

Against the Mui Tsai System

The "mui tsai" system, where girls were adopted or sold into domestic servitude in wealthy families, was prevalent in Hong Kong in the early days. In 1921, it was estimated that there were about 8,600 "mui tsai" in Hong Kong.

Wealthy merchants claimed at those days that the "mui tsai" system in the Chinese community was established for charity cause, preventing girls of poorer families from suffering in hunger, death, or being forced into prostitution. In 1921, a British anti-slavery activist, Mrs. Haslewood, set up the Anti-Mui Tsai Society, and in 1923, the Hong Kong Young Women Christian Association and the Christian church initiated an anti-"mui tsai" campaign.

In 1923, the Female Domestic Service Ordinance was passed, and the relevant provisions came into operation in 1929 requiring owners of "mui tsai" to register their "mui tsai" with the Secretary for Chinese Affairs' Office. The number of "mui tsai" was reduced to about 4,400 in 1930. In 1938, legislation abolishing the "mui tsai" system was passed. In the same year, legislation requiring registration of adoptions of girls was enacted to prevent circumvention of the law to continue the practice of "mui tsai" through adoption.

Reform of Marriage System

Prior to the 1970s, apart from those registered under the Marriage Ordinance, marriages contracted in Hong Kong in accordance with the Chinese law and customs were also recognised in Hong Kong. Chinese customary marriage was potentially polygamous in that a man could have one principal wife, the t'sai, and more than one concubines, or t'sip, whereas a woman should be married to only one spouse during her whole lifetime. Furthermore, married women had limited property rights and were not entitled to inheriting the family property, a custom which rendered them financially and socially dependent upon their husbands.

In the 1950s, the Hong Kong Council of Women set up by Dr. Ellen Li launched a campaign against concubinage and also organised a series of activities, such as public forums, signature campaign, and efforts to persuade gentry leaders of the New Territories. In 1971, upon the enactment of the Marriage Reform Ordinance, concubinage was prohibited. It was also provided that only monogamous marriages contracted under the Marriage Ordinance should be recognised. Introduced in the same year was the Married Persons Status Ordinance, which provided that married women could enjoy the same rights as if they were unmarried, including the rights of acquiring, holding and disposing of any property.

Labour Rights of Women

Equal Pay for Equal Work

Women in Hong Kong have participated in the labour market for many years. But a pay discrepancy between men and women has also existed for many years. Campaigns by concern groups for equal pay for both sexes can be dated back as early as the 1950s. In 1963, a number of organisations jointly formed the Working Committee on Equal Pay for Equal Work to urge the Government to close the pay gap between male and female civil servants by phases. In 1965, the Government decided to implement a 10-year plan to bring the pay levels of both male and female civil servants on par. In 1975, all female civil servants were entitled to equal pay as their male counterparts. In addition, as a result of the lobbying efforts by female civil servants groups, the Government revised in 1981 the relevant policies such that married female civil servants were entitled to the same conditions of service as the male civil servants.

As for other female employees, the Sex Discrimination Ordinance, which came into operation in 1996, ensures that women may enjoy equal opportunities for promotion, transfer or training. The Ordinance provides women with legal protection for equal employment opportunities and remuneration packages by rendering it unlawful to discriminate against any person on the grounds of sex, marital status or pregnancy in specified areas of activity including employment, education, provisions of goods, facilities or services.

Maternity Leave

Before there were legislative provisions for maternity leave, employers were not prohibited from dismissing a pregnant employee. In 1970, provisions were made under the Employment Ordinance, in which a pregnant employee with a continuous contract of employment would be entitled to a 10-week maternity leave. However, the provision did not require the employer to provide maternity leave pay for the employee.

In late 1970s, the Hong Kong Council of Women and the Hong Kong Christian Industrial Committee started campaigning for protection of the labour rights of pregnant working women, and their cause gradually gained support from the community. In 1981, the Government amended the Employment Ordinance to make women entitled to a 10-week maternity leave with pay equivalent to two thirds of their normal wages. In the past two decades, a number of amendments, which include increasing the maternity leave pay to a level equivalent to four fifths of an employee's normal wage, have been made to the Employment Ordinance to further enhance the protection for pregnant employees. In addition, the Employment Ordinance and the Sex Discrimination Ordinance also provide protection for women against dismissal during pregnancy and maternity leave and give a dismissed employee the right of making a civil claim or reinstatement request.

