

## **WOMEN'S COMMISSION**

### **Views Collected by Women's Commission During the Public Consultation Period on the Outline of the Topics to be Covered in the Fourth Report of the Hong Kong Special Administrative Region under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women**

#### **Purpose**

Between March and May 2018, Labour and Welfare Bureau (LWB) conducted a three-month public consultation on the draft outline of the topics to be included in the fourth report of the Hong Kong Special Administrative Region (HKSAR) under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Women's Commission (WoC) has consulted and sought views from the 18 District Councils (DCs)<sup>1</sup> and some women's groups on the outline. Two public consultation sessions were also jointly organised with LWB on 25 April and 16 May. The WoC Secretariat has consolidated views collected during the consultation period into a summary at **Annex I** for Members' information.

#### **Background**

2. CEDAW has been extended to Hong Kong since October 1996. In accordance with Article 18 of CEDAW, each State Party undertakes to submit a report on measures taken to give effect to the provisions of CEDAW, and on the progress made in this respect for consideration by the United Nations Committee on the Elimination of Discrimination against Women (the Committee).

3. The Central People's Government (CPG) is preparing its ninth report under CEDAW to the United Nations. In this connection, the HKSAR Government will submit to the CPG the fourth report which will set out in detail the measures taken by the HKSAR to implement the Convention; progress made in promoting women's well-being; changes in the status of women as well as

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<sup>1</sup> One of the District Councils was consulted by way of circulation of papers.

obstacles to the full achievement of the Convention since the previous report for incorporation into the ninth periodic report of the People's Republic of China.

### **Public Consultation**

4. In line with established practice, the HKSAR has prepared for public consultation an outline of the topics for inclusion in the fourth report. On WoC's recommendation, LWB has also extended the consultation period, which commenced on 1 March 2018, to three months until 31 May 2018. During the period, members of the public were invited to submit views on the implementation of CEDAW in the HKSAR in respect of those topics, and to suggest any additional topics that should be included in the fourth report. We have issued the outline to relevant non-governmental organisations, professional bodies, women's groups, and gender focal points to invite their views. The outline is also made available at all Public Enquiry Service Centres of the District Offices, and has been uploaded to the websites of LWB (at [www.lwb.gov.hk](http://www.lwb.gov.hk)) and WoC (at [www.women.gov.hk](http://www.women.gov.hk)).

### **Consultation on CEDAW Conducted by WoC**

5. At the 90th WoC Meeting held on 14 February 2018, LWB briefed Members on the Government's work plan on the submission of the fourth report to the CPG this year, and sought views from Members on the outline of the report. During the meeting, Members proposed visiting the 18 DCs in WoC's capacity to extensively collect views at district level. The Secretariat subsequently contacted the District Officers of the 18 districts regarding the schedule of meetings, arranged for the inclusion of CEDAW into the meeting agenda, as well as accompanied the Chairperson and Members to attend all DC meetings and assisted in collecting views. The record of WoC Chairperson and Members' attendance at the DC meetings is at **Annex II**.

6. In addition, the WoC and LWB organised two public consultation sessions on 25 April and 16 May 2018 for the public and interested parties to express their views. Both sessions were well attended. Besides, WoC met with representatives of various women's groups (including Hong Kong Women's Coalition on Equal Opportunities, Hong Kong Women Development Association, The Federation of Hong Kong and Kowloon Labour Unions, The Hong Kong Federation of Trade Unions, etc.) to exchange views during the public consultation period.

## **Advice Sought**

7. Members are invited to note the summary of views consolidated by the Secretariat. LWB will carefully consider all the comments received from the public during the public consultation period, and reflect to and follow up with the relevant bureaux and departments to address the concerns and incorporate the views so expressed as far as possible in preparing the fourth report. The fourth report will be published and disseminated to the public after submission to the United Nations.

**Women's Commission Secretariat**  
**May 2018**

**Major Views Collected from Women's Commission's Consultation with 18 District Councils and Women's Groups  
on the Outline of the Topics to be Covered in the Fourth Report under the  
United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)  
Between March and May 2018**

**Summary  
(As of 16 May)**

	<b>Topics</b>	<b>Major Concerns and Recommendations (relevant bureau or department)</b>
<b>1.</b>	<b>Women's Commission (WoC)</b>  (Articles 2, 3 and 5 of CEDAW)	<ol style="list-style-type: none"><li>1. Positioning and effectiveness of WoC which, as the high-level central mechanism, should be provided with more resources and should be placed directly under the Chief Secretary for Administration or the Chief Executive rather than Labour and Welfare Bureau. (LWB (see abbreviation below))</li><li>2. Major areas of work and direction of WoC (including to be more involved in tendering advice and making recommendations to the government on policies; express views on social matters such as the MeToo movement; follow up on Women's Development Goals, including the collection of sex-disaggregated data for study; enhance exchange with women's groups and collaboration with District Councils (DCs); consider providing more subsidies to DC activities; and to work with the Commission on Children. (LWB)</li><li>3. The mechanism and criteria of appointment of members to WoC. (LWB)</li><li>4. Insufficient resources allocated to Capacity Building Mileage Programme and the need to provide more flexible courses and sessions. (LWB)</li></ol>

