

October 4, 2023

Mr John Lee Ka-chiu, SBS, PDSM, PMSM  
Chief Executive Office of the Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Tamar, Hong Kong

Dear Mr Lee,

### **The Women's Foundation Response to the Policy Address Public Consultation 2023**

I am writing to you as CEO of The Women's Foundation (TWF), a non-profit organisation dedicated to improving the lives of women and girls in Hong Kong. We extend our warmest congratulations on your first year as Hong Kong's Chief Executive and appreciate your continuous commitment to a results-driven approach to governance.

Your administration's commitment to boosting the city's workforce is timely and needed, particularly as the acquisition of top talent remains a challenge for many industries. We are encouraged by your efforts to increase the number of local and overseas talents in our workforce, recognising that a diverse and inclusive workforce is paramount to Hong Kong's resilience and growth.

In addition to these efforts, gender equality stands as a key catalyst in realising this goal. It is only through an inclusive and diverse workforce we can draw from a broader pool of talent who can contribute their unique skills and perspectives to drive Hong Kong's prosperity forward.

When organisations have an inclusive business culture and inclusive policies, it is [estimated](#) that profitability and productivity increase by 63%, attracting and retaining talent increases by 60%, innovation improves by 59% and their reputation improves by 58%, thereby making businesses more resilient and responsive to dynamic challenges. Promoting gender equality not only aligns with global best practices but also strengthens Hong Kong's competitive edge on the international stage. We encourage a strengthened commitment to gender equal policies and initiatives that will fortify Hong Kong's workforce and ensure the territory's overall sustained progress.

Women and girls in Hong Kong face a number of gender-based challenges:

- **Low female workforce participation rate and caregiving responsibilities are a key contributor:** Hong Kong has a low female workforce participation rate of 48%<sup>1</sup>. Both childcare and eldercare – are typically expected to be taken up by women due to traditional gender role expectations, and can negatively impact their career advancement, leaving them more financially vulnerable in their old age. A survey from the Equal Opportunities Commission [found](#) 50% of employers say they won't hire women with children and women with elderly dependents have a 24% greater likelihood of being turned down for managerial positions.

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<sup>1</sup> The 48% female workforce participation is taken from the latest Census and Statistics Department figure, excluding Migrant Domestic Workers. Whilst TWF recognises the great contributions of this population, we want to reflect the seriousness of the low workforce participation rate among the local population.

- **Poverty and financial vulnerability:** With the gender pay gap, career breaks due to caregiving and biases in the workforce, women are financially vulnerable and many live in poverty, particularly single mothers and elderly women.
- **Gender-based violence:** Sexual violence affects one in three women in this city, and factors such as social stigma, lack of knowledge and fear of employer retribution often prevent them from seeking the help they need.
- **Gender Stereotypes** have lasting impact on women and girls body image and self-esteem issues and widen the ambition gender gap, particularly in STEM subjects. They also follow women into the workplace including negatively affecting performance reviews, salary negotiations, networking and appointments to boards. This contributes to only 20% of Hang Seng Index-listed company directors being women.
- **Women's Health Taboos:** Lack of support and awareness around women's health such as menopause, means many women move to part time or retire early -- just at the peak of their careers.
- **Compounding identity factors:** For Ethnic Minority women, Migrant Domestic Workers, LGBT+ communities, refugee and asylum seekers and others from marginalised communities, all of these issues can be exacerbated in addition to facing group-specific challenges.

These issues interact with, and contribute to, Hong Kong's low female workforce participation rate, but it also speaks to an equally important issue – ensuring equal access to resources, opportunities and safety is foundational to engendering a social harmony that underpins Hong Kong's growth and well-being.

Given the scale of the above issues, we urge the Government to include issues of gender inequality on the Executive Council agenda or in the creation of a taskforce of individuals who can support in the inclusion and implementation of solutions for these challenges.

