cultural Rights in 2014, have repeatedly called on Hong Kong to enact anti-discrimination legislation in this area. The Hong Kong Government surely can do more to ensure that our city remains a place where all people, whatever their sexual orientation, gender identity and intersex status, can pursue equal opportunities.

"It's just that feeling that you don't have any kind of feeling of appreciation, you don't have any kind of feeling that you are needed in any way here in this city. The sense of having a place, the sense of having a purpose, a sense of duty, a sense of identity – you don't really have any of these. Because you don't really belong here."

~ An LGBTI respondent describing his experience of discrimination

以客觀分析為基礎 以理性對話作橋樑 ——走上反性傾向歧視立法之路

今年1月26日平等機會委員會(平機會)公布了《立法禁止性傾向、性別認同和雙性人身份歧視的研究報告》。根據報告內的公眾電話問卷調查結果，超過半數(56%)受訪者贊同立法禁止基於性傾向、性別認同和雙性人身份的歧視，相對政府於2005年委託進行的調查數字(29%)，比率增加近倍。更值得注意的是，年齡介乎18至24歲的受訪者中，近92%同意有需要立法。這些數據清楚告訴我們，過去10年間支持立法的民意有明顯轉變。隨著社會對平等權利和公義有更大渴求，以及國際社會在平權立法方面的發展，特區政府是時候認真考慮，就立法展開公眾諮詢。

對性小眾缺乏瞭解

一直以來，本港社會對性小眾，即同性戀、雙性戀、跨性別及雙性人身份(英文統稱LGBTI)的人士認識不深，也對他們受歧視的景況缺乏充分瞭解。雖然過往不少志願和社區組織以及學界曾就本港性小眾歧視議題進行研究調查，但這些調查往往集中在特定範疇，例如教育或僱傭等方面。再者，大部份性小眾不願公開談論他們的歧視經歷，除了懼怕討論有關經歷會對他們再次帶來情緒衝擊之外，亦擔心暴露身份會令他們承受歧視甚或更大傷害。因此，普遍社會未能深入瞭解性小眾受歧視的全面實況以及成因。

研究目的及方式

為了有系統地瞭解性小眾在不同範疇所遭受的歧視經驗，以及他們對於立法或其他消除歧視的途徑之看法，平機會於2014年委託了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、性別認同和雙性人身份歧視的研究。除了徵詢性小眾的意見，研究的另一重要目的是徵詢公眾對性小眾的認識及接納程度、他們對性小眾遇到的歧視有何觀感，以及對立法禁止性傾向、性別認同和雙性人身份歧視的意見。

這個研究可說是目前香港同類研究中最廣泛和全面的研究項目。在研究範疇上，除了同性戀、雙性戀及跨性別人士之外，研究還包括雙性人身份的人士。至於研究方式，則是首次兼用多種方式：研究小組採用了定質與定量的研究，除了進行文獻審閱、公眾論壇及與專家訪談之外，還進行了14次性小眾焦點小組討論會、10個公眾焦點小組討論會，以及3個為持強烈意見的關注群組而設的焦點小組討論會。此外，小組以電話抽樣調查在全港訪問了超過1,000位受訪者，又透過網上及郵遞方式收集公眾意見。

性小眾歧視普遍

今次研究可說提供了詳盡而客觀的數據和分析，讓公眾可全面瞭解本港性小眾面對的歧視景況。研究顯示在香港多個不同範疇，包括教育、就業、貨品和服務提供、處所管理及政府職能等，皆普遍存在對性小眾的歧視。例如有同性戀學生表示害怕上學，因為每天都受到同學的嘲笑揶揄；有時同學會偷走他的功課；有時黑板上會出現他的名字，旁邊寫滿侮辱的字句，說他是怪物；亦有同學受到肉體上的欺凌。

此外，有在職場的性小眾分享，在僱主發現其性傾向後，遭到解僱的威脅；或因此備受同事冷嘲熱諷或口頭騷擾。有性小眾被逼上班時以某種方式穿著打扮或以某種方式行事，否則會被解僱。

事實上，性小眾在生活不同層面均受到歧視，但他們普遍認為無法可討回公道，而所謂補救措施亦形同虛設或根本不存在。有性小眾表示，在尋求專業人員如教師、輔導人員及社工支援時，遭到不友善對待。普遍來說，這些人員本應具備同情體恤之心，但部份人士却對性小眾作出負面批評甚至刁難他們，令性小眾感到無助、被孤立和歧視。整體來說，參與研究的性小眾認為單單透過教育來消除基於性傾向及性別認同的歧視並不足夠，必須立法才能保障他們免受歧視的權利。

