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By email

28 November 2023

Dear Principal,

### **Equal Opportunities and School Uniform and Appearance Policies**

The Equal Opportunities Commission (EOC) has been striving to ensure equal opportunities for students of different races, protecting them from racial discrimination and harassment, while encouraging schools to foster a racially friendly and inclusive learning environment. In response to recent inquiries regarding school uniform policies, we are writing to highlight the considerations under the Race Discrimination Ordinance (RDO) when formulating policies and rules concerning students' appearance.

Most schools have policies and rules concerning school uniform and student's appearance which aim to build a sense of school identity, ethos, solidarity, and respect for discipline. However, when developing such policies and rules, particularly in relation to the imposition of restrictions on religious attire or accessories and appearance, it is equally important to consider the possible application of the RDO. According to the RDO, indirect discrimination may occur when a same requirement (rule, policy, practice, criterion or procedure) or condition, which cannot be justified on non-racial grounds, is applied equally on people of different races but which has an adverse impact on a particular racial group because (i) only a considerably smaller proportion of people from that racial group can meet that requirement compared to the proportion of people of other racial groups; and (ii) the condition is to the detriment of the persons of that particular group because they cannot meet it.

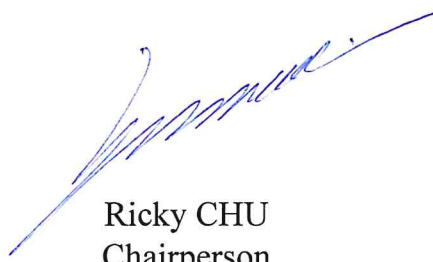
Religion is not considered a prohibited ground under the RDO. However, religious and cultural practices are often closely linked to racial identity, and it is not uncommon that members within the same racial group predominantly believe in the same religion. As a matter of fact, after reaching a certain age or stage of growth, certain religious teachings may require adherents to conform to specific dress and appearance codes (sometimes applicable to only a particular gender within the group), such as wearing or carrying specific items or ornaments, or covering their hair. If schools take an excessively rigid and "one-size-fits-all" approach in restricting these practices without sufficient and reasonable justification, and impose disciplinary

measures on students who do not abide by the rules, such rules may disproportionately and adversely impact certain racial groups. This may result in detriment to students belonging to these racial groups thereby constituting indirect racial discrimination.

In light of these considerations, it is appropriate for schools to respect and take into account cultural, religious, and racial practices when formulating school uniform policies and rules concerning students' appearance. Schools should be careful when imposing restrictions as it could constitute indirect racial discrimination if such restrictions lack sufficient and reasonable justification. Schools are advised to allow for flexibility in applying relevant policies and rules, so as to handle requests for accommodation with an open mind. We also advise proper consultation with parents, students, and relevant community leaders or religious organisations to carefully consider the justifications. It is worth bearing in mind that apart from racial equality, other aspects of equality, such as disability and gender, should also require similar attention.

Schools can refer to the **Guide on "Race Equality and School Uniform"** introduced by the EOC in 2014 to gain further insights in the development and implementation of school uniform rules. For inquiries, please contact the EOC at 2511 8211.

Yours sincerely,



Ricky CHU  
Chairperson  
Equal Opportunities Commission

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