

WOMEN'S COMMISSION
Notes of the Special Meeting held on 17 September 2014

<u>Present:</u>	Mrs Stella LAU Miss Annie TAM Ms AU YEUNG Po-chun Dr. Maggie KOONG Ms Angelina KWAN Ms Leona LAM Dr. Trisha LEAHY Ms Juan LEUNG Mr. Philip TSAI Ms Sandy WONG Ms WONG Shu-ming Ms Catherine WONG Miss Rabi YIM Mr. Man Chung FUNG Mr. DC CHEUNG Mr. Keung YEUNG	(Chairperson) Permanent Secretary for Labour and Welfare (Vice-chairperson) Assistant Director (Family and Child Welfare), Department of Social Welfare Principal Assistant Secretary for Constitutional and Mainland Affairs Assistant Secretary for Constitutional and Mainland Affairs
<u>Absent with Apologies:</u>	Ms Teresa AU Ms Aruna GURUNG Professor Shirley HUNG Professor LAM Ching-man Ms Ada LAM Mrs Miranda LEUNG Dr. Lawrence TANG Mr. Robert WONG Ms Constance YUE	

<u>In attendance:</u>	Ms Doris CHEUNG	Deputy Secretary (Welfare) 1
	Miss Fiona LI	PAS (Welfare)2
	Ms Winnie CHAN	AS (Welfare)2A (Secretary)
	Mr. Ricky CHENG	AS (Welfare)2B
	Miss Noel NG	AS (Welfare)2C
	Mr. Syrus TSUI	AS (Welfare)2C (Des.)
	Mr. SH LEUNG	RPO (Welfare)
For Agenda Item 1	Mr. Herman POON	Chief Legal Counsel, Equal Opportunities Commission
	Mr. Henry LI	Assistant Legal Counsel, Equal Opportunities Commission
For Agenda Item 2	Ms Agnes LO.	Assistant Commissioner (Gen), Census and Statistics Department
	Dr. Billy LI	Senior Statistician, Census and Statistics Department
	Mr. Desmond HOU	Principal Economist, Financial Secretary's Office
	Mr. Francis YIU	Senior Statistician (Manpower), Labour and Welfare Bureau

Item 1: Equal Opportunities Commission's Public

Consultation on Discrimination Law Review (WoC 13/14)

1.1 The Chairperson welcomed Messrs Herman POON and Henry LI from the Equal Opportunities Commission (EOC) to the meeting. Mr. POON gave a powerpoint presentation on EOC's public consultation on "Discrimination Law Review"

("DLR").

1.2 The Chairperson said that the coverage of the DLR was indeed very wide. To facilitate Members' discussion, she suggested that focus be given to areas that were more relevant to women and the work of the Women's Commission (WoC).

1.3 A Member opined that the terms used in the provisions of the proposed four-in-one discrimination ordinance should be critically examined to ensure that they were gender-inclusive. For example, the use of only a female referent in the Sex Discrimination Ordinance (SDO) (e.g. s.2(5) and s.(7)), promoted the stereotype that to be female was to be a victim of sexual harassment while simultaneously silencing men's experiences of sexual harassment, and positioning them as the sole perpetrators. It was not an effective strategy in terms of the promotion and mainstreaming of equal rights to simply mention (as in SDO s. 2 (8)) that the relevant sections apply equally to men. The adoption of gender-inclusive wordings throughout the legal provisions would also serve the educational purpose of promoting gender equality. Moreover, the Family Status Discrimination Ordinance should also recognize other types of

domestic or caring relationships (e.g. friends living together), in addition to the traditional relationships of marriage or by blood, so as to enhance the protection for other types of caring relationships. She added that the inconsistencies found in different discrimination ordinances had caused confusion to the public.

1.4 Some Members considered the DLR a very important exercise for enhancing the protection of equal opportunities for both women and men in Hong Kong. Moreover, law enforcement was equally important to ensure a discrimination-free society. As regards the format of the consultation exercise, a Member suggested that EOC might wish to adopt a more user-friendly online platform for collection of public views on the consultation questions.

1.5 A Member opined that consideration should be given to explore how WoC and EOC could work together to bring the matter forward from a more holistic perspective. WoC could conduct more public education and publicity to prevent discrimination while EOC would be responsible for law enforcement in cases of discrimination.

1.6 Several Members considered it timely and necessary for EOC to conduct the DLR in the light of the socio-economic development in Hong Kong. In considering the consolidation of the existing four discrimination ordinances into one discrimination ordinance, it was important to examine in detail the background and rationale of drawing up the four individual ordinances.

1.7 A Member said that while the consultation questions relating to the Disability Discrimination Ordinance and SDO appeared to be less controversial, the proposals about “de-facto relationships” and “nationality/citizenship under the Race Discrimination Ordinance” had generated much debate. Indeed, some women’s groups had expressed much reservation about the former proposal. Given the complexity and controversy involved in these proposals, EOC should listen to the views of the public carefully before deciding on the way forward. The District Councils should also be consulted in this important exercise.