The Right to Inherit Land in the New Territories



The New Territories Ordinance used to provide that in proceedings relating to land in the New Territories, the courts shall have power to recognise and enforce any Chinese custom or customary right affecting such land. According to the customary law of succession, land in the New Territories under individual ownership was inheritable through the male line only, while the surviving widows and daughters of the deceased were to be maintained by the male successors. After years of advocacy by women's groups and legislative councillors concerned with women's rights, this prohibition against women inheriting land and real estate in the New Territories was abolished upon the enactment of the New Territories Land (Exemption) Ordinance in 1994. Since then, the right of succession for women in the New Territories has also been secured.



Women's Safety - Sexual Violence

In mid-1970s, a number of organisations concerned with sexual violence against women jointly formed the Hong Kong Women Protection Society (the Society) and organised the "War on Rape" campaign to render and enhance support and counselling for victims of sexual violence. The Society also put forward policy recommendations for the Government to improve and streamline the reporting procedures and legal proceedings, and to change the misconception about victims of sexual violence. As a result of the persistent efforts of these groups, the Government amended the Crimes Ordinance in 1978 to provide that the identity of the rape victims should not be disclosed, and the provision was extended to cover victims of indecent assaults in 1979. In 2000, the Evidence Ordinance was amended to abrogate the corroboration rules in sexual offences such that offenders in sexual offence cases could be brought to justice more easily.



Source: Social Welfare Department

As regards support services, the Association Concerning Sexual Violence Against Women, a non-governmental organisation, established in December 2000 the first crisis centre offering crisis support services to victims of sexual violence, with funding from the Hong Kong Jockey Club Charities Trust. In March 2007, the CEASE Crisis Centre for victims of sexual violence, a three-year pilot project funded by the Lotteries Fund, also came into operation. The centre is operated by the Tung Wah Group of Hospitals as commissioned by the Government.



Source: RainLily of the Association Concerning Sexual Violence Against Women



Source: Tung Wah Group of Hospitals CEASE Crisis Centre

Women's Safety - Domestic Violence

In 1980s, a number of women's groups launched an anti-domestic violence campaign, seeking to raise public awareness of domestic violence and to urge the Government to strengthen the legal protection and support services for domestic violence victims. The Organising Committee of Refuge Centre for Battered Women, which was set up by the Hong Kong Council of Women and a group of professionals, established in 1985 the first refuge centre providing round-the-clock residential services for battered women, the Harmony House. Since 1989-90, this centre has been receiving funding from the Government. As at 2007, the number of refuge centres for women funded by the Government has increased to four, providing 180 short-stay places for women in need of protection. In addition, the Government also put in place a wide range of preventive, supportive and specialised services for domestic violence victims and families in need.



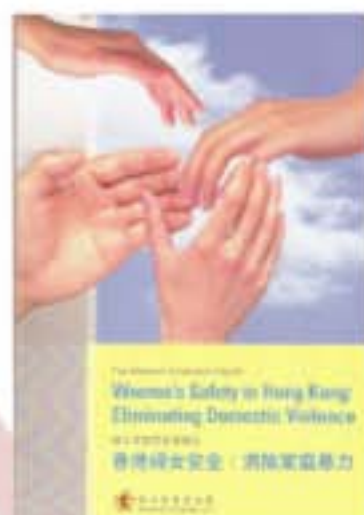
Source: Social Welfare Department



Source: Social Welfare Department

On legal protection, the Domestic Violence Ordinance (DVO) was enacted in 1986 to empower the court to grant injunction to protect victims of domestic violence and children living with them. In June 2007, the Government proposed a number of legislative amendments to the DVO which would, if approved by the Legislative Council, significantly strengthen the protection for victims of domestic violence and their children. Besides, the Crimes (Amendment) Ordinance enacted in 2002 states expressly that marital rape is a criminal offence.

In January 2006, the Women's Commission issued a report on "Women's Safety in Hong Kong: Eliminating Domestic Violence", setting out a multi-dimensional strategy to eliminate domestic violence and putting forward 21 recommendations. The Government has responded positively to these recommendations, including reviewing the DVO, strengthening services and support for victims of domestic violence, improving the handling of domestic violence cases by the Police and introduction of a pilot project of Batterer Intervention Programme.



