

Improving equal opportunities in Hong Kong

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Mr Lam Woon Kwong, Chairperson of the Equal Opportunities Commission shares his thoughts with [Hong Kong Lawyer](#) about race and disability discrimination, gender equality and same-sex marriages in Hong Kong

As the Chairperson of the EOC, how do you measure the success of what your organisation sets out to do?

When I came into this job in February of last year, I had two missions in mind. At the time, the EOC was not in an ideal position in terms of public image because the Director of Audit had queried some of the practices inside the EOC and this was followed by some negative press reports, which continued for some time. The morale at the EOC was mediocre and my colleagues were eager to get the EOC back on track and so it became my first objective. My second objective is to make this organisation more visible and become a part of the Hong Kong community. Equal opportunity is not just about taking people to court and dealing with complaints. It also includes promoting the values of respect, inclusion and diversity. These concepts need to be embedded into people's minds so we need to explain to the public why it is good for them to embrace the values I mentioned and this requires the EOC to become a household name among ordinary people.

I have addressed my first objective largely because I think people now generally feel more positive towards the EOC. In the last 18 months, my EOC team and I have been much more open and forthcoming with EOC matters. I think the public understands now what we are doing and they appreciate it. Naturally, there is still quite a bit of distance to go but I think we are on track. A good indicator of the EOC's success would be

members of public saying that they support EOC values and making Hong Kong a place with more equal opportunities.

Eliminating disability discrimination requires...

service providers to be mindful of the needs of the community. Service providers are facing a community with increasing demand for services that are disability discrimination free because a majority of the population is aging. When one ages, it is natural for disabilities to creep in. All service providers should bear in mind that their clients are aging and may require assistance with not only wheelchair access but also hearing and visual impairment, language deficiencies and long-term diseases and illnesses.

On the issue of employing people with disabilities, very often the excuse is – this is a very competitive world. How can a business employ a person with a disability who may reduce productivity? Increasingly, however, employers are now able to see that if they generalise like this they will be missing out on a lot of genuine talents. There are people in Hong Kong with severe disabilities and yet are brilliant with their other skills; they are contributing a lot to the companies that have the wisdom to employ them in the first instance. If businesses are serious about competing for talent in the 21st century then they should take away their pre-assumptions that a disabled person cannot contribute effectively.

What factors do you think contribute to racial discrimination in Hong Kong?

The main factor is the lack of understanding about foreign cultures. Although Hong Kong boasts about its openness and inclusiveness, in reality it does not have a multi-racial community like the US, Canada or Australia. Historically, the city has always had a presence of ethnic minorities and foreigners the locals like to call gweilos. Hong Kong society is predominantly a Chinese community with 95% of the population who are ethnic Chinese. If you happen to be a non-Chinese and belong to the low income strata it is not easy to settle into Hong Kong. It is also difficult to get the 95% of the majority to wake up to the

fact that they are actually or are potentially discriminating when they are not even aware of it.

Racial discrimination is quite prevalent in Hong Kong because of the culture and history. Frankly, Chinese people do have a bit of a superiority complex and look down upon other races very easily, unless the socio-economic status of the ethnic minority happens to be high. To put it bluntly, a Japanese or Korean will not have many problems thriving and prospering in this city because people have preconceived ideas that they are disciplined and successful. However, people will think differently about a person, for example, from Pakistan even though the country is famous for their software engineers, mathematicians and doctors. When people think about Pakistan, they think of the Taliban and Osama Bin Laden, poverty and corrupt politicians. Unfortunately, these are the things that pop into people's minds. He or she is automatically categorised as coming from a poor country and using Hong Kong to get rich. This is the type of mentality of many Hong Kong people and these are the stories the EOC hears from seminars that are conducted with ethnic minorities.