	Topics	Major Concerns and Recommendations (relevant bureau or department)
2.	<b>Gender Mainstreaming</b>  (Article 5 of CEDAW)	<ol style="list-style-type: none"> <li>5. Sexual stereotype continues to be prevalent. Promotion on the concept of gender mainstreaming should be enhanced. (LWB)</li> <li>6. More researches on different women-related issues, in particular district-based research, should be conducted. (LWB)</li> <li>7. The existing gender implication assessment within the government lacks transparency and should be conducted by experts. More information about the mechanism should be disseminated and assessment of the mechanism should be made. (LWB)</li> <li>8. Effectiveness of the existing training on gender topics provided to civil servants. (LWB)</li> <li>9. Given inadequate collaboration between Gender Focal Points (GFPs), a platform for GFPs to exchange views should be established. (LWB)</li> <li>10. Contact details of GFPs at government departments should be made available to the public in a more transparent manner. (LWB)</li> <li>11. Gender awareness should be further promoted in the process of development and urban renewal to ensure that district-based economy is protected and the needs of women taken into account. Gender mainstreaming has not been satisfactorily incorporated into land use and town planning. (DEVB)</li> <li>12. Gender mainstreaming should be promoted at school level to address the challenges faced by girls such as stereotyping in choosing subjects such as science. Government should also ensure that there is no gender stereotypes in Life Planning Education. (EDB)</li> </ol>

	Topics	Major Concerns and Recommendations (relevant bureau or department)
3.	<b>Protection of women from sexual harassment and violence</b>  (Articles 2, 3 and 5 of CEDAW)	13. Review on the four anti-discrimination ordinances by Equal Opportunities Commission should be conducted (EOC) (CMAB) 14. Effectiveness of EOC. Information on the number of cases seeking EOC's help and ratio of cases successfully resolved should be provided. (CMAB) 15. EOC should enhance publicity to employers and employees on the guidelines on how to handle sexual harassment. (CMAB) 16. The Government should provide one-stop support services to victims of sexual violence. (SB, LWB, SWD) 17. The Police should set up a special department staffed by officers who have been trained on gender sensitivity to handle cases of sexual violence. (SB) 18. Protection of victims of sexual offences in making statement at police station as well as giving testimony in legal proceedings. (SB, DoJ) 19. Child abuse and sexual assaults. The Sexual Conviction Record Check mechanism should be improved. (SB) 20. Sex education to minors and public education on prevention of sexual harassment and sexual assaults should be enhanced. (CMAB, EB) 21. Concerns about the proposed timetable of government's implementation of the recommendations of the Law Reform Commission on the review of sexual offences. (SB) 22. Legal protection of women from behaviour such as being secretly filmed, stalked and harassed should be enhanced. (CMAB, SB, DoJ) 23. May consider setting up women-only train compartment. (THB)

	Topics	Major Concerns and Recommendations (relevant bureau or department)
4.	<b>Women's statutory labour rights and maternity protection</b>  (Article 11 of CEDAW)	24. Maternity leave should be extended (and there should be full pay, amendment of employment law to extend the scope to cover employees not meeting the “4.18” requirement). (LD) 25. Paternity leave should be extended. (LD) 26. Menstruation leave should be put in place. (LD) 27. Concerns on current maternity leave is not applicable to women who have miscarriage. (LD) 28. Antenatal screening should not be counted as sick leave. (LD) 29. Women face difficulty in adducing evidence in cases of pregnancy discrimination. EOC should provide more assistance. (CMAB) 30. More promotion on family-friendly measures to encourage flexi hours, five-day week and home office policy. (LD) 31. Standard working hours should be established. (LD) 32. Concerns on cases of family status discrimination. (LD, CMAB) 33. Research on the problem of unequal pay for work of equal value should be conducted. (CMAB)
5.	<b>Enhance Child Care Services to release Women's Labour Force</b>  (Article 11 of CEDAW)	34. Inadequate child care services and resources in every district has prevented women from work. (LWB, SWD) 35. More support is required for grandparents who take care of children. (LWB, SWD) 36. Carers under the “Neighbourhood Support Child Care Project” should be formalised as paid employees with increase in allowance. (LWB, SWD) 37. The government should include relevant clause on provision of child care services in the land sale conditions and the Hong Kong Planning Standards and Guidelines. (DEVB) 38. Employers and large corporations should be encouraged to provide adequate child care support service for employees. (LD) 39. Housing Authority's policy which does not allow anyone to get paid for providing child care services for neighbours is not reasonable. (HD)

