

September 30, 2020

Mrs Carrie Lam Yuet-Ngor, GBM, GBS, JP
Chief Executive
Office of the Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong

Dear Mrs Lam,

RE: The Women's Foundation 2020 Policy Address Submission

The Women's Foundation (TWF) is a non-profit organisation dedicated to improving the lives of women and girls in Hong Kong. We focus on challenging gender stereotypes, increasing the number of women in decision-making positions, and empowering women in poverty.

We are pleased to make this submission in advance of the 2020 Policy Address on recommendations to advance gender equality in Hong Kong. We believe that addressing current challenges and inequalities will not only support the women and girls of our city but bring benefits and opportunities to help Hong Kong prosper as a whole.

Gender equality aims to ensure that half the population has equal access to half the opportunities in all spheres of life. By closing the gender gap, research [indicates](#) that China would receive a 13% increase over business-as-usual GDP. Gender equality is therefore an imperative that benefits, not only women, but our entire community. It is good for society, business and thus good for Hong Kong.

With the outbreak of COVID-19, Hong Kong is facing unprecedented challenges both short and long term. Women have been disproportionately impacted by this crisis – comprising the majority of front line health and essential workers, juggling extra care responsibilities, being more vulnerable to financial instability, and are at increased risk for domestic violence. However, these specific gender impacts have not yet been recognised by the Government nor has targeted action yet been taken to address these specific struggles.

We also know these challenges brought on by COVID-19 are opportunities for inclusive economic growth that benefits everyone. McKinsey & Company have [projected](#) that if the higher negative impact of COVID-19 on women was addressed, the global economy would grow US\$13 trillion by 2030, which is 11% more than if economies were to take no gender sensitive actions. Their research also shows that by investing greater amounts in areas women particularly need support – including digital inclusion and unpaid care work – yield economic benefits that are 6-8 times higher than the social spending needed.

It is of utmost importance that Hong Kong now actively addresses the inequalities faced by more than half our population, commits to best practice befitting Hong Kong's status as a global financial centre and moves forward with actions and strategies to ensure all women and girls can reach their full potential and our society as a whole can reap the wider benefits.

Gender Equality – Hong Kong Lags Behind

Hong Kong's gender gap manifests itself in several areas:

- **Low numbers of women in the workforce:** Despite the fact that women are graduating university and entering into the workforce in equal numbers to men, Hong Kong's overall female workforce participation rate is only 55% compared to [over 70%](#) in Japan and 60% in [Singapore](#) and [Australia](#).
- **Burden of care:** 30% of Hong Kong working women [drop out](#) of the workforce due to caring responsibilities.
- **Motherhood penalty:** According to a [study](#) released by the Equal Opportunities Commission in 2018, more than 50% of employers surveyed in Hong Kong stated they would not hire women with children. Due to caring responsibilities, lack of flexible work and gender biases, we see a significant drop off in women as they move through the workforce pipeline.
- **Gender Pay Gap:** Hong Kong's gender pay gap is 20%¹ and wider than ten years ago².
- **Women in Poverty:** [1 in 6 women](#) live below the poverty line, with numbers higher for certain populations like single mothers and ethnic minority women.
- **Low numbers of Women on Boards:** Women comprise only 13.7% of directors on Hang Seng Index company boards. This is not only lower than global competitors like Australia and the UK, this is lower than our regional neighbors Singapore and Malaysia at 16.2% and 23.7% respectively³.
- **Pervasive sexual violence:** 1 in 7 women will experience sexual violence in her lifetime but 90% do not report.⁴
- **Persistent gender stereotypes:** Gender stereotypes contribute to body image and self-esteem issues for women and girls, violence against women and the ambition gender gap, particularly in STEM subjects⁵. Boys are [four times](#) more likely to enter into STEM-related degrees and careers than girls, which has worrying implications for young women's future career opportunities in a world increasingly reliant on STEM.

With increased focus and expectations by the community, investors and stakeholders on gender equality, these statistics highlight a significant risk to the Hong Kong economy and social structure.

Urgent Action Needed to Address Gender Inequality in Hong Kong

Our summary above highlights the very serious inequality issues faced by women and girls in Hong Kong and the immense opportunity for growth by narrowing the gender gap.