誠然，我們必須遏止歧視性小眾的狀況。性小眾每天面對的歧視、脅逼和排擠，不單令他們心靈受創，嚴重地影響他們平等參與日常生活的能力和機會，更削弱香港作為國際城市和商貿中心的地位，包括令僱主無法吸納和挽留人才、令香港的形象受損，進而影響到香港的持續發展和競爭力。

政府是時候採取積極的態度，以確保性小眾得到法律保障，免受歧視。平機會認為，政府應該盡快就立法禁止性傾向、性別認同和雙性人身份歧視進行公眾諮詢及立法前期的工作。諮詢應集中討論法例的



保障範圍和內容，例如相關定義和豁免情況，而非仍停留於討論應否立法的初步階段。

市民大眾支持立法

事實上，研究清楚顯示市民大眾支持立法禁止歧視性小眾。根據公眾電話問卷調查的結果，超過半數(56%)受訪者贊同應該立法，相對政府於2005年委託進行的調查數字(29%)，高出近一倍，顯示過去10年間支持立法的民意有明顯轉變。

再者，調查顯示，年齡介乎18至24歲的受訪者中，近92%的人同意有需要立法；相對之下，年齡在65歲或以上的受訪者只有37%支持立法。從以上數字可見，本港年輕人對於性小眾平權議題持較為開明及包容的態度。作為未來的選民和社會領袖，他們在政治、社會和公民事務等方面愈來愈舉足輕重，可預見性小眾平權議題的政治份量將隨年月增長，平權訴求日重，政府宜及早主動採取行動，推動社會展開廣泛討論。

平機會認為，公眾就這議題的討論應建立在事實的基礎上，並明瞭即使在特定群體及組別當中亦存在不同意見。例如，性小眾平權經常被視為不符合宗教觀點和妨礙宗教自由。但平機會的研究便發現，近半(49%)有宗教信仰的受訪者同意應立法保障性小眾。因此，反性傾向歧視立法並非與宗教對立。

立法的憂慮

藉著今次研究，研究小組深入探討了一些團體的憂慮，包括立法可能侵害宗教自由、言論自由和私隱。平機會認為在保障不同群體的權利與爭取性小眾平權之間，絕對可取得平衡。首先，香港現有的人權法例和反歧視條例都已顧及上述憂慮，保障市民的宗教及言論等自由。此外，研究小組詳細地研究過其他司法管轄區的做法，認為香港可考慮借鏡，例如針對個別界別如宗教界的特殊情况，可在制訂法例時考慮引入豁免條文。事實上，這些司法管轄區在引入及實施反性傾向歧視法例後，並沒有出現翻天覆地的變遷。

締造對話平台

平機會希望透過是項研究，能提升市民大眾對性小眾歧視經歷的認識，從而摒棄誤解、偏見和定型觀念，好讓性小眾能平等地參與社會。為了移除性小眾面對的歧視，平機會於報告中建議政府應積極為不同持份者締造對話平台，以便社會不同群體就有關同性戀、雙性戀、跨性別和雙性人身份等人士的平權問題增加對話，促進彼此瞭解。此外，政府尤其應向服務市民的前線公務員及公共機構人員提供具體訓練和指引，以確保他們不會在無意間冒犯或歧視性小眾。

對於宗教相關團體提出有關「逆向歧視」的憂慮，目前有關宗教歧視是否普遍的資料甚少，平機會呼籲政府宜進一步考慮探討這方面的問題。

本港在爭取性小眾平權上走過不少路。一直以來，政府對於應否立法採取審慎態度，表示社會存在分歧，因此必須小心處理議題。在處理性小眾歧視方面，政府早於1998年已編製了《消除性傾向歧視僱傭實務守則》，並呼籲公私營機構自願採納。2004年政府成立少數性傾向人士論壇，並於2013年委任消除歧視性小眾諮詢小組，取代論壇，就性小眾歧視的相關事宜向政府提供意見，而較早前小組已發表了其工作報告。

平機會相信，綜合這些工作經驗及今次發布的研究報告，已有相當的基礎讓政府計劃及開展下一步的工作，包括研究立法。平機會倡議政府展開立法的諮詢，除了基於歧視情況的普遍及嚴重性，亦考慮到香港的人權責任以及國際社會的發展趨勢等因素。