	Topics	Major Concerns and Recommendations (relevant bureau or department)
6.	<b>Foreign Domestic Helpers</b>  (Article 11 of CEDAW)	40. Concerns on issues faced by foreign domestic helpers in Hong Kong, e.g. wages, working hours, living conditions and “two-week rule” etc. (LD) 41. Concerned that foreign domestic helpers are charged expensive agency fee by employment agencies. (LD) 42. Pregnancy discrimination faced by foreign domestic helpers. (LD)
7.	<b>Carer’s Subsidy and Retirement Protection</b>  (Articles 11, 13 of CEDAW)	43. Provide more support to carers to cater to their needs and alleviate their pressure. (LWB, SWD) 44. Subsidy provided to carers should be regularised, and the definition of a carer should be expanded (for example to include family members of patients of dementia and children with special educational needs (SEN)). (LWB, SWD) 45. Subsidy should be provided to full-time family carers. (LWB, SWD) 46. Retirement protection of housewives. To set up Universal Retirement Protection. (LWB) 47. Tax allowance to housewives should be provided in recognition of their economic contribution. (FSTB)
8.	<b>Breastfeeding</b>  (Articles 2, 5, 11, 12 of CEDAW)	48. Protection of breastfeeding women from any form of discrimination and harassment. (CMAB) 49. Concerned about the lack of community support for breastfeeding. The government should enhance publicity effort (including via mobile app to promote relevant measures and disseminate information on the locations of breastfeeding rooms). (FHB) 50. Breastfeeding-friendly working environment should be promoted. (LD) 51. Newly built shopping arcades should be required to provide breastfeeding facilities. (FHB, DEVB) 52. Shopping arcades of Mass Transit Railway and Link REIT should be required to set up more breastfeeding facilities. (DEVB, THB)



	Topics	Major Concerns and Recommendations (relevant bureau or department)
9.	<b>Health of Women</b>  (Article 12 of CEDAW)	53. Inadequate district women health centres. (FHB) 54. Concerns on issues of women's post-natal mental health. (FHB) 55. Participation of cervical screening should be promoted, in particular to women from the grassroot communities, and eligibility of receiving full subsidies should be relaxed for the screenings. (FHB) 56. The gender ratio of the supply of residential care homes, and the issue of the longer waiting time for female to get allocated a place in a subvented elderly institution should be studied. (LWB, SWD)
10.	<b>Ethnic Minority Women</b>  (Article 13 of CEDAW)	57. Ethnic minority (EM) women face difficulties in integrating into the community due to family and cultural factors which also make it difficult for them to get employment. (CMAB, HAD, LD) 58. Should provide EM women with training courses (including language classes), and additional transport subsidies having regard to the poverty they often face. (HAD, LWB) 59. Non-profit social welfare organisations and volunteers should provide more education and training support to EM women. (LWB, SWD)
11.	<b>Women with Disabilities</b>  (Articles 5, 11, 12 and 13 of CEDAW)	60. Women development should take into account the needs of women with disabilities. (LWB) 61. Concerned about sexual assaults of women with disabilities. Regulation of residential care homes for persons with disabilities should be improved. (LWB, SWD) 62. Tailor-made sex education to girls with disabilities in special schools should be provided. (EDB, LWB) 63. More employment support to women with disabilities should be provided. (LWB, LD) 64. Currently, fewer women with disabilities sign up for gynecological check-ups than others. More promotion should be done while provision of adequate facilities and training to frontline staff should be considered. (FHB, LWB, SWD)

	Topics	Major Concerns and Recommendations (relevant bureau or department)
12.	<b>Divorced Women</b>  (Article 13 and 16 of CEDAW)	<p>65. A Maintenance Board or an intermediary body to assist divorced women in enforcing maintenance order should be set up, and relevant studies should be carried out. (HAB)</p> <p>66. In cases of divorce involving public housing flats, support from Housing Department is inadequate to meet the housing needs of divorced women. (THB, HD)</p>
13.	<b>Others</b>	<p>67. The government should continue to widely promote CEDAW to the public. (LWB)</p> <p>68. Legislation should be enacted to protect the new arrivals from discrimination. (CMAB)</p> <p>69. Concerned about the discrimination against people with different sexual orientation and of different sex, and the legislative timetable regarding discrimination on grounds of sexual orientation. (CMAB)</p> <p>70. Concerned about the impact of functional constituency on female's political participation. (CMAB)</p> <p>71. Concerned about the low female ratio among board of directors for listed companies. (FSTB)</p> <p>72. The government should provide support to women to start their own businesses (e.g. a loan scheme). (CEDB, TID)</p> <p>73. Concerned about inadequate support to SEN children and their families. (EDB)</p> <p>74. The small house policy in the New Territories which is considered discriminatory against women should be reviewed. (DEVB)</p> <p>75. The ratio of female toilets should be increased. (BD)</p> <p>76. Concerned about the issues of human trafficking and inapplicability of the Palermo Convention to Hong Kong. (SB)</p> <p>77. When addressing the issue of prostitution, the newly developed "internet compensated dating" and related problems should also be taken into consideration. (SB)</p> <p>78. Concerned about the lack of protection and discrimination against sex workers. The Police should review their policy and there is also the need to make legislative amendments. (SB)</p> <p>79. Suggested that the minimum age for marriage without parents' consent should be kept at 21 years old. (HAB)</p> <p>80. Supported raising the minimum age for marriage to 18 years old. (HAB)</p>

