

# Executive Summary

## 1. **BACKGROUND**

- 1.1 With the enhancement of legal protection from breastfeeding discrimination and harassment of the Sex Discrimination Ordinance (SDO) since 2021, the Equal Opportunities Commission (EOC) commissioned the Aristo Market Research & Consulting Company Limited to carry out a “Study on Breastfeeding at Publicly Accessible Premises in Hong Kong” (the Study) to evaluate the understanding of the breastfeeding-related provisions under the SDO by breastfeeding women, prevalence and experiences of breastfeeding at publicly accessible premises, and the effectiveness of provision of breastfeeding facilities in Hong Kong.
- 1.2 The objectives of the Study are:
- (a) To evaluate the level of understanding of provisions on breastfeeding in the SDO by breastfeeding women;
  - (b) To gauge information on the prevalence, reasons and experiences of breastfeeding at publicly accessible premises in Hong Kong, as well as to obtain recommendations for facilitating breastfeeding in such locations;
  - (c) To assess the situation of the breastfeeding facilities in shopping centres and government premises in Hong Kong;
  - (d) To solicit views from relevant stakeholders on the provision of breastfeeding facilities in Hong Kong; and
  - (e) To provide recommendations for the provision of breastfeeding facilities and promotion of a discrimination-free environment for breastfeeding in Hong Kong.
- 1.3 The research team conducted the following tasks to fulfil the Study objectives:
- (a) Questionnaire surveys with 1 000 breastfeeding women who had directly breastfed or expressed milk at least once in the past 12 months before enumeration via face-to-face interviews and 400 women who had directly breastfed or expressed milk at least once in the past 13-36 months by online survey;
  - (b) Access audit of 50 shopping centres and 50 government premises in Hong Kong regarding the provision and quality of the babycare and lactation facilities; and
  - (c) Focus group discussion sessions with 30 breastfeeding women, and individual interviews with 10 representatives from property developers and 10 representatives of property management companies of publicly accessible premises, to collect information on their understanding of the Practice Note on “Provision of Babycare Rooms and Lactation Rooms in Commercial Buildings” (the Practice Note) and the relevant provisions under the SDO, and views and experiences on the provision of breastfeeding facilities and best practices in accommodating breastfeeding women in publicly accessible premises.

## **2. SUMMARY OF KEY FINDINGS**

### **PATTERNS OF BREASTFEEDING**

- 2.1 The interview survey with 1 000 breastfeeding women revealed that around two-thirds of the survey respondents (67.3%) expressed that their husbands provided them the most support during their breastfeeding journey. While around three-fourths (74.2%) of the survey respondents did not mention anybody who provided less support, nearly one-eighth of the respondents (11.5%) indicated that their colleagues provided less support during their breastfeeding journey. The breastfeeding women of the focus group discussions also reflected that they felt pressure and a lack of understanding from their supervisors and colleagues.
- 2.2 Among the interview survey respondents who either directly breastfed or expressed breast milk in public places in the past 12 months, more than half of them (51.7%) expressed that they breastfed or expressed milk at commercial premises (such as commercial buildings, shopping centres, restaurants, etc.) once a month or less. Moreover, more than three-quarters of the respondents (75.6%) expressed that they breastfed or expressed milk in public places of government premises (such as public libraries, sports centres, health centres/clinics, community halls, etc.) once a month or less.
- 2.3 Over four-fifths of the interview survey respondents who either directly breastfed or expressed breast milk in public places in the past 12 months (85.7%) chose to breastfeed or express milk in the shopping malls' baby care and lactation rooms (BLRs). This was followed by nearly four-fifths of them (79.1%) who chose to breastfeed or express milk in the BLRs of Maternal and Child Health Centres (MCHCs), hospitals, health centres or clinics. In addition, around a quarter of them (24.4%) chose to breastfeed or express milk in offices' meeting rooms or storage rooms. During working hours after resuming work, nearly half of the employed respondents who had a usual location to breastfeed or express milk indicated that they usually breastfed or expressed milk in meeting rooms or storage rooms of office premises (86.3%) and BLRs of shopping malls (84.1%).
- 2.4 The interview survey respondents who had not directly breastfed or expressed milk in public places in the past 12 months expressed that the reasons included "it was more convenient to breastfeed or express milk elsewhere" (65.2%), "it made her/others feel embarrassed" (51.5%) and "direct breastfeeding or expressing breast milk in public places was seen as indecent exposure" (48.5%).

