



主席的話

Chairperson's Message

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香港在2020-21年度經歷了萬重風浪和轉變，激起漩渦的無疑是2019冠狀病毒病。疫情下出現的新常態影響各行各業，平機會自然亦不例外。一如其他機構，平機會需適應新形勢，作出轉變。為了協助控制疫情，我們在網上舉辦活動，改進彈性工作安排，並短暫調整我們的服務。

在實施一連串改變及調整措施期間，有一點維持不變的是，我們決心保障邊緣社群的福祉。平機會於1996年成立，已服務社會達25年，我們深切明白時勢不穩時，根深蒂固的偏見便浮現，導致人們往往將系統性的問題諉過於人，為了尋找快捷的答案而將問題歸咎於邊緣社群，令他們淪為代罪羔羊。

Hong Kong found itself swept up in tides of change in 2020-21, sparked not least by COVID-19. The new normal spared no one, and the EOC, like many organisations, had to adapt and reinvent itself. We made events virtual, enhanced flexible working arrangements, and temporarily adjusted our services to help contain the contagion.

Amid all the shifts and shake-ups, there is one constant: our commitment to safeguarding the well-being of the marginalised. Having served the city for 25 years – the EOC was established in 1996 – we are acutely attuned to how alienated groups can easily become scapegoats for systemic problems in times of uncertainty, as deep-rooted prejudice erupts to clear the way for expedient “solutions”.



因此，疫情下我們需優先處理的議題，是促使個別人士和決策者，理解並支援面對不同困境的弱勢社群，例如外來工人、非華語市民、照顧者和殘疾人士。我們就此進行了多項工作，例如接受傳媒訪問、發出聲明、擬備並上載常見問題，還有與民間組織進行網上和實體會面，以了解他們的憂慮，並提議有關方面加強共融措施，例如與政府溝通，確保更適時準確地把重要資訊翻譯成少數族裔所用的語言。

Our priority, therefore, has been building the capacity of both individuals and policymakers to empathise with and support disadvantaged communities who face unique challenges during the pandemic, such as migrant workers, non-Chinese-speaking citizens, carers and people with disabilities. We gave interviews, issued statements, published FAQs, met with civil society groups on- and offline to hear about their concerns, and advised relevant parties to step up their inclusivity game, working with the Government, for instance, to ensure that essential information would be translated into ethnic minority languages in a more timely and accurate manner.



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隨着當局及部分僱主實施有關病毒測試及疫苗注射的防疫措施，傳媒經常向平機會查詢有關措施是否構成違法歧視。我們的回應有時簡單直接，有時則需作出較詳細的解釋，因相關問題或涉及較複雜的概念、法例訂明的例外情況以及個別事件的特定因素。必須強調的是，儘管平機會希望得到市民大眾認同，但我們必須秉持專業精神，準確地解釋法例，務實地解決分歧。有別於一些評論人，我們絕不能隨意拋出「歧視」等有清晰法律定義的字詞。這無疑會令不同政治光譜的人失望，但我們始終是獨立的法定機構，執法工作必須不偏不倚，方能伸張正義。

As anti-pandemic measures relating to testing and vaccination were rolled out from time to time by the authorities and employers alike, the EOC was often called upon to comment on alleged instances of unlawful discrimination. Sometimes our answer would be straightforward; other times a more nuanced explanation was warranted, as more complex concepts, statutory exemptions, and the specific circumstances of individual cases came into play. What cannot be overemphasised is that as much as the EOC desires to win the hearts of everyone in town, our professionalism requires a rigorous approach to explaining the law and a pragmatic attitude towards resolving differences. We simply cannot throw around words carrying specific legal meaning – such as “discrimination” – with the same casualness some commentators are happy to embrace. This inevitably frustrates certain people, often across the political spectrum. But we are, after all, an independent statutory body. We can only do the community justice by upholding the law without fear or favour.