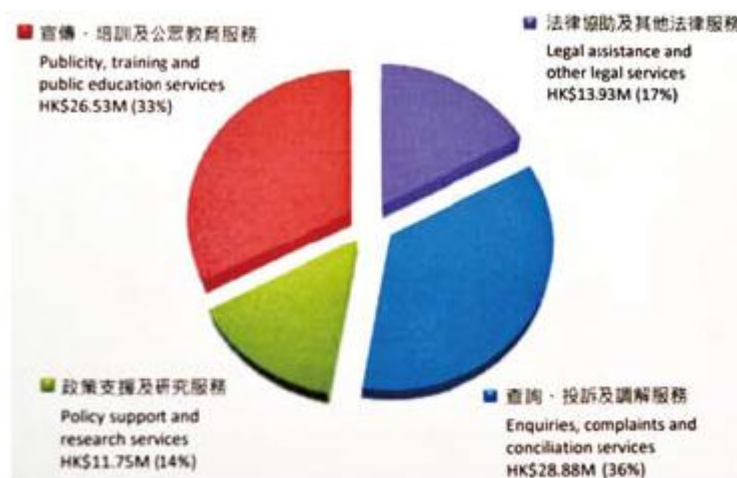
Another example is a Filipina who is married to a local Chinese who is walking with her daughter. People will ask the girl: Where is your mother? This is because people will automatically assume that the mother is a domestic helper. How many of us will think when we see a Filipina lady walking with a girl that she is her mother? It is this type of stereotyping that is the root of discriminatory acts.

Under the Race Discrimination Ordinance (Cap 602), which was enacted in 2008, the EOC has not received many complaints. However, race discrimination complaints come in very diverse forms and they usually deal with being underpaid for a job. For example, an ethnic minority worker may be paid HK\$300 for work done while a local person may be paid HK\$400 for the same work. Other issues may be a refusal to rent premises to an ethnic minority. Landlords may discriminate and their typical excuse would be that when the tenant cooks ka leh (curry) he/she will spoil the kitchen. Another problem faced was opening a bank account but all the banks deny they were discriminatory. With the EOC's intervention they are now more careful. The reason is not so much that

the banks discriminate deliberately on race, but the Monetary Authority sets some pretty stringent rules about money laundering and money coming in from certain countries. We suspect that the message filters down to the front desk in the wrong way to the extent that staff may turn away people from these countries to avoid the paperwork.

How do you change people’s mindset about what they perceive about a person based on stereotypes?

To answer your question, the financial highlights from this factsheet (see below) show how the EOC is using its financial resources. The largest amount is spent dealing with enquiries, complaints and conciliation services. This is quite natural because we receive about 20,000 enquiries and deal with around 1000 formal complaints per year. After I became Chairman, we did not receive additional money and we adjusted the resources and shifted a proportion of the budget to publicity, training and public education services because I think equal opportunity values need to be spread widely. In the last 18 months, the EOC has become a much more proactive organisation in our publicity and training work. Publicity targets the general public with broad messages. The training is much more focused and is conducted at corporations, government departments and public sector agencies that are potential offenders. If people are more aware of their legal obligations, then what should follow is less complaints being made to the EOC. It also helps to bring the company’s values in line with the EOC’s values that will help with what our work is all about.



Source: EOC Fact Sheet 2010/2011

資料來源：平機會工作概覽2010/2011

You recently wrote an article entitled ‘Power of one’ in the SCMP about women taking the lead in achieving gender equality. Looking at the statistics from the Law Society’s Annual Report 2010, trainee solicitors comprised 61% of females and 39% of males; for the same year the gender ratio for partners comprised 24% of females and 76% of males. How can women in law narrow the gender ratio gap at partnership level?