無可否認，香港社會在過去10數年經歷了重大變遷。無論我們喜歡與否，改變之輪已啟動，社會對性小眾歧視的意識及觀念正在轉變。我們是時候以新的思維作出籌劃及討論，從而邁向新的里程。

平等機會委員會主席
周一嶽

(原文刊於2016年1月27日明報)

No One Should be Excluded Because of Their Sexual Identity – We All Belong to Hong Kong

Dr. York CHOW, Chairperson of the Equal Opportunities Commission (EOC), says it is high time for the Government to take action on discrimination against LGBTI people, and a public consultation on introducing legislation would be a good start.



Imagine that you are a student. But you dread going to school because, every day, you face cruel taunts from your classmates. During group activities, you are often left on your own. Sometimes, your school work is stolen or you are physically harassed. You feel you can't seek help from your teachers, who also sometimes ridicule you in front of other students.

Imagine being unfairly denied a job promotion, or being constantly mocked or verbally harassed by your colleagues at work. Or being pressured to dress or act a certain way at work, under threat of dismissal. In such circumstances, would you stay in your job?

What if these things happened because of your sexual orientation, gender identity or intersex status? Would you feel helpless and isolated? What would your future look like after such experiences?

On 26 January 2016, the EOC released the findings of our study on legislation against discrimination on the grounds of sexual orientation, gender identity and intersex status, which was commissioned to a multidisciplinary research team at the Gender Research Centre of The Chinese University of Hong Kong. As the most comprehensive study of its kind in our city, it combined both qualitative and quantitative methodologies, including 13 focus groups with the public and 14 focus groups with lesbian, gay, bisexual, transgender and intersex

(LGBTI) people, as well as a territory-wide public opinion phone survey of over 1,000 respondents.

The study highlights that there is widespread discrimination against LGBTI people in Hong Kong across multiple domains, including in education, employment, provision of services, management of premises and Government functions. Those who have faced discrimination felt that there was little or no means of redress. Some reported that those in the professions of care and compassion, such as teachers or social workers, who are expected to be kind, sensitive and supportive, sometimes held prejudicial attitudes about sexual minorities.

This is unacceptable for Hong Kong's future as an inclusive society. Such discrimination severely affects the ability of LGBTI people to participate equally in everyday life and opportunities. It also harms employers' ability to attract and retain the best talent, which seriously affects our city's continued development and standing as an international business centre.



It is high time for the Government to take concrete action. The Commission is calling on officials to conduct a public consultation on introducing anti-discrimination legislation on the grounds of sexual orientation, gender identity and intersex status as soon as possible. The consultation should focus on the scope and content of the legislation, such as relevant definitions, applicable domains and exemptions, rather than whether there should be legislation.

Indeed, the study shows that there is already clear support from the public for anti-discrimination legislation on these grounds. More than half (56 per cent) of the phone survey respondents agreed that there should be legislation. Importantly, this is almost double the corresponding figure (29 per cent) from a Government survey conducted in 2005, indicating a significant shift in public opinion.

Public views are likely to continue to shift towards greater inclusion for the LGBTI community, given that young people tend to be more supportive of equality for sexual minorities. In our study, respondents aged 18 to 24 showed remarkably strong support for legislation – nearly 92 per cent of them agreed that legislation was necessary, as opposed to 37 per cent of those aged 65 or above. As future voters and leaders, our youth are playing an increasingly important part in

Hong Kong's political and social affairs. As the issue of LGBTI equality gains increasing political prominence, the Government would benefit from taking early action to tackle this.

It is also vital to ground public discussions in facts and recognise that there are divergent views even within distinct communities and groups. For instance, LGBTI equality has often been characterised as incompatible with religious views and rights. Yet the study found that nearly half (49 per cent) of respondents with religious beliefs agree that there should be anti-discrimination protection for LGBTI people. This shows a far more nuanced picture of the situation.

The study also delves into some groups' concerns relating to anti-discrimination legislation and potential encroachment on freedom of religion and speech, and privacy rights. The Commission believes these concerns can be successfully balanced with equal rights for the LGBTI community, including through exemptions. Hong Kong's existing human rights legislation and anti-discrimination ordinances already take into account these concerns. For instance, the domain of parental teaching is not covered under the anti-discrimination laws. The approaches of other comparable jurisdictions, which were thoroughly examined in the study, may also provide useful models for Hong Kong. It is also worth noting that other jurisdictions which have anti-discrimination protection for LGBTI people are generally considered better and fairer places to live. Certainly, their societies have not collapsed in the years since such laws were passed.

