



### 3 Issues Concerning Women

#### Working Towards Change

Overcoming  
obstacles  
To live out one's  
potential

As a central mechanism to promote the well-being and interests of women in Hong Kong, the Women's Commission advises the Government on policies and initiatives of concern to women. The Commission has examined a number of key issues during the past three years. In general, the Administration has been asked to involve women's community groups and consider women's specific needs in policy formulation, and to collate and make use of sex-disaggregated data. Specifically, the Commission has advised on the possible policy implications of new measures and made many suggestions that addressed women's concerns.

Issues included women's participation in advisory and statutory bodies; legislation on marital rape, stalking, maintenance payments and anti-smoking; healthcare reform; urban renewal strategies; sports development policy; population policy and gender stereotyping. The Commission's position and advice given are set out below:

#### *Participation in Public Bodies*

##### ***Who Will Support Me?***

*"Mrs Wong and Mrs Cheung both wanted to nominate me as a delegate. But my husband said I was only a woman and should not take part in community affairs to avoid talk and being in the public eye."*

The Commission considers women's participation in community affairs a key step towards empowerment. To ensure women's voices would be heard at different stages of policy formulation and decision-making, we maintained that the many women able and willing to undertake public service should be encouraged to participate in government advisory and statutory bodies (ASBs). We were aware



that the proportion of women in ASBs remained relatively low and discussed the matter with Home Affairs Bureau in March 2001, April and November 2003.

We urged the Administration to consider giving more opportunities to women to take part in ASBs. We suggested that positive measures be taken to enhance women's participation in public life and action taken with the relevant party where women's participation was particularly low. We made recommendations on training for members appointed to ASBs; measures to reach women interested in ASBs; setting attainable targets over a specified timeframe; raising awareness within the Government; making better use of the Central Personality Index and giving more opportunities to women who had not served on ASBs before; encouraging the private sector to nominate staff to participate in ASBs; and studying core competencies required to serve in these bodies with a view to better matching nominations and appointments.

We suggested that more opportunities be made available to women at district level by expanding membership of some committees; and that District Office staff could reach out to non-traditional community organisations and local women's groups to identify possible candidates. Members also suggested that travelling allowances be provided to help the less well-off participate in ASBs.

The Administration accepted the Commission's advice on the need to enhance women's participation. It endorsed the principle that gender composition be a consideration in appointing members to ASBs and that bureaux and departments should identify suitable women for appointment. An initial 25% working target was set for women's participation. In addition, the Government approached some 300 women's groups, service agencies, chambers of commerce and professional bodies to invite women members to express interest in serving on ASBs. The 18 District Offices of Home Affairs Department were also alerted to the need to appoint more women to area committees. To complement the Administration's efforts, the Commission followed up with a letter to these bodies and urged them to respond positively to the Government's call by completing the curriculum vitae form and

returning it to Home Affairs Department. In Policy Address delivered on January 2004, the Chief Executive pledged to enhance the participation of women in the work of ASBs.

### *Protecting Women against Violence*

#### ***The Danger Zone***

*"In the past year, his temperament has changed a great deal. He often flies into rages and sometimes behaves violently. Not only has he hurt me physically, he has also inflicted grave damage on my self-esteem..."*

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee had raised concern that marital rape was not considered a criminal offence in Hong Kong during its hearing on the Initial Report submitted by Hong Kong in 1999. The matter was subsequently brought to the attention of the Commission and we discussed the issue with Department of Justice in May 2002.

In the Commission's view, marital rape was rape. As such, it was a crime and amendments should be made to the law to clarify this. We pointed out that it was important to undertake public education to inform the community, women in particular, about their legal rights. The Crimes Ordinance was subsequently amended in July 2002 to make it clear that marital rape was a criminal offence.

#### ***Silent Anger***

*"I was very embarrassed by their provocative behaviour and lewd smiles. Why is it that I am picked on like this so often?"*

The Commission also took an interest in the Law Reform Commission (LRC) Report on stalking. We were concerned that the existing civil and criminal laws were inadequate, and that most stalking victims were women. As part of our efforts to promote empowerment of women and to protect their safety, in March 2001 the Commission discussed recommendations made in the LRC Report with the Administration.

The Commission considered stalking to be a serious matter and that victims should be protected against injury or distress. Criminalising stalking behaviour would provide timely protection to victims and prevent such behaviour escalating into violence. Hence it could reduce the harm that might be caused to victims. In view

of the seriousness and long-term psychological (and sometimes physical) effect that stalking has on victims, our view was legislation should be enacted against stalking as soon as possible.

