

EO Files (December 2016) “THINGS WE DO, PEOPLE WE MEET – Reflections in Brief”

20 years on and the fight against bias continues

Alfred C. M. Chan urges government action to reform anti-discrimination laws, as the EOC celebrates a milestone. Equality makes good business sense for ‘Asia’s world city’

In the blink of an eye, the Equal Opportunities Commission (EOC) has completed 20 years of serving the Hong Kong community. On 20 December 1996, the Sex Discrimination Ordinance, under which the EOC was established, came into full force when its employment-related provisions became effective. Since then, the EOC has been implementing the four related ordinances to give voice to those facing discrimination on the grounds of their sex, marital status, family status, pregnancy, disability and race.

In the 20 years to August this year, the Commission had handled more than 13,300 discrimination complaints and innumerable enquiries, and secured over HK\$100 million in compensation for the complainants, as well as other forms of redress through conciliation and legal actions.

While these figures represent the commission’s achievements through the years, a more important part of the Commission’s work - perhaps less quantifiable and tangible - is to encourage social change. This is because prejudice, bigotry and often traditions are the biggest enemies of equality. For discrimination to be defeated, mindsets have to be reformed, and it is best done through education – one of our key areas of work.

However, since some of its work clashes with deep-rooted social values and the vested interests of different groups, the EOC faces controversies and opposition from time to time. For example, the judicial review initiated against the Education Department on the Secondary School Places Allocation System in 2000 and, more recently, the advocacy for better protection for the rights of LGBTI (lesbian, gay, bisexual, transgender and intersex) persons, have stirred vigorous, and at times acrimonious, social debates.

Despite the sometimes controversial nature of its work, the organisation has gained increasing recognition from society at large. Two decades ago, few were aware of its existence. Today, many understand the values it stands for and defends.

The latest Equal Opportunities Awareness Survey, the results of which

were released in July 2016, showed 98% of respondents were able, upon prompting, to identify the EOC as the organisation tasked with promoting equal opportunities and eliminating discrimination in Hong Kong. This can be compared to 95% in 2007 and 87% in 1998.

Contrary to popular thinking that equality is merely “decorative” for a money-driven city like Hong Kong, equality actually makes good business sense. In recent years, there has been a conscious movement for diversity and inclusion policies to be made explicit among high-flying businesses across a number of sectors, including finance and banking, law, information technology, and design and fashion. The rationale behind such policies is simple: people should be valued for what they are capable of, rather than who they are, because talents find better incentives to contribute to a society where they feel welcome and at home.

The big corporations in “Asia’s World City” know very well that an anti-discrimination policy championed by the Government is crucial for Hong Kong businesses to go global and stay competitive. It also implies that the EOC plays a significant role in shaping Hong Kong’s future.

To maintain Hong Kong’s competitiveness, the EOC finds it necessary to update and modernise the anti-discrimination legislation in tune with the times.

Between July and October 2014, the EOC consulted the public on their views on reforms to the existing anti-discrimination legislation, and submitted 73 recommended reforms, 27 of which were deemed of higher priority, to the Government in March this year.

Apart from better safeguarding the rights of those vulnerable to discrimination, the reforms will make the scope of protection more comprehensive, and equal opportunity values a vital element of public policies.

We once again urge the Government to seriously consider these recommendations, which Hong Kong gravely needs to live up to its reputation as a world-class, civilised and developed society, and revise the legislation to offer all those living and doing business in Hong Kong the protection they deserve.

Hong Kong has certainly gone a long way on the path of equality in the last two decades. For my part, I feel fortunate to have arrived at the door of Hong Kong’s gatekeeper on the equality front as it establishes its 20-year milestone this year. Whatever the challenges ahead, the EOC will continue to take equality and humanity as its guiding principles. We are proud to be given the sacred mission of eradicating

discrimination and fighting for equal opportunities for everyone in our community.

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