## **UNDERSTANDING OF THE PROVISIONS ON BREASTFEEDING UNDER THE SEX DISCRIMINATION ORDINANCE**

- 2.5 More than four-fifths of the interview survey respondents (82.9%) claimed that they knew about the SDO. Among respondents who knew about the SDO, most of them (82.6%) knew about it through news and over half of them (51.5%) from social media. When asked about the provisions on breastfeeding, including discrimination and harassment under the SDO, around two-thirds of the interview survey respondents (69.0%) claimed that they knew about them.
- 2.6 Breastfeeding respondents in the focus group discussion displayed varying degrees of awareness regarding the legal protections for breastfeeding women under the SDO. While most were aware of the provisions (e.g., heard about the SDO protecting the rights of breastfeeding women, knew that it is unlawful to prevent women from breastfeeding in public places, and employers should allow breastfeeding women to breastfeed during working hours), they did not know about the specifics under the provisions. The ordinance, as reported by focus group discussion respondents, primarily focuses on workplace and public venues.
- 2.7 The responses from property management company and property developer respondents reflected varied levels of understanding regarding the provisions on breastfeeding under the SDO. While there is a general awareness among property management company respondents, certain property developers, like the breastfeeding respondents in the focus group discussion, exhibited gaps in knowledge, especially in the intricate details of the regulations.
- 2.8 Among the interview survey respondents who claimed that they knew or had heard of the information regarding the SDO, the majority of them (79.8%) knew that being refused to breastfeed outside of designated lactation rooms by mall management may be a violation of the SDO.
- 2.9 Though the SDO is not the direct legislative avenue to address technical standards of BLR facilities, suggestions for improvement of the SDO made by breastfeeding respondents in the focus group discussion included incorporating clear standards and regulations for facilities in BLRs, guidelines not only for employers but also for colleagues and supervisors, for facilitating breastfeeding employees to breastfeed or express milk at the workplace, and explicitly outlining fines or penalties in the legislation to enhance deterrence and enforcement.

- 2.10 Both property management companies and property developers shared valuable suggestions for improvement in facilities. Property management company respondents emphasised the need for enhanced facilities in public places, clear workplace guidelines, and public awareness campaigns. On the other hand, property developer respondents stressed the importance of government-led awareness initiatives and improvements in the quantity and quality of breastfeeding facilities across various establishments.

## **EXPERIENCE OF BREASTFEEDING AT PUBLICLY ACCESSIBLE PREMISES**

- 2.11 Among the interview survey respondents who breastfed or expressed milk in public places of commercial premises in the past 12 months, the majority of them (92.7%) used the shopping malls' BLRs most recently. However, among those who most recently breastfed or expressed milk at places other than BLR in commercial premises, nearly three-quarters of them (73.3%) did not use the BLRs because there were no such facilities available.
- 2.12 For interview survey respondents who breastfed or expressed milk in the BLRs of commercial premises in the past 12 months, the mean scores (on a scale from 1-10) of their overall satisfaction level, overall cleanliness and overall facility for the BLRs most recently used were 7.6, 7.3 and 7.3 respectively. More than half of them (58.9%) did not encounter any difficulties during the recent use of the BLRs and 25.1% of them criticised the overcrowding or long waiting time of the BLRs.
- 2.13 Among the interview survey respondents who breastfed or expressed milk in public places of government premises in the past 12 months, over two-thirds of them (72.0%) used the BLRs in MCHCs most recently. However, among those who most recently breastfed or expressed milk at places other than BLRs at government premises, more than half of them (59.6%) did not use the BLRs because there were no such facilities available.
- 2.14 For interview survey respondents who breastfed or expressed milk in the BLRs of government premises in the past 12 months, the mean scores (on a scale from 1-10) for their overall satisfaction level, overall cleanliness and overall facility for the BLRs most recently used were 6.9, 6.8 and 6.7 respectively. More than half of them (59.5%) did not encounter any difficulties during the recent use of the room and 22.4% of them criticised the insufficient breastfeeding or lactation facilities, or poor condition of the BLR.
- 2.15 Among the 50 shopping centres and the 50 government premises visited in the access audit, BLRs were not found in 10 shopping centres and 8 government premises. Almost all of these establishments were established in 2000 or before.