To further protect women from harassment and harm, Members advised the Government to conduct a more comprehensive review on sexual offences without delay. To complement legislation, we also pointed out that treatment, training and counselling for perpetrators were important. A multidisciplinary approach should be adopted in handling cases of violence, in particular those involving family members. We suggested to the Administration the possibility of including mandatory counselling as a sentencing option when drafting the legislation on stalking and reviewing other legislation related to violence against women. Perpetrators should be psychologically assessed and treatment programmes devised to cater for their needs.

### *Matrimonial Proceedings and Collection of Maintenance*

#### ***Double Damage***

*“The breakdown of my marriage did double damage. I never imagined the legal proceedings would take so long and that it would be so tortuous physically and psychologically.”*

The Commission reckoned many women in divorce cases found the cost and lengthy time involved in ancillary relief proceedings to be a burden. Thus we supported the Judiciary’s proposal to introduce a pilot scheme to enhance clarity and make the process quicker, cheaper and more conducive to a culture of settlement when we discussed the subject in April 2003. We believed the case management approach adopted in the pilot scheme would do this.

We raised the possibility of a more definitive rule, or guideline, in handling financial disputes in divorce cases and suggested it would be helpful if the law made clear an applicant’s entitlement to his/her spouse’s assets so as to avoid legal disputes and ensure an early settlement. However, the Administration pointed out that a more definitive system was difficult to establish because there would always be arguments over which assets to take into account. Pre-marital agreements reached between the parties would complicate the matter. The court also had the responsibility to protect the interests of children and to balance all relevant factors.

We were also aware that divorcees had problems collecting maintenance payments. The Commission was very concerned about this and believed the rights of separated and divorced women had to be protected in this regard. We had meetings with Home Affairs Bureau to discuss the current maintenance system and attended the Legislative Council Home Affairs Panel on the same matter in February 2002.

The Commission was aware that more than 70% of separated or divorced women had not, and have no intention of, applying for maintenance. We were concerned about the well-being of these women as well as those unable to collect maintenance payments. We urged the Administration to address the problem and consider whether there was a need to implement comprehensive improvements. The Commission asked the Administration to review existing measures, with a view to ensuring that the mechanism for application and enforcement of maintenance payments was effective, procedures were user-friendly and efficient, and the cost involved affordable.

The Commission reckoned that women who failed to receive maintenance payments had their due claims and rights jeopardised, and the economic difficulties and mental stress these women faced would adversely affect their ability to participate in all aspects of life. Although the Administration had either put in place, or proposed, a number of improvements, such as relaxing the circumstances under which the court could issue attachment of income orders (AIOs), streamlining procedures for Comprehensive Social Security Assistance (CSSA) and legal aid applications, and providing counselling and psychological support to divorcees, there were also areas that had not yet been addressed. For example, an AIO might not be effective in cases involving self-employed maintenance payers or when the main source of income was outside Hong Kong. We therefore suggested that the Administration look into possible ways to improve enforcement in these circumstances.

To review the effectiveness of the proposed measures and to facilitate consideration of other improvements in future, we suggested the Administration collect more detailed data, for example, the reasons why the majority of divorcees do not apply for maintenance, the number of CSSA applications from divorced, single-parent families after implementation of the new procedures, the number of AIO applications and related successful cases.

The Commission considered public education an essential tool. It should be brought to the community's attention that it is a person's responsibility to provide for his/

her ex-spouse and children. This would involve a fundamental change in outlook. The Commission encouraged the Administration to step up its efforts in this regard to achieve more fruitful and long-term results.

The Commission took the suggestion of a maintenance board seriously and kept an open mind on the matter. We were aware that applying for maintenance payments and collection of arrears involved many factors, including legal and personal responsibilities. We therefore considered a maintenance board one of many possible solutions to the problem. We invited the Administration to review the effectiveness of the improvements it was implementing and should results be unsatisfactory, the Commission would urge it to seriously consider setting up a maintenance board. The Commission will follow up this issue until effective measures are in place.

### *Healthcare Reform for Women and Anti-smoking Measures*

#### ***Menopausal Mum***

*“Sister, in the past few months, Mum has been agitated and easily annoyed. Sometimes she loses her temper without reason. Sometimes she is weeping in her room. Is this what is called ‘menopause’?”*

Women and men’s health needs are different. Women as the family carers need support in this role. The Commission discussed with the then Health and Welfare Bureau in May 2001 the consultation document on healthcare reform entitled “Lifelong Investment in Health,” and policy and efforts related to tobacco control by Department of Health in September 2001.

We believe a community-based service delivery model would be conducive to women leading a healthy life and we attached great importance to the need to enhance women’s preventive health services in the community. We supported the strengthening of primary healthcare services and the preventive care system in Hong Kong. We were aware that women were usually the family carer and suggested that the Government be mindful of this so adequate support would be provided. We also recommended the Government pay particular attention to women’s perspectives and needs in the reform of the healthcare system (such as the longer life expectancy of women, sex and reproductive health-related issues), consider the possibility of setting up Health Protection Accounts, and that the interests of homemakers and divorced or separated women be taken into account.