Examining Hong Kong's current challenges through a gender lens would result in numerous benefits for the prosperity and well-being of the city overall. This would involve:

- Adopting a holistic approach to boost female workforce participation and to increase the number of women in leadership positions, including addressing caregiving responsibilities and providing caregiver support, board diversity, the motherhood penalty, the gender pay gap and women's health taboos
- Increased support for women in poverty, including strengthening childcare services and providing support for those who have not worked or who do not otherwise qualify for MPF, particularly women who are more disadvantaged in retirement age
- Women-specific health promotion especially on osteoporosis prevention and treatment, early identification of breast and cervical cancers
- Greater protections and preventative measures around all forms of sexual and domestic violence including through adopting the Hong Kong Law Commission's 2019 recommended critical updates to the Crimes Ordinance into law as a start
- Stronger, targeted protections for vulnerable groups of women and girls such as those who identify as ethnic minorities, migrant domestic workers, and the LGBT+ community

- Tackling gender stereotypes in all spheres across the city including education, the workplace, and all forms of media
- Increase the availability and accessibility of gender disaggregated data, including revising data collection methods in a way that data can be disaggregated by gender and making measures consistent across all departments as well as mandate that companies of a certain size publicly disclose gender-related data about their workforce.

We are fully aligned with your vision for a better Hong Kong and are committed to supporting the Government and other relevant actors in making long and short terms changes to help close these critical gaps. We would welcome the opportunity to meet with you and/or a nominee from your Administration to share more details on some of the key issues facing the women and girls of this city and discuss ideas for collaboration and closer cooperation where appropriate.

Please contact my colleague Lisa Moore, Research and Advocacy Director, via email: [Lisa.Moore@twfhk.org](mailto:Lisa.Moore@twfhk.org) or phone: +852 9248 8199 for more information or to make meeting arrangements.

Sincerely

Signed.

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CC

Mr CHAN Kwok-ki, SBS, IDSM, JP, Chief Secretary for Administration  
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Mr Algernon YAU, Secretary for Commerce and Economic Development  
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Mr Ricky CHU Man-kin, IDS, Chairperson, Equal Opportunities Commission  
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## KEY ISSUES AND RECOMMENDATIONS

### HOLISTIC APPROACH NEEDED TO BOOST FEMALE WORKFORCE PARTICIPATION

Boosting women's workforce participation rate would positively address the current talent shortage, but Hong Kong greatly lags behind when it comes to gender equality in the workforce limiting the number of women able and willing to be participants in the formal economy. Hong Kong's female workforce participation rate is only 48%<sup>2</sup> lower than many of its regional neighbours including [Mainland China](#), [Singapore](#), and [Australia](#) which all have an over 60% participation rate. At board of director level, whilst there has been some progress in increasing the number of female boards directors on Hang Seng Index listed companies, at [20% female representation](#), Hong Kong continues to trail its regional neighbours at in Australia ([38%](#)) and Malaysia ([30%](#)) in addition to international financial centres such as the UK at [40%](#).

A wholesale approach is needed to address female workforce attrition rates and to support their return to work. This includes reviewing childcare and eldercare support, part-time and flexwork options, return to work programmes, gender biases and gender-based discrimination in the workplace, among other solutions.

#### *Improved Provisions for Working Caregivers*

##### **Flexible / Part Time Work Options**

Hong Kong has some of the longest working hours in the world and working parents and carers struggle between their professional goals and the need to spend time with their families. The Covid-19 pandemic has demonstrated that a flexible approach to work is [equally productive and even has advantages](#) for business. It can also boost Hong Kong's talent pool. From the Labour & Welfare Bureau-commissioned [research](#) earlier this year on women currently not working in their 40s and 50s, low income homemakers and ethnic minority women – the majority of who have caregiving responsibilities -- not being able to secure part time or flexible work was a significant reason for not joining the workforce. The Government should more strongly encourage employers to adopt options that accommodate working parents and caregivers long term and without penalty, and consider incentives to companies that adopt these practices.

##### **Childcare**

We know from the same [research](#) cited above, that another significant reason cited among economically inactive women for not working is because of lack of childcare – due to it being too far away, too expensive or simply not available. This may also partially [contribute](#) to single mothers – who are 3.5 times more prevalent than single fathers – being majority recipients of CSSA among single parents. Whilst the Government has made efforts to increase the numbers of subsidised places in childcare centres, we would urge the Government to carefully consider some of the recommendations in this research including greater subsidies for NGOs that provide childcare services, particularly home-based services as well as greater financial support for parents to encourage their use of these services.

##### **Maternity & Paternity Leave**

Whilst Hong Kong's maternity and paternity leave meets the international standard of 14 weeks and 5 days respectively, as a next step, the Government should aim to extend maternity leave to 16 weeks in

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<sup>2</sup> Hong Kong Census and Statistics Department. Labour force participation rate (including Foreign Domestic Helpers).

line with Singapore and extend paternity leave to 7 days. Long term, we believe Hong Kong would do well to follow the approach being adopted in other jurisdictions which have embraced the concept of gender-neutral parental leave, allowing parents to choose which of them assumes the greater share of childcare responsibilities, and which covers adoptions and foster placements in addition to natural or surrogate birth.