- 2.16 The audit results found that over half (53.7%) of the shopping centres and government premises had directional signs and symbols for baby care areas with signs of gender stereotyping. More than four-fifths (84.1%) of the shopping centres and government premises placed these facilities next to restrooms and 14.6% of these facilities were located inside restrooms. Additionally, it was found that around half (52.4%) of the shopping centres and government premises which non-users could easily see the interior of the BLR when the door was open.
- 2.17 The majority of the interview survey respondents (97.5%) did not breastfeed or express milk in a strange or uncomfortable environment. In addition, while a large majority of interview survey respondents (99.9%) reported not having been openly asked to refrain from breastfeeding or expressing milk in public, 8 out of 30 breastfeeding women in the focus group discussion reported refusal, verbal harassment, cold stares, etc., when breastfeeding or expressing milk in public places.
- 2.18 A majority of the interview survey respondents (81.0%) expressed the need for more breastfeeding or expressing facilities in public places. Similarly, a majority of them (87.4%) believed that shopping centres should provide more breastfeeding or expressing facilities. An overwhelming majority of the breastfeeding women in focus group discussions confirmed this observation by stating that public places such as shopping malls, government premises usually visited by families like libraries, parks, beaches, sports venues, etc., should provide more breastfeeding facilities or mobile BLRs.
- 2.19 The majority of interview survey respondents (81.9%) suggested that both commercial and government premises should improve the hygiene standards of their breastfeeding and expressing facilities.
- 2.20 While the majority of the breastfeeding respondents in the focus group discussions expressed a preference for breastfeeding in well-maintained lactation rooms, dissatisfaction with the current state of breastfeeding facilities was widespread. Common challenges included inadequate availability (especially in older malls and government premises), and inconsistent quality of BLRs, long queues during peak times, unfavourable positioning of facilities in some shopping centres, insufficient or small rooms, improper usage by non-babycaring or breastfeeding users, lack of separation between lactation and diaper changing areas, poor lighting, and hygiene issues.
- 2.21 Property management companies unanimously expressed support for creating comfortable, safe, and private spaces, along with suggestions for additional facilities to enhance the overall experience. In contrast, property developers also supported these facilities but often relied on premise operators to plan and implement them. They faced challenges when renovating older shopping centres due to regulatory complexities (e.g., compliance with codes of practice and guidelines of the Buildings Department and provisions of the Fire Services Ordinance). Both groups shared suggestions for improvements in design, including separate rooms, increased space, and enhanced

facilities. Challenges in designing and providing facilities were perceived as minimal, although some developers recognised the need to address space limitations.