In addition, we suggested that health-related publicity and public education activities should be devised with a gender perspective.

### **Lighting up**

*“Modern women are bold and daring. Yet does one have to smoke to be ‘cool’?”*

Members expressed concern over the increase in women smokers, especially young girls, and the targeting of women by tobacco industry marketing. The Commission considered smoking a women’s issue and urged the Government to step up action on anti-smoking and provide more facilities to help smokers quit (for example, identify reasons for the increase in women smokers, deliver more messages to smokers).

We endorsed proposed legislative amendments in respect of a smoking ban in indoor public premises to help protect non-smokers (many of whom are women and children) against passive smoking. We also invited the Administration to look carefully at enforcement for the proposed legislative amendments and to collaborate with the Commission in organising educational and publicity programmes to discourage smoking, especially among women.

## **Sex-Disaggregated Data**

### **The Invisible Housewife**

*“I often tell other people that I don’t have a job, but in actual fact my work calls for round-the-clock concentration and effort.”*

Gender is an important element in statistics compiled by Census and Statistics Department. Sex-disaggregated data are currently collected from various sources (for example, major organisations and companies and in many statistical surveys of Government departments) as it is useful in reflecting the socio-economic position of women in Hong Kong. The Commission met with Census and Statistics Department a number of times and made specific suggestions to improve the “Report on Gender Statistics”, “Women and Men in Hong Kong - Key Statistics” (2002 and 2003 editions), and the collection and compilation of sex-disaggregated data in general by using a gender-sensitive approach (for example, in the 2006 by-census).



## Planning and Urban Renewal

### **A Daughter-in-law's Dilemma**

*"Having moved to Tseung Kwan O, I have to commute to work in Shau Kei Wan. It is not easy to adapt to my new environment and I wish I could find work closer to home. But my most pressing concern right now is to find a suitable old people's service for my mother-in-law, who has Parkinson's disease."*

To facilitate women's full participation in the community, the Commission considers it important that their specific needs be taken into account at the territorial/town planning stage and when urban renewal proposals are studied. The Commission took the opportunity to reflect women's concerns when we were consulted on "Hong Kong 2030: Planning Vision and Strategy" in February 2002 and when we discussed urban renewal in November 2001.

On territorial planning, Members suggested that the overall approach should be people-oriented and take into account women's needs for supporting infrastructure (including the anticipated increase in demand for family, childcare and health facilities for single-parent families and elderly women). To address women's concerns and constraints, the Commission suggested that women's groups be consulted and sex-disaggregated data collected and analysed.

Members pointed out that support services and infrastructure should be in place in new development areas before the population builds up to enable women to settle in quickly. We suggested that the private sector should be given incentives to locate businesses closer to new residential areas to facilitate women who work and take care of family members. It was also proposed that consideration be given to enhance recreational facilities; improved harmonisation of old and new developments; the impact of information technology on planning; co-ordination with Mainland China authorities on planning matters; and developing housing and support facilities along the border to enable cross-border workers to spend more time with their families.

In the case of urban renewal projects, we were aware that about 20% of affected heads of household are female, with more than 30% of women over the age of 60 and about 15% single parents. We therefore requested that Urban Renewal Authority identify measures to address women's needs, especially those in vulnerable positions, and suggested that compassionate re-housing and fast-track



compensation be considered. With cash compensation, we suggested that the Authority takes into account the circumstances of individual households and that such compensation should not necessarily be paid to the male member of the household. The spouse's needs should also be considered.

In addition, we pointed out that the employment needs of residents should be looked into and employment counselling or support strengthened. We were aware that women (as the main family carers) would require services such as childcare support if they were to find paid employment when relocated to other districts. Some new immigrants might also need to rebuild their social network. The Administration was asked to help affected residents to relocate and adjust to their new environment. It was also suggested that the Government collect sex-disaggregated data related to urban renewal projects and that women's views be considered when conducting social impact assessment studies.

### *Women and Sports*

#### **Better Still Than Active?**

*"The subject I have least interest in? Physical Education, of course! I am so bad at ball games that I often make a fool of myself in front of classmates. Besides, what benefit is there even if I do gain good results? Girls who do well at sport in school are all Amazon-like tomboys."*

In July 2002, Home Affairs Bureau consulted the Commission on strategic policy for sports development. The Commission was interested in women's access to sports. Members pointed out the need to conduct more research and develop criteria when identifying sport activities to be introduced and promoted in Hong Kong. The Commission suggested that the Government collect sex-disaggregated data to examine women's participation in sport, see how resources were used in sports engaged in by women and men, and understand women's preferences.