### **Eldercare**

The Government has announced its intention to improve people's livelihoods, which will include the elderly. In addition to the robust measures that have been implemented by the previous administration to provide adequate services and quality of life for the elderly and efforts to attract more talent into elderly homes, we would urge the Government to consider strengthened policies and measures to provide support for informal caregivers – the majority of who are women.

From our [research](#) with HSBC Life and HKU's Sau Po Centre on Ageing we know the population of eldercare recipients set to more than double from 5% to 11% by 2060, the cost to society will increase by 6 times from HK\$39 billion to HK\$222 billion; the indirect cost of eldercare for employers will increase 4.7 times from HK\$1.8 billion to approximately HK\$8.4 billion; and the overall cost of eldercare to individuals will quadruple from HK\$1.8 billion to HK\$7.2 billion<sup>3</sup>.

We recommend urgent action by the Government to implement policies and practices to alleviate the financial and human resources burden on companies, and to support employees with eldercare responsibilities. A full list of recommendations for the Government is provided in Appendix A.

### **Board Diversity**

It has been [well documented](#) that greater gender diversity on boards improves decision-making, has a positive impact on corporate culture, and [the bottom line](#), serves as a fundamental aspect of good governance and delivers benefits for the whole society. Hong Kong is lagging far behind its global counterparts in board gender diversity with [20%](#) of directors on HSI-listed boards being women.

We were encouraged to see the 2021 Hong Kong Exchanges and Clearing (HKEX) reforms that will improve board gender diversity in the short to medium term. However, we believe further action is needed to achieve real progress. The Government should take up a greater role in actively encouraging companies to set board gender diversity targets of 30% by 2027 which, if not met by 80% of the market, should be mandated through quota as well as urging companies to include measurable objectives in their diversity policies and create accountability through transparent reporting to the market.

We encourage the Government to role model best practice on gender diversity within its own departments, bureaux and Advisory & Statutory Bodies, and encourage private sector to set and match Government gender diversity goals.

### **Motherhood Penalty**

There is a concerning level of discrimination against working mothers in this city. [Research](#) by the Equal Opportunities Commission (EOC) in 2018 found that over 50% of surveyed employers said they would not hire women with young children.

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<sup>3</sup> HSBC Life, Sau Po Centre on Ageing at the University of Hong Kong and The Women's Foundation, '[Eldercare Hong Kong](#)', 2019

To curb instances of discrimination, the Government should promote better education among employers to raise awareness around these issues and put forward best practice to prevent this type of behaviour. The Government should also actively support public campaigns and bolster the work of the EOC to more effectively tackle this issue.

### **Gender Pay Gap**

The gender pay gap stands at 15%<sup>4</sup> overall and is significantly higher in certain occupations such as sales and services (24%) and craft (30%). Granular data on this and the method used to calculate wage disparities is not available. This lack of transparency in organisations' pay scales and the way an organisation defines the pay gap makes it difficult for that organisation to formulate initiatives and policies to rectify this gap, and they face no pressure to correct these imbalances.

#### *Equal pay legislation*

Whilst the Discrimination Ordinances provide some channel for lawful redress in the case of unequal pay based on gender discrimination, Hong Kong has no legislation that explicitly provides for equal pay in the workplace. Enacting equal pay legislation would send a signal that the Government prioritises this issue and would encourage employers to take more proactive steps in creating the processes and monitoring that would greatly reduce instances of the gender pay gap. When drafting the legislation, a point for consideration is shifting the responsibility from employees seeking legal reparation due to gender-based discrimination in pay to the employer -- this can be accomplished through mandating organisations over a certain number of employees get independently certified as paying equally for work of equal value or face paying fines.

#### *Gender pay disclosure*

The Government should introduce measures for gender pay disclosure by Hong Kong companies of a certain size. This has been modelled in other jurisdictions, such as the UK where any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap. This would require the following measures:

- Transparency around compensation and ensure benefits for each pay grade are complied with
- Transparent salary differences in comparable positions adjusted for age and years of experience
- Mandated reporting by listed companies of gender statistics at management, senior management and Board level
- Companies should be encouraged to hire third parties to undertake and provide certification on pay disparity reviews and to validate the process and findings.