Through the study, we hope to enhance public understanding about the experiences of LGBTI people and dispel stereotypes which pose major barriers to their equal opportunities. To address this, the Government should provide more discussion platforms to improve understanding between different groups. Frontline service providers to the public should be given specific training and guidelines to ensure they do not inadvertently discriminate.

Some religious groups have raised concerns about "reverse discrimination", but relatively little information about the prevalence of religious discrimination exists. The Government should give further consideration to exploring these claims.

In the study, a number of LGBTI respondents noted that discrimination made them feel displaced from the Hong Kong community: "The sense of having a place, the sense of having a purpose, a sense of duty, a sense of identity – you don't really have any of these," said one. Whatever our differences, we all belong to Hong Kong. LGBTI individuals are members of the community just like anyone else – they are our family members, colleagues, neighbours, customers, friends. More must be done to ensure that no one faces the indignity of exclusion and discrimination because of who they are.

York Y. N. CHOW
Chairperson, Equal Opportunities Commission

(Note: A version of this article was originally published in the *South China Morning Post* on 27 January 2016.)

平機會處理的投訴



平等機會委員會(平機會)的其中一項主要職能是處理公眾根據《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2015年1月至12月期間共收到509宗投訴，連同2014年未完成的個案，平機會於2015年1月至12月期間共處理了714宗投訴。

殘疾歧視投訴

平機會處理的投訴大部分關乎殘疾歧視，共有400宗，佔全部投訴的56%。在這些投訴當中，251宗與僱傭範疇有關，而102宗屬其他範疇。此外，平機會在2015年亦主動調查了47宗《殘疾歧視條例》下有關處所通道和貨品及服務提供的個案。

2015年7月，平機會根據《殘疾歧視條例》，代表一名於護老院工作的護理人員在區域法院提出法律訴訟。該名員工基於手腕受傷而無法工作，請了病假一段時間，及後其僱主決定不與她續約。該名員工因而指稱受到殘疾歧視，指其僱主是基於她的手腕受傷而作出不續約的決定；若非她的手腕受傷，她將會像過往八年內四度獲得續約一樣，再度獲得續約至少兩年。

另外，平機會較早前於2015年2月根據《殘疾歧視條例》，代表一名行動不便的輪椅使用者在區域法院提出法律訴訟。該名殘疾人

為闡明反歧視條例如何應用於日常生活及加深公眾對自身權利和責任的認識，平機會於2015年11月出版了一本《個案實錄》，當中收錄了多個平機會曾處理的真實個案，包括成功調停個案、平機會提供法律協助的個案及法庭案例，並詳細說明平機會處理投訴的方法和流程。

平機會希望《個案實錄》能加深僱主及服務提供者對相關法律責任的認識，並讓公眾更瞭解平機會處理投訴的程序和考慮因素。

更重要的是，平機會希望鼓勵面對類似情況的人士勇於前來申訴，以討回公道。

《個案實錄》已上載
於平機會網頁
(www.eoc.org.hk)



士投訴一間酒樓將附設的暢通易達洗手間用作儲物室存放雜物，令有需要人士未能使用；該洗手間亦缺乏維修，出現喉管漏水，對使用者造成危險。儘管該名人士曾屢次要求營運酒樓的公司作出改善，移除有關障礙，以保持洗手間能正常使用，但情況並無改善。

平機會希望透過法庭訴訟，令大眾正視提供進出處所的重要性，消除殘疾歧視，並提醒僱主應為懷孕及殘疾員工作出妥善安排及提供合理的遷就。

Complaints Handled by the EOC

One of the key functions of the Equal Opportunities Commission (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 December 2015, the EOC received a total of 509 complaints. Together with the complaints carried forward from 2014, the EOC handled a total of 714 complaints from January to December 2015.

Disability Discrimination Complaints

Among the complaints handled by the EOC, the majority or 56 per cent of the complaints were lodged under the DDO, which totalled 400. Out of these complaints, 251 were related to employment, while 102 were non-employment-related. The EOC also initiated investigations into 47 cases concerning access to premises and the provision of goods and services under the DDO.