## **COMMENTS ON BREASTFEEDING IN BABYCARE AND LACTATION ROOMS**

- 2.22 The audit results found that 45.8% of the babycare areas for single users in the shopping centres were less than 5m<sup>2</sup> in area which did not comply with the suggested size as stipulated in the Practice Note. Among the babycare areas for multiple users in the audited shopping centres, 62.5% of them were less than 12m<sup>2</sup> in area which did not comply with the Practice Note. While government departments are not obliged to follow the Practice Note, it was found that 28.1% of the babycare areas for single users in government premises were less than 5m<sup>2</sup> in area. As for the 10 babycare areas for multiple users in government premises, 70.0% of them were less than 12m<sup>2</sup> in area. Results reflected that the babycare areas of 52.5% of the shopping centres and 38.1% of the government premises did not comply with the suggested size as stipulated in the Practice Note and there is room for improvement.
- 2.23 Among the 41 babycare areas that allowed access by women only, 35 of them (85.4%) could be used by carers of all genders as they were for single users or had separated rooms / cubicles for breastfeeding. On the other hand, 6 (14.6%) of the other 41 babycare areas, which allowed access by both men and women, were single rooms for both babycare and breastfeeding by multiple users. They should be for women only to ensure their privacy.
- 2.24 This access audit classifies the design of doors for BLRs into three types, namely (a) doors that “require fingers or effort to enter” such as door handles that need to be grasped or twisted, (b) lever-operated doors that meet Barrier-free Design, or (c) doors that are designed for entering without effort and meet Universal Design (UD). The audit results found that 32 out of 42 (76.2%) of the government premises and 13 out of 40 (32.5%) of the shopping centres had (a) doors that “require fingers or effort to enter” in babycare areas. In lactation areas, 68.8% of the shopping centres had (c) doors with UD. None of the government premises had UD doors in lactation areas. The results reflected that government premises adopt UD in the BLRs to a far lesser extent. In addition, almost two-thirds (65.4%) of shopping centres and government premises had lactation areas with lockable doors. However, in 4 out of 10 of the government premises, the lactation areas were situated inside the babycare areas or used curtains for separation, resulting in no doors.
- 2.25 Property management companies uniformly expressed their willingness to provide a conducive environment in public places for breastfeeding. They emphasised the importance of well-equipped BLRs, which include lockable doors and essential facilities, contributing to a supportive atmosphere for breastfeeding mothers.

- 2.26 In contrast, varied attitudes were observed among property developers. While approximately half of the property developer participants acknowledged the existence of conducive environments for breastfeeding in certain public places, such as shopping centres, public buildings, and parks with available BLRs, the remaining respondents expressed concerns about the inadequacy of facilities in various settings. They pointed out instances where shopping centres, parks, and restaurants lacked sufficient coverage of BLRs, highlighting the need for improvement in these areas.
- 2.27 Hindering factors of breastfeeding include a severe shortage of breastfeeding facilities, workplace challenges, societal pressure, and a lack of understanding and empathy. These factors pose obstacles for breastfeeding women. Property management companies and developers proposed measures to encourage breastfeeding, including mothers carrying nursing covers for breastfeeding, government promotions, and clear guidelines. Both groups emphasised the importance of public awareness campaigns to combat discrimination.
- 2.28 The roles and responsibilities of stakeholders, particularly the Government, are emphasised in promoting breastfeeding through education and awareness campaigns, and encouraging shared responsibilities among family members to support breastfeeding women.

### **3. RECOMMENDATIONS**

- 3.1 In response to the insights gleaned from our Study, the recommendations aim to address the challenges identified, enhance legal awareness, and foster a more supportive and inclusive breastfeeding environment. By collectively implementing these measures, we can create a nurturing and accommodating environment that promotes breastfeeding for the benefit of mothers and infants.

#### **GOVERNMENT**

- 3.2 Consider incentives for establishing breastfeeding facilities: The Government may consider requiring the setting up of appropriately or evenly distributed breastfeeding facilities per a defined unit of area as a prerequisite for receiving gross floor area ratio concessions. This requirement could be in addition to the existing BEAM Plus certification and fulfillment of Sustainable Building Design Guidelines. Similarly, tax incentives could be provided for renovated buildings that provide adequate breastfeeding facilities.
- 3.3 Develop a babycare and lactation room award scheme: The Government may work with the EOC to develop an award scheme to encourage government departments and developers to provide high-quality BLRs. This initiative would help attract more potential customers (specifically families with newborn babies) and promote

Breastfeeding Friendly Premises. Such a scheme would create a win-win situation benefitting property developers, government departments and these families.