In the wake of COVID-19, Hong Kong grapples with complex and volatile conditions that affect its long-term sustainability as a world class city and financial centre. It's more important than ever that gender

¹ Hong Kong Census and Statistics Department (2019 data), Median monthly employment earnings of employed persons (excluding Foreign Domestic Workers)

² Hong Kong Census and Statistics Department (2008 data), Median monthly employment earnings of employed persons (excluding Foreign Domestic Workers)

³ Community Business '[Women on Boards: Hong Kong 2020](#)'

⁴ Women's Coalition on Equal Opportunities, "[Survey on Hong Kong Women's Experience of Sexual Violence](#)", 2013

⁵ STEM stands for Science, Technology, Engineering and Mathematics

equality and inclusion feature as a core element of both decision making and the building of our new normal.

The Government has a critical role to play in this and can take immediate action to address these imbalances. There is an urgent need for gender equality to be included in the Executive Council agenda and considered in all Government initiatives – as an equality issue but also because tackling some of these issues will help build happier families, a more stable society and a thriving economy.

We ask the Government to consider leading a taskforce that comprehensively identifies and reviews barriers to gender equality across all sectors, drawing on Singapore's [recent initiative](#). The Women's Foundation welcomes the opportunity to support or further discuss this type of undertaking.

We are pleased to submit a comprehensive set of recommendations to the Government to address gender inequality for the long term. We believe that many of our proposals can be actioned at minimal cost for immediate benefit to the women and girls of Hong Kong and our city overall.

Here are some of our specific recommendations, with details outlined in the attached Key Recommendations document:

- Holistic approach needed to boost female workforce participation and to increase the number of women in leadership positions, including addressing flexwork options, caregiving responsibilities, board diversity, the motherhood penalty and the gender pay gap
- Increased support for women in poverty
- Greater protections and preventative measures around sexual violence
- Stronger, targeted protections for vulnerable groups of women and girls
- 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
- Incorporating gender sensitivity into COVID-19 recovery plans

While we acknowledge Government efforts to safeguard the interests of women and girls in Hong Kong, much remains to be done before Hong Kong can be said to be pursuing a comprehensive policy of eliminating all forms of discrimination against women and actively advancing the interests of women and girls in our city.

As we begin to establish our new reality, it is more vital than ever that gender equality, diversity, and the needs of our most vulnerable are kept in mind. We look forward to working together with the Government and other relevant actors to help close these gaps. We welcome the opportunity to discuss our recommendations further and offer our guidance where appropriate. Please contact my colleague Lisa Moore, Research and Advocacy Director, via email: Lisa.Moore@twfhk.org or phone: +852 9248 8199 for more information or to make meeting arrangements.



Sincerely

Signed.

Fiona Nott
CEO, The Women's Foundation
Fiona.Nott@twfhk.org
+852 2592 8265

KEY ISSUES AND RECOMMENDATIONS

HOLISTIC APPROACH NEEDED TO BOOST FEMALE WORKFORCE PARTICIPATION

Gender equality is globally recognised as a priority, but Hong Kong lags behind when it comes to gender equality in the workforce. Hong Kong's female workforce participation rate is only 55% compared to over 70% in Japan and 60% in [Singapore](#) and [Australia](#). At board of director level, TWF is alarmed that Hong Kong continues to be outperformed not only by other global financial centres, but also our regional neighbours with women on listed boards at 16.2% in Singapore and 23.7% in Malaysia yet only 13.7% on Hang Seng Index (HSI) company boards⁶.

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

Improved provisions for working caregivers

Flexible 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. Over the last 6 months, flexible working around our home life responsibilities has been widely adopted which must translate to longer term flexible working arrangements – for the [benefit](#) of working parents and caregivers, the majority of whom are women, and for those they care for.

Options including working remotely, working from home, staggered or flexible hours, part-time roles, job share options and other employee-led agile working solutions should be offered systematically and without penalty by employers. The Government should more strongly encourage employers to adopt options like these to better accommodate working parents and caregivers, and consider incentives to companies that adopt these practices.