1.8 Noting that most complaints relating to SDO were about

“discrimination against pregnancy” and “sex discrimination” according to the last annual report published by EOC, a Member enquired about the number of cases concerning “potential pregnancy” thereof. She also opined that given the lengthy process that any legislative amendment exercise would require, EOC might consider bringing discrimination claims to the court for legal proceedings as far as practicable.

1.9 Noting that women generally earned less than men in Hong Kong, a Member opined that it was important for the employers, employees and the general public to understand their responsibilities and rights under the relevant discrimination ordinances. More publicity and public education were crucial for promoting equal opportunities at the workplace. She added that amendments to the existing discrimination ordinances were necessary to keep pace with the changing circumstances of society and needs of the public.

1.10 Several Members echoed that as it would take a long time for the legislative amendment exercise to complete, more public education on the elimination of discrimination in employment in the interim would be useful for the employers, employees and

the public.

1.11 A Member added that the EOC had issued some Codes of Practice in accordance with the relevant discrimination ordinances to help employers, employees and other concerned parties understand their responsibilities and rights under the respective ordinances. Nevertheless, EOC should further strengthen its efforts in educating the public in this aspect.

1.12 The Chairperson thanked EOC for briefing Members and concluded that given the complexity and wide coverage of the DLR, there were lots of issues that warranted further discussion. She appreciated the challenges that EOC faced and hoped that EOC would take Members' views and comments into account before deciding on the way forward. On the consultation questions, the Chairperson noted that two terms relating to harassment, namely "sex harassment" and "sexual harassment", were raised in the consultation document. She considered that more elaborations on these two concepts would be necessary for the public to provide feedback on the matter.

1.13 Mr. POON thanked Members for their views and

comments on the DLR, which would be duly considered by EOC. He said that DLR served as a starting point to initiate discussions on issues relating to discrimination. In response to Members' enquiries about the involvement of District Councils in the consultation exercise, he said that EOC was liaising with the Home Affairs Department on the detailed arrangements. As regards EOC's publicity work, he said that EOC had been sparing no efforts in promoting anti-discrimination at the workplace through public education and publicity.

Item 2: Manpower Projection to 2022 (WoC 14/14)

2.1 The Chairperson welcomed Ms Agnes LO, Assistant Commissioner for Census and Statistics, Dr. Billy LI, Senior Statistician of the Census and Statistics Department, Mr. Desmond HOU, Principal Economist and Mr. Francis YIU, Senior Statistician (Manpower) of Labour and Welfare Bureau to the meeting. The Permanent Secretary for Labour and Welfare (PSLW) briefed Members on the key findings of the Manpower Projection 2022 (MP2022) vide a powerpoint presentation circulated vide WoC 14/14.

2.2 A Member said that the statistics would also be useful for formulating policies relating to age discrimination and retirement protection. PSLW responded that the Elderly Commission was now mapping out an Elderly Services Programme Plan which would include the subject of active ageing. The Commission on Poverty was following up on Professor Nelson Chow's recent report on retirement protection.

2.3 In response to a Member's enquiries, Ms Agnes LO replied that the "Labour Force Participation Rate" was calculated based on the total labour force over the total population. Further breakdown by gender on the part-time job holders would be provided after the meeting.

[Post-meeting note: The relevant information was provided to Members on 19 September 2014.]

2.4 Some Members wondered whether the education attainment of the labour force could meet the requirements of the projected manpower demand by 2022. A Member added that if the female homemakers would choose to join/re-join the workforce, there would be implications on the policies relating

to the provision of child care services and subsidies for children attending whole-day pre-primary education.

2.5 A Member asked if the Financial Services Development Council, which was also working on the human capital planning for the financial sector, was being consulted on MP 2022. Ms LO replied that relevant Government bureaux and departments, relevant parties and private companies were consulted in the process of mapping out the MP 2022. The projections were further analysed by different sub-sectors, e.g. banking, insurance and financial services.

2.6 In response to a Member's enquiries on whether consideration should be given to encouraging the private sector to put together projects which would facilitate more women to join/re-join the labour market, PSLW said that the Government welcomed any suggestions on promoting women employment. Members, women groups and NGOs were also encouraged to put forward pilot projects to explore new concepts or measures, through application for funding under WoC's "Funding Scheme For Women's Development". In this connection, she said that the Employees Retraining Board had recently rolled out a pilot

programme to encourage women to take up employment in some specified industries on a full-time or part-time basis.

2.7 Considering the decline of manpower supply at lower education levels by 2022, a Member viewed that more support and advice on life or career planning should be offered to young people at an earlier stage, so that they could appreciate the value and contributions of different industries to society, and identify their career paths according to their own interests and abilities. It was important to educate and change the mindset of young people and the parents.