- 3.4 Revise the Practice Note on “Provision of Babycare Rooms and Lactation Rooms in Commercial Buildings” to address service gaps: On improving quantum, the Buildings Department may revise the Practice Note and encourage the provision of more than one BLR in commercial buildings to relieve the shortage in babycare and breastfeeding facilities. On improving quality, as the majority of the doors in babycare or breastfeeding facilities did not meet barrier-free design or UD principles, the Government should clearly set out the technical standards for UD-compliant doors and locks, ensuring easy access to babycare and lactation facilities, especially for parents carrying their babies. Promoting UD for BLRs, particularly in government premises, is essential in the context of inclusive environment. The revised Practice Note should be incorporated into the all-in-one design manual promulgated by the Government in the 2023 Policy Address, as having technical standards for UD have been advocated by the EOC in our previous submissions for the Policy Address. Moreover, the Government should play a pivotal role in removing gender stereotypes by avoiding gender-specific signage on babycare room doors and their directional signs and symbols.
- 3.5 Strengthen regulation and drive compliance: Implementing a mandate requiring both developers and government premises to provide long-term plans for setting up and renovating BLRs especially in older malls, government premises such as libraries, parks, beaches, sports venues, etc. This is similar to the mandatory requirements in Singapore for sports facilities and large-scale shopping centres, etc., when undergoing major addition and alteration works. Additionally, offering a rating system to drive compliance should also be considered.
- 3.6 Promote mobile apps and online resources: Encourage users to actively endorse and share their experiences and reviews of BLRs, including ratings, on apps (like BreastfeedingGPS) and online platforms. Leaflets can be distributed and informative posters about these apps can be posted at MCHCs to reach expectant users.

## **PROPERTY DEVELOPERS AND PROPERTY MANAGEMENT COMPANIES**

- 3.7 Allocation of space: Property developers should include spacious and well-equipped BLRs in the design phase of new shopping malls. For existing shopping malls, developers should plan to expand the babycare and lactation areas, create new BLRs or designate some mobile BLRs to alleviate long queues during peak seasons or summer holidays.
- 3.8 Development of real-time queuing apps: In view of the long queues for breastfeeding facilities, property management companies can work with app developers to test if electronic queuing helps ease the situation. Real-time information would also mean



breastfeeding mothers can anticipate usage of BLRs, and can shift to other nearby facilities when certain facilities are too crowded.

- 3.9 Highlight the uniqueness of baby care and breastfeeding facilities: Posters can be put on the doors and walls of baby care and breastfeeding facilities to remind people of the correct ways to use and keep the space clean, tidy and safe for breastfeeding women. While protecting the privacy of breastfeeding women in lactation areas, baby care areas should allow access to male carers if the layout of the room permits. This encourages parental responsibilities from all genders.
- 3.10 Distribution of promotional leaflets: We suggest disseminating leaflets to the property developers and property management of government premises and shopping malls. These leaflets aim to inform and remind them about the updated breastfeeding provisions under the SDO or the latest update in the Practice Note. Property management companies are reminded to ensure the provision of clean and usable areas for mothers and fathers.

## **EMPLOYERS AND EMPLOYEES**

- 3.11 Flexible policies: Employers are encouraged to proactively adopt flexible policies that allow breastfeeding or expressing milk during working hours without imposing additional obligations or engaging in discriminatory practices. Employers and employees should follow the guide and booklet developed by the Department of Health and the EOC to establish a breastfeeding-friendly workplace and integrate these policies into company protocols.
- 3.12 Awareness training: Employers are advised to conduct comprehensive awareness training sessions among employees to emphasise the importance of accommodating breastfeeding mothers in the workplace and foster a supportive environment.