#### *Ban salary disclosure from previous jobs*

Related to, and intensifying the gender pay gap, is the fact that women in the workforce are coming into salary negotiations behind their male counterparts. Offers at successive companies are calculated largely based off of what that candidate is currently earning, placing women at a disadvantage. We recommend banning employers from both the public and private sectors from asking applicants about salaries from their previous jobs and the Government consider mechanisms to make general market salaries available.

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<sup>4</sup> Hong Kong Census and Statistics Department, Median monthly employment earnings of employed persons (excluding Foreign Domestic Workers)

## **Age Discrimination**

An Equal Opportunities Commission commissioned survey on age discrimination showed that 35% of respondents age 50 and over reported that they had experienced some form of age discrimination at work in the past five years, the most common types of discrimination including lower pay, being passed up for promotion and being let go after a restructuring. Among those who faced age discrimination, 40% experienced negative impact on their overall well-being, including psychological stress and decreased work satisfaction.

With longer lifespans and better health, we are concerned with financial security and mental wellbeing of women aged 50 and over. These concerns are exacerbated by the inability to find work commensurate with education and experience past conventionally typical retirement age, which has not been adjusted with increasing lifespans. Currently, there is no law protecting employees against age discrimination – which includes being deliberately overlooked for promotions or forced into retirement. Given the strong need for talent in Hong Kong, it is critical employers provide opportunities for older people to remain in the formal economy.

We urge the Government to implement an age discrimination ordinance.

## **Women's Health Taboos**

### *Women's Health Screenings*

In 2020, for the first time, women surpassed men in new cancer diagnoses. Given women are the majority of those [diagnosed](#) at younger ages (20-59) generally due to gender specific cancers such as breast, cervical or ovarian cancer. It's important that more awareness is raised around women of all backgrounds getting screened for these cancers. Early osteoporosis [identification](#) (and issue also prevalent in more women than men) is also important as there are treatments and tools that can be used to prevent much greater health issues and risks later on.

### *Fertility Treatments*

Hong Kong has a birth rate [well below](#) replacement level, which has worrying implications for its already rapidly ageing population. While fertility treatments have made many advancements over the past few decades, Hong Kong's laws on their uptake remain outdated. We are aware the Government is debating whether surrogacy laws should be eased – in parallel, we believe it prudent to review the conditions under which a woman is allowed to use her frozen eggs and where fertility treatments can take place. Under the [Human Reproductive Technology Ordinance 1997](#), while any woman can freeze her eggs only married women are allowed to use them. This excludes the population of single women and those in non-traditional relationships who may wish to start a family. It is also a criminal offence for non-married individuals to travel overseas for fertility treatments such as In vitro fertilization, where treatments are often more affordable. We recommend the Government review this law with a view to enable all women to have access to, and full use of, fertility treatments regardless of their partnership status.

### *Abortion*

Abortion law in Hong Kong holds relative flexibility when compared to other economies, but there are still a few challenges that can be addressed. Among these, [deep rooted stigma](#) is a critical issue which can significantly impact mental well-being and prevent access to social support, which studies [show](#) can help mitigate negative effects. Access to publicly available abortion services is another [hurdle](#) as the

wait time can be up to several months. This issue particularly [affects](#) underprivileged women and girls who have less access to alternative resources and services.

To address these issues, we recommend the sexual education curriculum in schools should be made mandatory and provide a more holistic education around gender awareness and sex education including understanding consent, contraceptive options, relationships, sexual health, pregnancy and the de-stigmatisation of abortion and post-abortion care. It's also important relevant government bodies examine the accessibility of abortion services as well as consider measures that can reduce the wait time for the actual procedure.

### *Menstrual Health and Menopause*

[Up to 85%](#) of girls and women, once they start menstruating, experience symptoms such as cramps, tiredness, backache, depression and anxiety, with 38% noting that they are not able to perform daily activities because of this. Support for women and girls throughout the reproductive cycle is essential from a public health perspective. Yet, despite half of Hong Kong's population have or will experience menstruation through to menopause, there remains a strong taboo surrounding all stages of the reproductive cycle.

For menopause in particular, the culture of shame around this normal life stage means that women don't get the help they need or feel able to talk about their experiences. Medical symptoms will vary in severity and duration but can [last up to 12 years](#).