In July 2015, the EOC issued legal proceedings in the District Court under the DDO on behalf of an elderly home caregiver (the "Plaintiff"), whose employment contract was not renewed by her employer after she went on sick leave for a certain period owing to her wrist injury, which rendered her unfit to return to work. The Plaintiff alleged disability discrimination in that the non-renewal decision was made on the ground of her wrist injury and, but for her wrist injury, her employment contract would have been renewed for a period of at least another two years, just like the previous four renewals she received for the past eight consecutive years.

And in order to highlight the importance of providing independent and adequate barrier-free access to premises, earlier in February 2015, the EOC issued legal proceedings in the District Court under the DDO on behalf of a person with impaired physical mobility who uses a wheelchair. The person was unable to access and use an accessible toilet in a restaurant, owing to the fact that the toilet concerned was used as a storeroom filled with sundry items, and was in conditions of disrepair (water leakage) that posed safety hazards to users. Despite

repeated requests, the company operating the restaurant failed to carry out the necessary works to remove the barriers and rectify the situation.

By taking these cases to court, the EOC hopes to raise greater awareness on the importance of eliminating disability discrimination in the provision of means of access, and remind employers of their duties to provide reasonable accommodation to their pregnant staff and staff with disabilities.

To clarify the application of the anti-discrimination ordinances and widen the community's awareness on their rights and responsibilities, the EOC published a Casebook in November 2015. The Casebook features a series of real-life discrimination cases handled by the EOC, including the conciliated cases, those with legal assistance from the Commission and the court cases. It also details the procedures and approach adopted by the EOC in handling the complaints.

The EOC hopes that the Casebook can provide useful reference for employers and service providers to better recognise their responsibilities, and enhance understanding of the EOC's complaint-handling process and considerations. More importantly, the EOC hopes that those who face similar discriminatory acts would be encouraged to speak up and seek redress.

The Casebook is available on the EOC's website (www.eoc.org.hk)



殘疾歧視個案



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個案

M先生受僱於一間物流公司(X公司)達12年。一直以來，他的表現令人滿意，並獲擢升為營運經理。2013年初，M先生被確診患上胃癌，他放了九個月病假接受治療。醫生其後告訴他已經康復，M先生於是決定提早三個星期結束醫生批准的病假，恢復上班。

M先生恢復上班前一天與上司(即X公司的高層行政人員)見面。該上司暗示M先生的癌病可能影響他的工作表現，要求M先生必須接受三項條件才可恢復上班，包括：接受減薪約兩成、降級及轉到夜更工作。M先生以書面拒絕此三項條件，公司准他以原來職銜和工資恢復工作。

但M先生重返崗位後竟遭受到連串歧視和不公待遇，包括被派到一張沒有電話和電腦的工作枱；不獲分配任何工作。此外，M先生是唯一須在午膳時段記錄出入時間的員工；亦被禁止與其他同事交談。更甚的是由於他接受治療後脫髮而需戴帽遮蓋，竟而收到公司的警告信。X公司再度建議給予M先生兩至三個月工資，要求M先生自動辭職。M先生拒絕。

M先生恢復上班後三個月，其上司不顧M先生反對，在他離開工作枱時，把他的辦公椅換作木凳。M先生認為木凳安全有問題，遂選擇站立或坐在桌邊工作。公司合伙人發現M先生坐在桌上，便以粗言責罵M先生，甚至向他面部揮拳。該合伙人其後被控普通襲擊罪名成立。M先生最後被解僱。

就M先生的投訴，平等機會委員會(平機會)曾嘗試進行調停。X公司辯稱，因業務出現虧損，公司財政狀況差，所以解僱M先生。

但X公司無法解釋，何以M先生是唯一被解僱的員工。X公司又承認M先生放病假期間，其替工工資較低，但表現良好。這是X公司打算把M先生永久調到夜更工作的原因之一。透過調停，雙方達成初步協議，X公司願意向M先生發放一筆相等於約四個月工資的賠償，但X公司未能確定支付賠償的確實日期，調停最終失敗。M先生其後向平機會申請並獲給予法律協助，根據《殘疾歧視條例》採取法律行動。最後雙方達成和解，M先生獲得相等於九個月工資的賠償。