Source: Women's Commission

Convention on the Elimination of All Forms of Discrimination Against Women



Consultation Forum for the CEDAW Report organised by Women's Commission
Source: Women's Commission



The promotional video on CEDAW produced by the Government of HKSAR
Source: Labour and Welfare Bureau



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the United Nations General Assembly in 1979 and came into effect in September 1981, protects the human rights and fundamental freedoms of women in the political, economic, social, cultural, civil or any other field.

In 1992, Legislative Councillor Mrs. Peggy Lam moved a motion to urge the Government to extend the CEDAW to Hong Kong. At the same time, 14 women's and community groups also campaigned for the extension of the CEDAW to Hong Kong. CEDAW was

extended to Hong Kong in October 1996. In accordance with the principles of the CEDAW, the Government has been actively promoting the well-being and interests of women in the domains of law, employment, education, medical services, marriages and family relationships. It has also organised various activities, such as roving exhibitions, seminars, production of leaflets and videos, to raise public awareness of the CEDAW.

The HKSAR Government submitted its first and second reports under CEDAW, in 1998 and 2004 respectively, as part of the People's Republic of China's reports to the United Nations. The United Nations Committee on the Elimination of Discrimination against Women considered the two reports in 1999 and 2006 respectively, and affirmed the efforts made in the development and advancement of women in Hong Kong.



CEDAW Reports and BPFA Report prepared by the Government of HKSAR
Source: Labour and Welfare Bureau

Sex Discrimination Ordinance, Family Status Discrimination Ordinance and Equal Opportunities Commission

Sex Discrimination Ordinance

The Sex Discrimination Ordinance (SDO), enacted in July 1995, renders it unlawful to discriminate any person on the grounds of sex, marital status or pregnancy in specified areas of activity including employment, education, and the provision of goods, facilities or services. The SDO also outlaws sexual harassment.



Family Status Discrimination Ordinance

The Family Status Discrimination Ordinance (FSDO), enacted in June 1997, renders it unlawful to discriminate against a person who has family status in specified areas of activity including employment, education, and the provision of goods, facilities or services. This Ordinance provides protection to those who have responsibility for the care of an immediate family member.



EOC poster (2001)
Source: Equal Opportunities Commission

Equal Opportunities Commission

Set up in 1996 under the SDO, the Equal Opportunities Commission (EOC) is an independent statutory body to implement the SDO, the Disability Discrimination Ordinance (DDO) and the FSDO, with a view to eliminating discrimination on the grounds of sex, marital status, pregnancy, disability and family status.



EOC poster (2007)
Source: Equal Opportunities Commission

Women's Commission

The Women's Commission (the WoC) was set up by the HKSAR Government in January 2001 as a central mechanism to promote the well-being and interests of women in Hong Kong.



Mission

WoC's mission is 'To enable women in Hong Kong to fully realize their due status, rights and opportunities in all aspects of life'. To achieve this mission, the WoC has adopted a three-pronged strategy, namely the provision of an enabling environment, empowerment of women, and public education.

Terms of Reference

WoC is tasked to promote the well-being and interests of women in Hong Kong, and address matters of concern to women in a holistic and systemic manner. As such, it:-

- advises the Government on the development of a long term vision and strategies related to the development and advancement of women;
- advises the Government on the integration of policies and initiatives which may fall under the purview of different Policy Bureaux and which are of concern to women so that women's perspectives would be factored in during the formulation of policies and legislation where appropriate;
- keeps under review, in the light of women's needs, services delivered within and outside the Government, identifies priority areas for action, and monitors the development of new or improved services;
- initiates and undertakes independent surveys and research studies on women's issues and organises educational and promotional activities; and
- develops and maintains contact with local and international women's groups and service agencies with a view to sharing experience and improving communication and understanding.



Women's Commission

Major Areas of Action since the WoC's Establishment

Provision of an Enabling Environment

- Implement gender mainstreaming
- Review services for women
- Promote Family Friendly Employment Policies and Practices



Empowerment of Women

- Implement the Capacity Building Mileage Programme
- Enhance women's participation in Government advisory and statutory bodies
- Promote nurturing caring families
- Enhance women's safety and eliminate domestic violence



Public Education

- Implement public education and publicity programmes