Workplaces are often not accommodating to the needs of women going through menopause. This should be of particular concern to employers because the general age range for experiencing menopausal symptoms- 40s and 50s - coincides with women stepping into leadership roles. While there is no HK-specific data, results from a UK [survey](#) suggest 1 in 4 women consider dropping out of the workforce because of menopausal symptoms. With their departure is an immense loss of talent and experience at a time when female representation and leadership is sorely needed – on company boards, as CEOs, on executive committees, and overall workforce participation.

The Government should encourage employers to educate themselves and take steps to support women throughout their reproductive cycle. They should also work with companies to challenge the stigma associated with the menopause and supply resources to help organisations navigate this issue and retain female talent. It should also consider conducting territory-wide research in this area to better understand the types of challenges menopausal women are facing and determine the best resources needed to support them.

## **GREATER SUPPORT FOR WOMEN IN POVERTY**

Among low income families, there are a few areas that need greater attention particularly for specific groups of vulnerable women.

### **MPF**

Homemakers, along with some part-time workers and elderly, are ineligible for pension protection. This is particularly concerning given, due to traditional gender role expectations, women are 10 times more likely to be economically inactive than men due to household responsibilities and are outliving men by an



average of [five years](#). Longer life spans coupled with forced retirement, gender gaps in pay, and midlife caring responsibilities, make women more vulnerable to poverty particularly in old age. Those in low paying jobs who have MPF accounts often [do not have](#) the financial savvy to skilfully manage their accounts, and women are three times more likely to [rely on](#) their spouses financially, leaving them vulnerable.

The Government can develop methods for assessing the quantitative value of unremunerated work, provide public workshops, specifically targeting vulnerable populations, to educate them about available support services, subsidy schemes, and financial planning advice; provide support for retirement for people who have not worked or who do not otherwise qualify for MPF, particularly women who are more disadvantaged in retirement age; and encourage the private sector to introduce and expand the applicability of flexible working arrangements, expanding paid leave to include care days or a similar provision. The Government can consider subsidising full-time caregivers for their services, drawing on similar structures overseas. Requiring employers to provide MPF to employees above 65 if they are still able and willing to work whilst waiving the employee contribution should also be taken under consideration.

### **STRONGER PROTECTIONS FOR VICTIMS OF SEXUAL VIOLENCE**

A missing element of policy addresses to date has been the commitment to stronger protections and preventative measures for victim-survivors of sexual violence. More than 1 in 3 women in Hong Kong [have experienced](#) sexual violence. Whilst we were heartened to [learn](#) of the 33% drop in reported rap cases and 6.4% decrease in indecent assault cases, it is important to remain vigilant and strengthen preventative and interventive efforts. Victim-survivors face a number of hurdles when trying to report an incident: lack of knowledge on where to seek help, fear of retribution by the assailant, entrenched stereotypes and a culture of victim-blaming and social stigma from the community.

#### **Review of Substantive Sexual Offences**

The Hong Kong Law Reform Commission has conducted comprehensive reviews of existing legislation for victims of sexual violence in 2012, 2016 and 2018 which culminated in its report in December last year "[Review of Substantive Sexual Offences](#)" which proposed nearly 70 updates to the current criminal law. There are many critical recommendations in the review including updated definitions around consent and rape, gender neutrality, avoidance of distinctions based on sexual orientation, and the protective principle for particularly vulnerable groups, among others. We urge the Government to take immediate action to draft these recommendations into law.

#### **Sexual Discrimination Ordinance Updates**

We were pleased to note updates to the Sexual Discrimination Ordinance on outlawing behaviour that directly or indirectly victimises women who are breastfeeding or expressing milk in public spaces or the workplace in June 2021. This builds on the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 passed in June 2020, which contained important protections against sexual harassment for volunteers, consignment workers and interns, and members or prospective members of clubs. We encourage the Government to go one step further and provide legal protection from sexual harassment for tenants or sub-tenants harassed by other tenants or subtenants occupying the same premises.

It would also be prudent to consider adding a positive duty for employers to take proactive steps to prevent sexual harassment or sex-based harassment in connection with the workplace. This measure was recently [adopted](#) in Australia and would demonstrate the seriousness with which Hong Kong seeks to build inclusive, safe workplaces for all.

### **One-Stop Service Unit**

To minimise trauma to the victims, we recommend to establish a one-stop service unit for sexual assault survivors that includes sensitivity in identifying and working with victims medical care, psychological services, and legal services.