To cultivate and sustain young girls' and women's interest in sport, we suggested that the then Education Department should be involved in creating an enabling environment. Sports facilities and physical education lessons in schools should be designed to address the physiological and psychological needs of female students (for example, problems arising from puberty) and emotional development and character-building elements built in (for example, cultivating team spirit rather than simply emphasising results). In encouraging sports participation, Members

suggested that the Administration should look into the possibility of introducing concessionary rates for single-parent households and CSSA recipients, and improve sports facilities to address women's needs (for example, providing family changing rooms).

In relation to long-term institutional change, Members asked the Administration to take into account the gender ratio of ASBs, enhance women's participation in sports development decision-making and collaborate with Mainland China sports bodies in sports science and research.

### *Population Policy*

#### **Dreams and Reality**

*"I did not want to bury my abilities, nor be so cut off from society. But my two sons needed my care. If Hong Kong had been as ready to accept working from home as some overseas countries, then maybe I wouldn't have had to stop using my skills."*

Noting the frequent movement of people across the border and how this might impact on the family (for example, residence and education), the Commission suggested that the Government develop a "population policy" to facilitate planning and co-ordination. The Commission discussed this with the Administration in May 2003, after the Task Force on Population Policy released its report. Members held the view that the Government should have a vision of how Hong Kong should be developed as a society and the quality of its population. The gender angle should be factored in when drawing up population policy. Sex-disaggregated data should also be compiled to facilitate analysis of men's and women's characteristics and how the various socio-economic variables differ.

Members were doubtful about the sustainability of an increasing and aging population and the need to maintain the current workforce. We were aware that improvements in technology might reduce future demand for labour. The fertility rate of spouses of Hong Kong people in Mainland China also needed to be taken into account. Members suggested that instead of importing skills and talents, Hong Kong should make better use of its existing population. The quality of people could be upgraded and the retirement age extended. More women could be mobilised to enter employment by promoting part-time work arrangements, family-friendly practices and home offices.



We also suggested that no restriction be imposed on the importation of foreign domestic helpers as they enabled many women (particularly those with higher education) to participate in the labour market. Members suggested that the Government consider measures to facilitate women returning to their job after childbirth or re-entering the labour market after raising children.

### *Gender Bias in the Media*

#### **Image Building**

*"Frankly, what woman likes to be called 'fat wife'. Thirty days to a slim figure and self-confidence? How tempting!"*

The Commission has made public education a priority area for action with the aim of ultimately eliminating gender stereotyping and prejudices, and promoting greater gender sensitivity within the community. Members were concerned about misleading or negative portrayals of women in the media and were aware that it was not uncommon for media programmes, advertisements or news stories to portray women in a biased or sexist manner.

When a nude photo of an actress (allegedly taken against her will) was published in October 2002, the Commission issued a statement to the press and lodged a complaint with Hong Kong Press Council and Television and Entertainment Licensing Authority, condemning the publication, which not only insulted the victim but also severely infringed the dignity of women.

The Commission believed that a strategy and a systematic approach should be adopted to address gender-biased messages (male or female) and messages insulting or demeaning to women in the media. A forum "A Close-up on the Media Through Gender Perspectives" was organised in December 2003 at which 50 participants discussed the need and ways to tackle the issue.

## Tackling SARS

### **Combating SARS**

*"We did not know when the epidemic would end... yet the situation seemed to draw the community together and make it more cohesive. Medical personnel and members of the public all knew their responsibilities during this struggle."*

With the SARS outbreak in March 2003, the Commission appealed to women in Hong Kong to support one another in combating the disease. We called on all women to step up efforts to keep their homes and public areas clean, and to participate in voluntary activities organised by local community groups (such as clean-up campaigns, and care and support for healthcare workers or SARS patients and their families).

Lists of "Frequently Asked Questions" and "Useful Tips for Women as the Carer for the Family" were compiled on what women should do to prevent the spread of the disease and/or reduce chances of infection (with input from Department of Health), and telephone hotlines, web-based learning and homework counselling information made available to women's groups and service agencies.

## CEDAW Comprehensive Report

### **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

*The Convention has come up with a common definition of "discrimination against women" and laid down the principle of protecting the rights of women in the domains of politics, law, employment, education, medical services, commercial activities and family relationships.*

The Commission was consulted on the CEDAW report a number of times during the drafting process and suggestions made on improving content and presentation. We suggested, *inter alia*, that the work of non-governmental organisations in addressing women-related issues be set out and that the economic activity of foreign domestic helpers and women with disabilities, rights of rural women and public housing tenancies for women be covered. Our comments were appropriately incorporated in the report which has been submitted to the Central People's Government for incorporation into Mainland China's report.

**Apathy Dispelled  
Through persuasion  
and education**