2.8 PSLW said that the Government had all along been very concerned about youth employment, and would continue to enhance the employability of young people and promote their employment opportunities at all fronts. On vocational education, as announced in the 2014 Policy Address, the Education Bureau (EDB) had set up a Task Force on Vocational Education to map out a strategy to promote vocational education in the community and LWB was a member of the Task Force. EDB would also increase resources to provide support to schools and NGOs to enhance career guidance

service and life planning education. LWB had introduced a “first-hire-then-train” pilot scheme through the Lotteries Fund to recruit young people to pursue career development in elderly care services. Since the pilot scheme was well received, funding had been earmarked to expand it to cover rehabilitation services and provide an additional one thousand places in the coming few years.

2.9 The Chairperson thanked Members for their views and observations on the matter, and said that the findings on MP2022 would be useful for the women’s groups in working out their project proposals on women employment under the Funding Scheme.

Item 3: Gender Mainstreaming and Women Participation in Government Committees (WoC 15/14)

3.1 PSLW introduced the paper WoC 15/14.

3.2 On the promotion of Gender Mainstreaming (GM), PSLW said that the GM Checklist, developed and revised by WoC, had been applied to 50 policy and programme areas. In addition to the adoption of the GM Checklist, the Government had been promoting GM through establishing a network of Gender Focal Points in all bureaux and departments, providing gender-related training to Government officers at different disciplines and ranks, as well as compiling sex-disaggregated statistics. In view of the progress being made so far, the Government would wish to consult WoC on how the application of GM could be further promoted within the Government.

3.3 After discussion, Members considered that the time was ripe for the Government to consider applying GM to major policies and initiatives across the board. Public education and publicity should continue to be conducted to raise general awareness on GM.

3.4 Turning to women's participation in Government Advisory and Statutory Bodies (ASBs), PSLW noted that the Government, having taken into account the advice of WoC, introduced in 2004 the first gender benchmark of 25% as a

working target for appointment to ASBs. By the end of 2009, an overall figure of 27.3% was achieved, exceeding the benchmark by 2.3%. In 2010, the gender benchmark was further raised from 25% to 30%, again on the advice of WoC. As at the end of April 2014, an overall gender ratio of 32.3% was achieved, exceeding the benchmark by 2.3%.

3.5 In response to a Member's question, PSLW said that for the 418 ASBs with Government appointed non-official members, 267 (63.8%) of them had met the gender benchmark of 30%. For those ASBs which had not met the gender benchmark, they mainly involved practitioners of certain sectors where women were still in the minority and/or where some members were nominated by the relevant professional bodies or institutions.

3.6 Some Members suggested that for those ASBs which did not meet the gender benchmark, they would need to provide explanations, or seek exemption if the case was justified. Also, more promotion should be conducted on the application of GM to enhance the awareness of the policy-makers and the public.

3.7 PSLW reassured Members that all government bureau

and departments were conscious of the need to meet the gender benchmark where appropriate. Indeed, they were requested to provide explanations in their submissions to the appointing authority where the gender benchmark could not be achieved.

3.8 A Member said that in view of the increasing women labour force participation, raising the gender benchmark would be a good strategy for promoting women's participation in ASBs. PSLW said that the Government last time, in 2010, had raised the benchmark by 5% from 25% to 30% when the benchmark had exceeded by 2.3%. She noted that the benchmark of 30% had now been exceeded by 2.3%.

3.9 Members advised that the Government should now consider increasing the gender benchmark to 35%. This should be an achievable target in the next years.

3.10 Some Members stressed that it was important to ensure that there would be a sufficient pool of female talents for consideration of appointment to ASBs. They considered that proactive measures should be taken to reach out and encourage more women to provide their curriculum vitae to the Home

Affairs Bureau for inclusion in the Central Personality Index, which served as a useful reference for bureaux and departments when considering appointments to ASBs under their purview.

3.11 A Member said that more effort should be directed to create an enabling environment for women to pursue senior positions in the private sector. A Member asked whether the Government would consider appointing a Principal Official to oversee women-related policies and turning WoC into a statutory body.

3.12 PSLW responded that WoC, in co-operation with other women groups, would continue to explore how to create a better enabling environment for women to taking up senior positions in the private businesses. She said that the Secretary for Labour and Welfare was the Principal Official responsible for policy matters related to the well-being, status and interest of women. WoC had been set up as a high-level central mechanism to advise the Government on women issues. The present arrangements had been working well.

3.13 PSLW thanked Members for their views on GM and appointment to ASB. She said that the Government would proactively consider WoC's advice in these two areas.

Item 4: Any Other Business

United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

4.1 The Principal Assistant Secretary for Labour and Welfare (Welfare)(2) informed Members that the CEDAW Committee's hearing of the 3rd Report of HKSARG on the implementation of CEDAW in Hong Kong would be held in Geneva on 23 October 2014. A delegation from the HKSAR Government, to be led by PSLW, would attend the hearing as part of the Chinese delegation. The responses by the HKSAR Government to the list of issues and questions raised by the CEDAW Committee had already been submitted to the Committee through the Central People's Government and would be uploaded onto the UN's website.

4.2 There being no other business, the meeting was

adjourned at 1:00 p.m.

**Women's Commission Secretariat
October 2014**