### **Domestic Violence**

Women and girls are disproportionately affected by domestic violence. From 2022 [Social Welfare statistics](#), we know that 60% of child victims of violence are girls and 85% of spouse / cohabitant abuse victims are women. We urge the Government to consider setting up an emergency fund to help women and their dependent temporarily cover living expenses and to provide housing support for women to help women leave their perpetrators. We also recommend working closely with stakeholders to strengthen protections and ensure adequate support and resources to frontline services organisations working with this vulnerable group.

### **Online Violence & Voyeurism**

We were pleased to note the adoption of measures in recent years to criminalise voyeurism, upskirting and non-consensual intimate image sharing. However, further progress remains to be done on online sexual harassment and bullying. Women are [impacted far worse](#) by online harassers and targeted more frequently than their male counterparts. Results from an EOC survey on sexual harassment [showed](#) young women aged between 18 and 34 were more vulnerable to both workplace and online sexual harassment. Secondary school children are also at risk with findings from Save the Children [showing](#) 40% of surveyed teens said they had unwanted online sexual content exposure, solicitation, or experience. We urge the Government to monitor these developments more closely and discuss enhanced protections and solutions with social media platforms to curb sexist behaviour, abuse, harassment and hateful comments in cyberspace. The Government can also consider running campaigns to educate public about what online bullying and gender / sexual discrimination are and how to protect themselves.

A full set of our recommendations to the Government around sexual violence is found in Appendix B.

## **STRONGER, TARGETED PROTECTIONS FOR VULNERABLE GROUPS OF WOMEN & GIRLS**

### **LGBT+ Communities**

We are concerned with the lack of official protections for those who identify as sexual minorities. We are one of many organisations who believe a standalone discrimination ordinance to protect LGBT+ people is critical. Such an ordinance would ensure LGBT+ people are not discriminated against at work, at school or in public. It also allows for LGBT+ people who do face discrimination to seek legal redress.

### **Migrant Domestic Workers**

About 340,000 Migrant Domestic Workers (MDWs) live and work in our city, making up more than 50% of ethnic minorities here. The vast majority are female and are a crucial part of the workforce,

[contributing an estimated US\\$12.6 billion](#) to our economy per year. MDWs face a specific set of challenges, with lower than living wages, a lack of systematic protection of their limited rights, increased vulnerability to exploitation and abuse, and overt [discrimination](#). While there is information and resources available to educate and support MDWs, much of this is not culturally accessible. We encourage the Government to carefully review their policies and ensure the full protection of MDWs from exploitation and work conditions that are aligned with the International Labour Organisation's standards alongside access to information that is culturally accessible and provisions for ways that MDWs can gain access to support they may need for mental health crises and sexual violence, as well as proactively remind household employers about their responsibilities towards their employees.

### **Ethnic Minority Women and Girls**

Ethnic minority women and girls face several challenges that compound their vulnerability. Girls from ethnic minority backgrounds have [much lower](#) educational attainment than their male or Chinese counterparts. The education of girls is closely linked to poverty, and ethnic minorities are the poorest population in Hong Kong, with [1 in 5](#) living below the poverty line. Historic segregation in the local education system mean many are at a disadvantage in speaking Cantonese and therefore also in seeking employment later on. When it comes to mental health, EM women are vulnerable. This year, The Zubin Foundation [reported](#) 85% of the EM population seeking counselling services from them were women and one in four showed a risk of suicide or self-harm, often facing culturally specific stressors / conditions that require sensitivity to address. We encourage the Government to tailor their solutions in ways that meaningfully address some of these vulnerabilities.

### **Mental Health**

From the pandemic through now, mental health issues have received increased attention – particularly with the recent [spate](#) of violence unusual to the territory that many attribute to deteriorating mental health.

We would ask the Government to provide targeted services, particularly to groups with less awareness of mental health symptoms and who may lack access to resources. All of the above listed vulnerable groups of women face particular danger of increased stress and mental health issues as they have less networks or access to resources than others. We recommend the Government widely promote messages around the importance of caring for mental health (which can still be a sensitive topic among segments of the population), and direct individuals to available free and subsidised mental health resources in languages that meet the needs of these diverse, vulnerable groups.

### **TACKLING GENDER STEREOTYPES**

The Government will be well aware that gender stereotypes are highly prevalent in Hong Kong society from gendered expectations surrounding appearance to career choices and leadership behaviours. From our work and numerous studies, we know that gender stereotypes are exacerbated for both men and women after prolonged exposure. It also contributes body image and self-esteem issues for women and girls, violence against women and the ambition gender gap, particularly within STEM subjects.