主席的話 Chairperson's Message

雖然處理疫情衍生的問題是我們在2020-21年度的重要工作之一，但我們的工作實不止於此。我們不單為紀念成立25周年而推出了多項嶄新的項目，還促進近年最廣泛的反歧視條例法律改革，使多年來的倡議工作得以落實。我們更採納了「以受害人為本」的方針和改善機制，以處理市民的歧視投訴。

必須介紹的嶄新項目莫過於首屆平等機會僱主嘉許計劃。計劃除了旨在嘉許香港僱主實行多元共融常規措施，還宣揚多元共融文化在社會和經濟方面的裨益。計劃吸引了大大小小規模的公私營機構報名參與，共提交了420份申請，它們所僱用的人數合共超過22萬人，來自各行各業。平機會於2021年5月宣布結果，共有160間機構因致力在工作間推行性別平等、傷健平等、家庭崗位平等或種族平等政策而獲得嘉許。

Responding to COVID, as important as it is, did not define the entirety of our work in 2020-21. In fact, not only did we manage to roll out a string of unprecedented initiatives in marking our 25th anniversary, but we also saw our long-time advocacy efforts bear fruit in the most extensive reform of the anti-discrimination law in recent years. And we adopted a “victim-centric approach” and enhanced our mechanism for processing discrimination complaints from the public.

Topping the list of our breakthroughs was the launch of the inaugural Equal Opportunity Employer Recognition Scheme. Designed to amplify both the ethical and economic case for diversity and inclusion (D&I), as well as recognise best practice among employers in Hong Kong, the Scheme attracted 420 applications from organisations big and small, public and private. Together they employ over 220 000 people across an extensive spectrum of industries. The EOC announced the results in May 2021, recognising 160 organisations with a track record of advancing workplace equality for women and men, people with disabilities, those with family responsibilities, and/or ethnic minorities.





除了鼓勵商界實施多元共融理念，平機會還籌辦了「真•相」巡迴攝影展。此項目獲得13間非政府組織及香港大學文學院支持，目的是讓弱勢社群以照片表達心聲及日常生活，為自己的權利發聲。平機會收集了超過130張由弱勢社群親自拍攝的照片，他們包括聾人、視障或行動不便人士、受精神健康問題困擾的人士、非華語青年、外籍傭工、照顧者、新來港婦女，以及性小眾和跨性別人士。作品於網上展出後不足四個月已錄得26 000瀏覽人次，其後舉行的實體巡迴展覽的參觀人次約12萬。此外，平機會亦邀請了「網紅」為活動製作短片，在YouTube及Facebook上播放，至2020-21年度結束時已有超過60 000人次瀏覽。

與此同時，平機會於2020-21年度投放新資源，成立了反性騷擾事務組，以加強打擊性騷擾。反性騷擾事務組設有熱線（2106 2222），向查詢者提供相關法律資訊以及投訴和申索的途徑，並在有需要時轉介給合適的輔導及治療服務單位。反性騷擾事務組除了服務市民大眾，還向不同界別的機構提供有關預防性騷擾的知識，並探討現有法律的改革方向，務求為受害人提供更完善的保障。在我執筆之時，我們正進一步審視有關性騷擾的法例，以辨識漏洞，並預期於2021年年底將修例建議提交政府。

Besides incentivising the business sector to embrace D&I principles, the EOC curated “The Way We Are”, a photo storytelling project which gave voice to underrepresented communities with the support of 13 NGOs and the Faculty of Arts, The University of Hong Kong. Inspired by a belief in the empowering nature of self-narratives, the EOC collected over 130 original “photo essays” from deaf people, people with visual or mobility challenges, people with mental health issues, non-Chinese youth, migrant workers, carers, new immigrant women from Mainland China and LGBT people. Their works were showcased through a virtual gallery which registered 26 000 views in less than four months of its launch, coupled with a physical exhibition tour boasting an estimated footfall of 120 000. Further, the EOC engaged influencers to produce videos about the campaign for YouTube and Facebook, drawing a viewership of over 60 000 by the end of 2020-21.

Meanwhile, the EOC dedicated new resources to combating sexual harassment in 2020-21 by setting up the Anti-Sexual Harassment Unit (ASHU). The ASHU operates a hotline (2106 2222) to provide callers with information on relevant laws, advice on how to lodge complaints and seek redress, and referral to counselling and therapy when needed. Public services aside, its work extends to equipping organisations in different sectors with knowledge of preventive measures, and examining the current legal regime to assess possibilities for reform. As I pen this message, we are finalising a paper on plugging the loopholes in the law against sexual harassment, expected to be submitted to the Government by the end of 2021.