結論

根據《殘疾歧視條例》，僱主基於僱員的殘疾而對他/她作出歧視行為，即屬違法。《殘疾歧視條例》下的「殘疾」定義廣泛，覆蓋大部份的殘疾狀況，包括長期病患。「殘疾」的定義亦涵蓋過往的殘疾、將來的殘疾和歸於任何人的殘疾。僱主有責任向殘疾僱員作出合理遷就，讓他們可以執行工作的固有要求，除非僱主可以證明作出合理遷就會造成不合情理的困難。

僱主在招聘、晉升和解僱等過程中，必須採用劃一的甄選準則。在M先生的個案中，若殘疾是解僱他的其中一個理由，即使解僱是削減成本的合理做法，仍可能觸犯《殘疾歧視條例》。平機會鼓勵僱主主動定期檢視工作間的政策和做法，確保這些政策和做法不會無意中涉及歧視。此外，僱主應向殘疾僱員作出合理遷就，讓他們可以執行工作的固有要求，這不單可創造一個平等工作間，更可實踐良好的人力資源管理措施。

Disability Discrimination Case



The Case

Mr. M had been employed at “X”, a logistics company, for 12 years. His performance was satisfactory, and he was promoted to be an Operations Manager. In early 2013, Mr. M was diagnosed with stomach cancer and took nine months of sick leave to undergo treatment. The doctor informed him that he had recovered, and Mr. M decided to return three weeks early from his approved sick leave.

The day before he was due to resume work, Mr. M met with his supervisor who was a senior executive at X. Suggesting that Mr. M’s recent bout of cancer would have affected his working ability, the supervisor informed Mr. M that he had to accept three conditions before he was allowed to return, namely a salary reduction of around 20 percent, a demotion, and a transfer to the night shift. Mr. M rejected these conditions in writing, and was permitted to restart work with his original title and pay.

Upon his return, Mr. M faced a range of treatments he found to be discriminatory and unjust, including being moved to a new desk with no phone and computer; being assigned no duties; being the only staff member required to clock in and out for his lunch hour; being barred from speaking to other colleagues; and being given warning letters for wearing a cap due to the hair loss from his treatments. Mr. M was again asked to resign with an offer of two to three months salary as payment, but he declined the offer.

About three months after Mr. M returned to work, the supervisor replaced Mr. M’s office chair with a wooden stool while he had stepped away from his desk, despite Mr. M’s disagreement with the request. Deeming the stool unsafe, Mr. M chose to stand or sit at the edge of the desk. The company’s co-owner, upon finding Mr. M sitting on the desk, swore at him and punched him in the face. The co-owner was subsequently prosecuted and convicted of common assault. Mr. M was eventually dismissed.

Conciliation was attempted. X argued that it had been operating at a loss, and that Mr. M’s dismissal was a result of its poor financial position. However, X could not explain why Mr. M was the only employee chosen for the cost-cutting exercise. X also admitted that, while Mr. M was on sick leave, his replacement, who earned a

lower salary, also performed well. This was one of the reasons why X tried to transfer Mr. M to the night shift on a permanent basis.

The parties reached a preliminary agreement to settle the dispute by a lump-sum monetary compensation of around four months of salary; however, X did not confirm when it would eventually make the payment to Mr. M, and conciliation was ultimately unsuccessful. Afterwards, Mr. M applied for and was granted legal assistance by the Equal Opportunities Commission (EOC) to pursue legal action under the Disability Discrimination Ordinance (DDO). The parties eventually reached a settlement, with Mr. M receiving monetary compensation equivalent to nine months of salary.

Conclusion

The DDO makes it unlawful for an employer to discriminate against an employee because of his or her disability. The definition of “disability” under the DDO covers a wide range of conditions including long-term illness. It also covers past disabilities, as well as disabilities which may exist in the future or which are imputed to a person. An employer has an obligation to provide reasonable accommodations to enable the employee with disability to perform the inherent requirements of the job, unless the employer can demonstrate that the provision of such accommodation would cause unjustifiable hardship.

It is important that employers use consistent selection criteria in the workplace, such as in recruitment, promotion, or dismissal decisions. In Mr. M’s case, if his disability was one of the reasons he was singled out for dismissal, the dismissal may contravene the DDO even if it were part of a valid cost-cutting exercise. The EOC encourages employers to proactively and regularly review their workplace policies and practices to ensure that they are not inadvertently discriminatory. Moreover, by providing reasonable accommodation to employees to facilitate them to perform the inherent requirements of the job, employers can help to nurture an equitable workplace for all and instil good human resource management practices.



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步驟一 STEP 1

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步驟二 STEP 2

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