### **Education**

More public education around this issue is needed as well as education curricula reform. This can include: teacher training on gender equality and gender sensitivity; replacing materials that omit women or

tokenise their experiences; teaching boys and young men about the [negative impact](#) on masculinity; taking out gender stereotypical language or examples; and ensuring all school libraries feature books with gender diverse content and authors, and that materials do not contain gender stereotypes.

With specific regards to the sex education curriculum, we urge the Government to update and expand it to be in line with international best practices that are age appropriate, evidence-based and addresses the drivers of gender-based violence.

The Government should lead by example by giving all civil servants comprehensive gender sensitivity training in all areas. Examples include: ensuring all communications and promotional materials uphold gender equality and do not contain gender stereotypes in language or examples, omit women or tokenise their experiences, and feature gender diverse content; data collection and analysis should also ensure the information collected can be disaggregated and analysed by gender; and formulated policies are gender sensitive and take into account the gender diverse needs of the population it is targeting.

### **Workplace**

Gender stereotypes still hold women back at work including negatively affecting performance reviews, salary negotiations, overseas opportunities (particularly in high-risk locations), networking and appointments to boards. The Government should encourage companies to adopt a wide range of practices that actively debunk gender stereotypes, including regular unconscious bias training.

### **Media & Communications**

Gender stereotypes are exacerbated by the media, which continues to objectify, sexualise and diminish women. The [incident](#) involving a government organisation's use of gender stereotypes in its social media a couple of years ago was highly disappointing, and we recommend all bureaus and departments work more closely with their PR firms on all of their relevant social media and traditional media platforms to prevent future posts that similarly demean women and exacerbate harmful gender stereotypes. We urge the Government encourage private sector media, PR and advertising agencies to adopt similar gender sensitive policies and practices.

### **INCREASE THE AVAILABILITY AND ACCESSIBILITY OF GENDER DISAGGREGATED DATA**

While the Gender Mainstreaming Checklist implemented in 2002 requires all Government departments and bureaus to maintain gender disaggregated data; in practice, it is not always comprehensive, consistent or accessible to the general public. This reduces the ability of government, businesses, and civil society from being able to fully understand city-wide gaps in gender equality. Reformulating the questionnaires and data collection methods in a way that data can be disaggregated by gender, making measures consistent across all departments and pairing that with clear objectives, regular tracking and transparent, comprehensive reporting measures within all government departments, bureaus, and other relevant organisations would go a long way towards policies and initiatives that effectively target women and girls, and also accurately identify gaps where further services are needed. This would show whether gender specific support is needed around specific populations e.g., subsidy uptake rates for parents, single parents and informal caregivers, and access to mental health services.



The Government can also consider compulsory reporting from any company with 250 or more employees (or a similar number of employees that fits the Hong Kong context) to publicly disclose their workforce's gender related statistics at all levels of the organisation. This would contribute towards accelerating gender parity progress on many fronts including the gender gap in pay and low numbers of women in managerial and leadership positions, among others.

## **APPENDIX A – ELDERCARE RECOMMENDATIONS**

### **Developing an Independent Public Policy Strategy**

Hong Kong needs a comprehensive and independent public policy strategy for supporting caregivers. It should be based on a robust needs assessment, in consultation with all stakeholders, and eventually be integrated with the Government's eldercare policies.

### **Capacity Building**

Hong Kong can integrate caregiver support in its quality standards for all home care services and professional caregivers. It can build greater capacity for carer support service units, including providing regular training, learning opportunities and support for family and other caregivers including volunteers and domestic helpers; and share best practices on caregiver support innovations and services.

### **Subsidies**

The Government can consider subsidies for entrepreneurs or business owners looking to establish / expand their eldercare service provisions; create best practice guidelines for the industry; and explore policies and incentivisation schemes to drive growth in this industry.

### **Tax Incentives**

The Government should offer tax incentives for eldercare / caregiving friendly initiatives and employers.

### **Strengthen Services for Frail Older Adults**

The Government can consider a centralised and comprehensive solution to subsidised home or respite care, along with on call advice and free support on any legal, emergency, or administrative challenges that caregivers may encounter.

### **Role Model Best Practice**

Among Government employers, implement best practice and evidence-based models, offer Flexible Working Arrangements, and provide extended care leave and compassionate care leave.

### **Protect Caregivers**

Legislation should consider recognising the needs of caregivers regarding access to information, income, employment, and training as well as respect and emotional support. For working caregivers, legislation should consider incorporating a comprehensive strategy that is able to cover care and income security needs, including Flexible Working Arrangements, social assistance, allowance or wage, tax relief, and ensure explicit protection (including income and MPF) for caregivers.