Women legal professional are not alone in trying to narrow the gap. In most law schools (and indeed other faculties) around the world, the number of female students surpasses male students at universities. It is natural for there to be more female trainee solicitors. As people’s careers develop other factors come into play. When the phrase ‘glass ceiling’ was coined it was initially blaming men for keeping women out of senior executive positions. When men think of women there is the stereotype that they can only be promoted to a certain level and anything beyond that would be questionable. Increasingly this glass ceiling concept is becoming more complex. When I was in the civil service, I had no problems with promoting women to top positions but, not infrequently, some female staff would tell me that they would prefer not be promoted because either their spouse was in the government or in another public service agency. The mentality is that some women still do not want to surpass their men in terms of seniority or be the main breadwinner. The consciousness of women in the household relationship runs very deep in family traditions which means that men should be in the dominant position. I doubt if this is only a Chinese cultural phenomenon but for the Chinese it would be very prominent in this respect because of conventional Confucian culture. People may say Confucianism has disappeared in China for more than a century. I do not think this is so particularly in family relationships. It is this sort of stereotyped subconscious culture built into the mindset that is holding a lot of women back in business, in government and in prominent positions. These ‘conscientious’ women always try not to outshine their husbands and unless they change how they think and show the closest members of their family that they are going to change, there is not a whole lot more that the EOC, the government or the law can do.

In my view, the other factor is child birth. Many women stop working after giving birth and may stay away from the workforce for about three to five years. Even when their children become older, many women want to spend time with their family so they may lose out among the competition.

Donald Tsang, when he was Chief Secretary, once famously said that ‘couples should consider having three children to try to stem the territory’s falling birth rate’. However, Hong Kong still lags behind jurisdictions like the UK, Australia and New Zealand where legislation is in place for more flexibility with regards to maternity and paternity leave. Do you think the government’s attempts to increase the birth rate has failed?

This is one of those typical examples of empty words and a lack of supporting policy. The tax advantages for having children are clearly marginal, paternity leave is totally non-existent and child care support is totally inadequate. People may say that Hong Kong is one of the easiest places to obtain child care because of domestic helpers. If a couple is in the middle class bracket then yes, a domestic helper may be hired but for the majority of the working class in the lower income group they cannot afford it. Child care availability is very limited. The hours are restrictive so that mothers cannot work full-time and they can only work certain hours. This has the biggest impact on families in the lowest income bracket. In a place like Hong Kong, even with the best of intentions, it is very difficult to pressure a university graduate to have three or four children. Strong policy back-up is necessary to make people feel that this is what the government seriously wants the community to respond to. There is no such signal from the government of the intention despite the fact that the population is aging. The government should have a population policy to encourage more local births because of the demographics implication where the dependent population outweighs the working population, which will create economic problems as time passes.

New York state has recently legalised same sex marriage, do you think Hong Kong will eventually recognise same sex marriages?

In my opinion, Hong Kong will recognise same sex marriages within the next 20 years. I am optimistic about this largely because Hong Kong people are pragmatic and the younger generation is more open-minded. Even though there may be technicalities to overcome, there are a lot of other models to learn from. However, the LGBT community is in the minority and it will be difficult to drum up a big political movement and very few people may come out and hold the flag for them. It will be a minority movement and it will require a lot of goodwill and initiative by the government of the day to make it happen.

What initiatives are currently being undertaken by the EOC to improve anti-discrimination practices?

The EOC is investing more on education, promotion and training in the hope that people will be more aware of equal opportunity issues and as a result lead to less behavioural problems in relation to discriminatory acts. We are also in the process of improving our complaints handling system. At the moment, the process is very tedious. I want to have a very fundamental look at how we handle our complaints system and see if we can bring more cases to court. The advantage of bringing a case to court is that it will generate media attention and bring the issues to light. The court is also respected as an impartial institution in Hong Kong. If the court rules that certain acts are not acceptable it can project a voice and carry a message that is much louder than that of the EOC.

In the near future, I will propose to the government to introduce a new piece of legislation to set up an Equal Opportunities Tribunal which would offer a more user-friendly adjudication process for complainants so that more cases would be adjudicated rather than conciliated behind closed doors. I am not against conciliation and even the Judiciary is promoting mediation, but for equal opportunities there is a value issue involved. If it is to work properly it has to be made clear as to what is right and what is wrong. If the government accepts it, the mechanism is not too complicated and the resources needed are not that great. An Equal Opportunities Tribunal will help antidiscrimination work considerably. Even if it is a long shot, I will give it a go because it will be very fundamental to the work we do here at the EOC.