*\*List of Abbreviations*

BD	Buildings Department
CEDB	Commerce and Economic Development Bureau
CMAB	Constitutional and Mainland Affairs Bureau
DEVB	Development Bureau
DoJ	Department of Justice
EDB	Education Bureau
FHB	Food and Health Bureau
FSTB	Financial Services and the Treasury Bureau
HAB	Home Affairs Bureau
HAD	Home Affairs Department
HD	Housing Department
LD	Labour Department
LWB	Labour and Welfare Bureau
SB	Security Bureau
SWD	Social Welfare Department
THB	Transport and Housing Bureau
TID	Trade and Industry Department

**Women's Commission Secretariat**  
**May 2018**

## **Annex II**

### **Women's Commission's (WoC) Consultation with 18 District Councils<sup>1</sup> on the Outline of the Topics in the Fourth Report under the United Nations Convention on the Elimination of All Forms of Discrimination against Women (As of 25 May)**

#### **Consultation meetings with District Councils attended:**

	<b><u>District Council</u></b>	<b><u>Meeting / Committee / Working Group</u></b>	<b><u>Date</u></b>	<b><u>Attendance WoC Chairperson / Member</u></b>
1	Sai Kung	Social Services & Healthy and Safe City Committee	20 March (Tuesday)	Ms. CHAN Yuen-han, Chairperson Ms. Yolanda NG
2	Eastern	Working Group on Promotion of Civic Education, Eastern Healthy City, Culture, Leisure and Labour Affairs	21 March (Wednesday)	Ms. CHAN Yuen-han, Chairperson Prof. Cecilia CHAN Dr. Kevin LAU
3	Kwai Tsing	Community Affairs Committee	10 April (Tuesday)	Prof. Cecilia CHAN
4	Sham Shui Po	Community Affairs Committee	10 April (Tuesday)	Ms. CHAN Yuen-han, Chairperson
5	Yau Tsim Mong	Working Group on Women's Affairs	16 April (Monday)	Ms. CHAN Yuen-han, Chairperson
6	Kowloon City	Community Building and Social Services Committee	19 April (Thursday)	Prof. Cecilia CHAN
7	Central & Western	Culture, Leisure & Social Affairs Committee	19 April (Thursday)	Ms. CHAN Yuen-han, Chairperson Ms. Juan LEUNG
8	Islands	Full Council	23 April (Monday)	Ms. CHAN Yuen-han, Chairperson

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<sup>1</sup> Southern District Council was consulted by way of circulation of papers.

	<b><u>District Council</u></b>	<b><u>Meeting / Committee / Working Group</u></b>	<b><u>Date</u></b>	<b><u>Attendance WoC Chairperson / Member</u></b>
9	Yuen Long	Full Council	24 April (Tuesday)	Ms. CHAN Yuen-han, Chairperson Ms. Yolanda NG
10	Tai Po	Working Group on Caring for the Community of Social Services Committee	24 April (Tuesday)	Ms. CHAN Yuen-han, Chairperson Prof. Cecilia CHAN
11	Sha Tin	Education and Welfare Committee	2 May (Wednesday)	Ms. CHAN Yuen-han, Chairperson
12	North	Social Services, Labour and Economic Affairs Committee	8 May (Tuesday)	Ms. CHAN Yuen-han, Chairperson
13	Wan Chai	Full Council	8 May (Tuesday)	Ms. Juan LEUNG
14	Tsuen Wan	Social Services and Community Information Committee	11May (Friday)	Ms. CHAN Yuen-han, Chairperson
15	Tuen Mun	Social Services Committee	15 May (Tuesday)	Ms. CHAN Yuen-han, Chairperson
16	Wong Tai Sin	Community Building and Social Services Committee	15 May (Tuesday)	Ms. CHAN Yuen-han, Chairperson
17	Kwun Tong	Social Services Committee	24 May (Thursday)	Ms. Juan LEUNG