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香港的反歧視法律在某些範疇上的確已獲得改善。2020年6月，立法會議員一致通過《2018年歧視法例（雜項修訂）條例草案》，涉及八項對《性別歧視條例》、《殘疾歧視條例》、《家庭崗位歧視條例》和《種族歧視條例》的重大修訂，例如就母乳餵哺歧視提供明文保障、禁止共同工作場所內的性騷擾、殘疾騷擾和種族騷擾等。這些法例修訂均源自平機會於2016年向政府提交的報告，當中載列了多達73項改革香港反歧視條例的建議。

然而，這並不表示法律改革已經完成。舉例來說，近年來在社會和經濟環境轉變下，本地出生的人士與新來港人士之間的嫌隙越趨嚴重，引發了對歧視和騷擾的關注。此外，雖然香港討論因不同性傾向而引起的歧視議題已有超過四分之一世紀，但社會上對應否立法規管因性傾向而產生的歧視、騷擾及中傷行為仍爭論不休。很明顯地，現有法例不足以充分處理這些議題，因此平機會決定擬備立法建議，爭取持份者支持，從而協助政府堵塞漏洞。

針對新來港人士受到歧視、騷擾及中傷的問題，平機會於2021年3月底向政府提交意見書，建議透過立法去應對同一種族內，以及基於居民身分和原居地地區的歧視、騷擾和中傷行為。另一方面，我們還正擬備一份諮詢文件，提出不同立法選項，規管基於性傾向和性別認同的歧視、騷擾和中傷行為，預計短期內可就此諮詢持份者。

In some respects, our law is already changing for the better. In June 2020, lawmakers across the aisle voted in support of the Discrimination Legislation (Miscellaneous Amendments) Bill 2018, which packed eight significant changes to the Sex Discrimination Ordinance, Disability Discrimination Ordinance, Family Status Discrimination Ordinance and Race Discrimination Ordinance. From introducing express protections against breastfeeding discrimination to prohibiting sexual, disability and racial harassment in common workplaces, these legislative improvements had their origin in a report the EOC submitted to the Government in 2016, which contained as many as 73 recommendations for overhauling Hong Kong's anti-discrimination legislation.

Our pursuit of legislative reform is far from over. As Hong Kong undergoes socio-economic changes, hostility continues to intensify between people born in Hong Kong and new immigrants from Mainland China, igniting concerns over discrimination and harassment. In addition, the city is seemingly in a deadlock over legislating against discrimination on grounds of sexual orientation, despite the debates that have spanned over a quarter of a century. Clearly, the current law is not geared to deal adequately with these issues, and the EOC is determined to help the Government fill these gaps by drawing up legislative proposals and rallying support from stakeholders.

In relation to new immigrants from Mainland China, the EOC made a submission to the Government in late March 2021 on tackling, through legislation, intra-racial discrimination, harassment and vilification, as well as discrimination, harassment and vilification on grounds of residency status and regional origin. Also underway is a consultation paper laying out legislative options for addressing discrimination, harassment and vilification on grounds of sexual orientation and gender identity, with consultation sessions with stakeholders planned for the near future.



“平機會在過去25年一直為弱勢發聲，為追求平等作先驅開路。雖然香港在2020-21年度受到疫症陰霾籠罩，而至今全球仍未掌握疫情的長遠影響，但我相信平機會將來定會繼續履行使命——聽取未被聽到的聲音、察看未被看到的現象，為弱勢充權。

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Indeed, for two and a half decades, the EOC has strived to be a companion to the stigmatised and a trailblazer in the quest for equality. While 2020-21 may be overshadowed by unpleasant surprises and the world has yet to grasp the full impact of the pandemic, I am confident that we will continue our legacy – of hearing the unheard, seeing the unseen and empowering the powerless – for the years to come. ”

最後，我衷心向所有平機會委員致意，多謝他們多年來在其專業領域內惠賜真知灼見。此外，平機會職員在疫情期間依然克盡厥職，且靈活變通，發揮創意，盡全力克服疫情的挑戰，一如既往為市民提供服務，我在此向他們表達謝意。

Lastly, I must express my heartfelt gratitude to the EOC Members for contributing their insights and expertise to the Commission's work over the past year. A big thank-you is also in order to the EOC staff for working creatively to overcome the disruptions caused by COVID and serving the public with the same dedication as always.

平等機會委員會主席
朱敏健, IDS

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