Childcare

We are encouraged by the Government taking important steps to provide more robust services for childcare including supplying additional childcare centres and afterschool care programmes as well as subsidised places for low income families. Covid-19 has shown how reliant parents, and especially single parents and mothers in lower income, service oriented jobs, are on reliable, affordable and geographically accessible childcare so we hope the Government will continue to monitor the childcare needs of residents, particularly those in vulnerable groups, and provide alternative solutions to traditional childcare during health crises like COVID-19.

Maternity & Paternity Leave

The Government's formal extension of maternity leave from 10 weeks to the international standard of 14 weeks and paternity leave from 3 to 5 days is welcome. As a next step, the Government should aim to extend maternity leave to 16 weeks in line with Singapore, and extend paternity leave to 7 days.

⁶ Community Business [‘Women on Boards: Hong Kong 2020’](#)

Long term, we believe Hong Kong would do well to follow the approach being adopted in more progressive countries which have embraced the concept of gender neutral parental leave, allowing parents to choose which of them assumes the greater share of childcare responsibilities.

Eldercare

Great attention has gone into planning and caring for Hong Kong's rapidly ageing population, which has been noted in the past few policy addresses. In addition to the robust measures being implemented to provide adequate services and quality of life for the elderly, we would urge the Government to consider strengthened policies and measures to provide support for informal caregivers – the majority of who are women.

With 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 billion⁷.

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

Hong Kong is not only lagging behind in terms of board gender diversity with [13.7%](#) directors on HSI-listed boards being women, but it's also behind in workforce diversity. Companies must take a wholesale approach to promoting and committing to diversity and inclusion across their businesses at all levels, and foster an understanding of how D&I contributes to business success. Not only do we need to build a strong pipeline of female talent and provide women with the enabling workplace environment to reach the top, but also create the demand for such talent in senior levels of management, including at the board level. Unless both the supply and demand sides are addressed, efforts to achieve greater gender diversity will be undermined.

The Government should take up a greater role in actively encouraging that companies take the following actions:

- Set measurable objectives, as well as targets, for achieving gender diversity in the composition of its board, management, senior management, and workforce generally,
- Be transparent and disclose gender disaggregated data that includes gender pay gap, flexible work practices, gender diversity targets, turnover and attrition rates, percentage of promotions, and caring responsibilities, and
- 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

Women do not stay in the workforce for many reasons – child care and elder care, but also because there is a concerning level of discrimination against working mothers. [Research](#) by the Equal

⁷ HSBC Life, Sau Po Centre on Ageing at the University of Hong Kong and The Women's Foundation, '[Eldercare Hong Kong](#)', 2019

Opportunities Commission (EOC) in 2018 found that over 50% of surveyed employers said they would not hire women with young children.

The pandemic – with online schooling, working from home and the closure of childcare centres and other services – has exacerbated existing pressures on mothers and exposed the extent to which our city relies on their unpaid care and domestic work to function. There are real concerns on how this may adversely affect women's performance reviews and career progression.

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 in Hong Kong is at 20%⁸ and it is likely wider when looking at commensurate years of age and experience. 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.

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.

⁸ Hong Kong Census and Statistics Department (2019 data), Median monthly employment earnings of employed persons (excluding Foreign Domestic Workers)

GREATER SUPPORT FOR WOMEN IN POVERTY

We have taken note of the Government's commitment to various measures to support low income families, including raising the child allowance for low income families and enhancing childcare facilities, building on the HK\$20 billion investment for welfare facilities in 2018. However, there are a few areas that need greater attention.

MPF

Homemakers, along with some part-time workers and elderly, are ineligible for pension protection. This is particularly concerning given women are outliving men by an average of nine years. Longer life spans coupled with forced retirement, gender gaps in pay, and midlife caring responsibilities, make women more vulnerable to poverty. Those in low paying jobs who have MPF accounts often [do not have](#) the financial savvy to skilfully manage their accounts, and women in particular tend to [rely on](#) spouses for planning leaving them financially 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.

COVID-19 & Poverty

COVID-19 has exposed and exacerbated inequalities and there are some groups of women in poverty who have additional vulnerabilities. [Single mothers](#) far outnumber single fathers and earn less than the average income. Already disproportionately below the poverty line, they will have less of a safety net to fall back on. Sectors adversely impacted by COVID-19 are primarily [female dominated](#), and with over a third of single mothers working in the retail sector, they will be at high risk of unemployment and must have support. We urge the government to adopt a gender lens when formulating the city's economic recovery plan to ensure women's specific needs are taken into account.