### **Societal Income Insurance Mechanism**

Implement a societal income insurance mechanism that protects the income of caregivers who need to take a partial /complete break from work to provide caregiving. The Government, working closely with the private sector and insurance industry, may explore the possibility of a public-private scheme or set of insurance products that would enable companies and/or individuals to have the option of income protection in the event the employee needs to move to part-time hours or stop work due to caregiving responsibilities. This would ensure that individuals continue their MPF contributions, thus helping to alleviate financial pressure.

## APPENDIX B – RECOMMENDATIONS TO TACKLE SEXUAL VIOLENCE

### LEGISLATION

#### **Criminal Law**

Introduce the Law Reform Commission's recommendations from their "Review on Substantive Sexual Offences" in the Legislative Council and fast track their implementation into law. These recommendations contain critical updates including definitions of consent and expanded definitions of rape and sexual assault, among many others.

#### **Sexual Discrimination Ordinance**

Amend the SDO to provide legal protection from sexual harassment for tenants or sub-tenants harassed by other tenants or subtenants occupying the same premises.

#### **Mandatory Sexual Harassment Policy & Training**

Introduce legislation mandating that both public and private sector organisations have a written sexual harassment prevention policy and that all employers provide sexual harassment training for their staff.

#### **Non-Disclosure Agreements**

Introduce legislation making any contractual clause in a Non-disclosure Agreement which prevents disclosure of future acts of discrimination, harassment, retaliation or victimisation void.

#### **Changes to Listing Rules<sup>5</sup>**

Introduce sexual harassment indicators for HKEX-listed entities to report against, including:

- Specific mention of sexual harassment in guidance on company codes of conduct
- Information about measures taken to address sexual harassment (including initiatives to provide information, education and training on sexual harassment in the workplace), as part of its requirements that listed entities have and disclose a diversity policy and set measurable objectives to achieve gender diversity
- Disclosure of the number of incidents/complaints of sexual harassment by gender and associated action taken

### SUPPORT SERVICES

#### **One-Stop Service Unit**

Establish a one-stop service unit for sexual assault survivors that includes medical care, psychological services, and legal services.

#### **Hong Kong Police**

A broad range of reforms in the Hong Kong Police Force to enhance protections for sexual crime victims as well as strict preventative measures to protect against any further allegations of sexual violence against the HKPF:

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<sup>5</sup> Adapted from the Australia Sexual Harassment National Inquiry Report 2020

- **Special Unit:** Add a special unit to the Hong Kong Police Force to handle sexual assault cases that has special training and operates to a code of practice
- **Code of Practice:** Introduction of a Code of Practice for the Investigation of Sexual Crimes with the aim of:
  - Minimising trauma and increasing the confidence of sexual crime victims and the public in the management of sexual crimes
  - Providing a coordinated approach to the handling of sexual crime cases by Hong Kong Police, forensic medical services and other victim support services
  - Achieving best practice through consistent, clear and accountable response to, and investigation of, sexual offences
- **Revision of the Police General Orders:** To include enhanced requirements on gender sensitivity and prevention of sexual harassment and sexual offences
- **Gender sensitivity and sexual harassment training:** As a priority, all officers should be provided with gender sensitivity and sexual harassment training

## EDUCATION & AWARENESS RAISING

### Online Sexual Harassment & Cyberbullying

Work with social media and technology companies to develop enhanced protections and solutions to curb sexist behaviour, abuse, harassment, and hateful comments (including rape threats, body shaming, doctored photos and release of private intimate videos) particularly for women as they are impacted far worse by online harassers and targeted more frequently than their male counterparts.

### Media Guidelines

Work with the regulatory and industry bodies to promote responsible, victim-centred and gender sensitive reporting of sexual violence, and provide training to use international best practice when reporting on sexual violence through a Code of Practice for example.

### Research

Conduct a territory-wide survey that provides comprehensive publicly available data on sexual harassment and sexual assault, with a view to update this data annually.

### Education Curricula

Update and expand the Hong Kong sexual education curricula to be in line with international best practices that are age appropriate, evidence-based and addresses the drivers of gender-based violence.

### Public Campaigns

Collaborate with NGOs and other relevant organisations to promote public campaigns to encourage more positive conversations to support victims collectively and bystanders to help to overturn the cultural taboo and social stigma placed on victims.