Digital Divide

The pandemic has increased reliance on technology and highlighted the divide between those with skills and access to hardware and those without, exacerbating the already existent gender gap in STEM. Underprivileged women and girls must be encouraged and supported to access STEM and technology through Government subsidised initiatives.

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. 1 out of 7 women in Hong Kong will be sexually assaulted in her lifetime and 9 out of 10 will not report the incident⁹. Victim-survivors face a number of hurdles when trying to report an incident: lack of knowledge on where to seek help, fear of

⁹ Women's Coalition on Equal Opportunities, "[Survey on Hong Kong Women's Experience of Sexual Violence](#)", 2013

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 the passage of the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 in June this year, 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.

Domestic violence

Frontline service NGOs have reported a 25-30% increase in calls to domestic and sexual violence hotlines. We also know this is likely due to a combination of factors including higher stress levels, being forced to spend prolonged periods with their perpetrators, and limited access to support services all contributing to the increased vulnerabilities victim-survivors face amid COVID-19. With potential loss of employment and financial stability contributing to household tensions, domestic violence spikes may continue. We have [written](#) to the Government on the issue along with two frontline services NGOs with no material action taken to provide stronger protections. The Government needs to work closely with stakeholders to strengthen protections and ensure adequate support and resources for this vulnerable group.

Online Violence & Voyeurism

While we were pleased to note the Government's recent public consultation around voyeurism, and hope that recommendations around upskirting and non-consensual intimate image sharing are adopted into law, we remain concerned by the increased reports of online sexual harassment in general. Women are [impacted far worse](#) by online harassers and targeted more frequently than their male counterparts. They are regularly subject to online rape threats, body-shaming, doctored photos and abusive gendered attacks. This is cause for deep concern - it is crucial for us to address the sexual violence that women and girls face online and in person. 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.

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 several 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.

Foreign Domestic Workers

About 390,000 Foreign Domestic Workers (FDWs) 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 last year. FDWs 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](#). Amid COVID-19, FDW's workload has surged with some concerning reports of some FDWs being asked to forfeit their one day off per week. Scapegoating and discrimination has also been [reported](#), with FDW's being blamed or feared for spreading the virus. We encourage the Government to carefully review their policies and ensure the full protection of FDWs from exploitation and abuse along with work conditions and access to information that are aligned with the International Labour Organisation's standards.

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. In formulating policies and services that serve these populations, we encourage the Government to tailor their solutions in ways that meaningfully address some of these vulnerabilities.

Age Discrimination

With longer lifespans and better health, we are concerned with financial security and mental wellbeing of populations aged over 50 (particularly women who live 9 years longer than men on average). 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.

Mental Health

COVID-19 has also created and aggravated mental health issues, [particularly among women](#). All of these vulnerable groups face particular danger of increased stress and mental health issues as they have less networks or access to resources than other women. 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. We also urge the Government to provide mental health services with the financial support they need to meet the growing demand.

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.

Education & Awareness Raising

From TWF's 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.

More public education awareness around this issue is needed as well as reform in the current education (including sex education) curricula. This can include: teacher training on gender equality and gender sensitivity; replacing materials that omit women or tokenise their experiences; 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.

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

Gender stereotypes are exacerbated by the media, which continues to objectify, sexualise and diminish women and there are harmful consequences. The recent [incident](#) involving a government organisation's use of gender stereotypes in its social media 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 the extent to which women have been disproportionately impacted by Covid-19 for example, and whether gender specific support is needed, including around protection for front line and essential workers, uptake rate around subsidies for parents, single parents and informal care givers, and access to mental health services.

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. Combat stereotypes: Encourage men to take up an equal share of care responsibilities within the family through public campaigns and other measures

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, expanded definitions of rape and sexual assault, and protections against non-consensual upskirt-photography 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 Rules¹⁰

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

¹⁰ Adapted from the Australia Sexual Harassment National Inquiry Report 2020

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:

- **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.