

Peter Reading

Advancing the Right to Equality for All in Hong Kong

Hong Kong provides a unique perspective on protections from discrimination in Asia. On the one hand it has well developed human rights legislation in the form of a Bill of Rights and four pieces of anti-discrimination legislation in relation to sex, disability, race and family status. On the other hand the current anti-discrimination legislation is increasingly outdated and there is no protection from discrimination in relation to key areas such as LGBTI people, age and religion. This article examines the work being done by the Equal Opportunities Commission to modernise the existing legislation in a number of areas with its Discrimination Law Review and research projects. Leadership is required by the Hong Kong government to take the EOC recommendations forward in order to better protect everyone from discrimination.

1. Introduction

Hong Kong has an opportunity to be the leading jurisdiction in Asia in advancing equality across society. Its unique history and culture have resulted in political and legal systems which blend both Eastern and Western influences, and have been a key to its success and stability.

The rights to equality and non-discrimination are protected under both Hong Kong's constitutional human rights legislation, and four anti-discrimination Ordinances. The anti-discrimination Ordinances provide protection from discrimination on grounds of sex, pregnancy, marital status, disability, family status and race. Hong Kong has also since 1996 had the Equal Opportunities Commission (EOC) as its statutory body with responsibility for promoting equality and eliminating discrimination. In these respects Hong Kong has some of the best legal protections relating to the right to equality in all Asian jurisdictions. Moreover, those protections can and have been enforced by the courts in claims of discrimination under the human rights and anti-discrimination legislation.

However on the other hand, Hong Kong is increasingly falling behind many other developed Western jurisdictions with human rights and anti-discrimination legislation. This is for several reasons. Firstly, the existing anti-discrimination legislation has not been sufficiently modernised to respond to evidence of discrimination, the evolving needs of society, and international human rights obligations. Secondly,

there are additional protected characteristics which are not currently covered by the anti-discrimination legislation. For example there is no express coverage of sexual orientation, gender identity, age, or religion which are commonly protected in many Western jurisdictions.

In response to this, the EOC has over the last three years been conducting a series of projects to consider how to improve the protections from discrimination in 21st century Hong Kong. This has involved considering how to improve both the current legislation, and which other groups may be appropriate to be expressly protected in the anti-discrimination legislation.

This article examines:

- the current legal frameworks for promoting equality in Hong Kong;
- the EOC Discrimination Law Review of the existing four anti-discrimination Ordinances published in March 2016;
- the EOC research on possible future LGBTI¹ anti-discrimination legislation published in January 2016;
- the EOC research on possible future age anti-discrimination legislation published in January 2016.

It is hoped that the article not only provides an insight into the recent developments in Hong Kong on protecting people's right to equality, but also a clear roadmap for what improvements can be made to make equality a reality.

2. The current legal frameworks for promoting equality in Hong Kong

Hong Kong, similar to many other jurisdictions or countries, has three levels and frameworks for promoting equality and eliminating discrimination against different groups in society. The three frameworks are: international human rights obligations; constitutional legislation protecting human rights; and civil anti-discrimination legislation.

Hong Kong's system is also unique in the sense that the People's Republic of China retains 'one country, two systems' whereby Hong Kong is a Special Administrative Region with a separate parliamentary and legal system from other parts of China. For example Hong Kong retains a distinct common law legal system similar to the United Kingdom, Australia, and other common law jurisdictions. This is reflected in Hong Kong's civil anti-discrimination legislation which was modelled partly on equivalent United Kingdom and Australian legislation.

Each of the three frameworks for promoting equality and eliminating discrimination are described below.

¹ LGBTI refers to people who are lesbian, gay, bisexual, transgender or intersex status.

2.1. International human rights obligations

There are a number of core United Nations covenants and treaties to which the Hong Kong government is a party. These include: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of Racial Discrimination (CERD); the Convention on the Elimination of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC); the Convention Against Torture (CAT); the Convention on the Rights of Persons with Disabilities (CRPD); and the International Labour Organisation (ILO) Convention 111 on discrimination in employment and occupation.

Most of those international legal instruments include non-discrimination provisions, such as the International Covenant on Civil and Political Rights (ICCPR)², and the International Covenant on Economic, Social and Cultural Rights (ICESCR).³ A number are also specifically directed at protecting the human rights and promoting equality for racial groups (CERD), women (CEDAW), children (CRC) and persons with disabilities (CRPD).

During the periodic examinations by the United Nations of China's compliance with those covenants and treaties, the Hong Kong government also reports on its performance. It is relevant to note that the United Nations committees have made over the last 20 years a number of recommendations to the Hong Kong government on legislative or policy reform in areas relating to the equality of different groups in society. A number of these recommendations are discussed below in relation to possible reforms to anti-discrimination legislation.

2.2. The Basic Law and Bill of Rights

The Basic Law and Bill of Rights are Hong Kong's constitutional laws which provide protections of human rights, including provisions prohibiting discrimination. Most of the protections relate to civil and political rights, although there are some that relate to economic and social rights.

The Basic Law sets out the legal system in Hong Kong under the 'one country, two systems' of China. Chapter 3 contains a number of provisions protecting people's human rights. It includes provisions that the ICCPR and ICESCR continue to have

² Article 26 ICCPR.

³ Article 2(2) ICESCR states that 'The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.' See International Covenant on Economic, Social and Cultural Rights (adopted on 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

force in Hong Kong,⁴ and that Hong Kong residents are equal before the law.⁵ It came into operation on 1 July 1997 when Hong Kong returned to Chinese sovereignty.

The Hong Kong Bill of Rights Ordinance (BORO) was enacted on 6 June 1991 and came into operation on 8 June 1991. It implements into Hong Kong law the IC-CPR and is therefore, together with the Basic Law, Hong Kong's primary human rights legislation. The BORO incorporates the article 26 non-discrimination provision of the ICCPR which states:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁶

Both the BORO and the Basic Law are legally binding on the government, all public authorities, and those acting on their behalf. The provisions of BORO and the Basic Law are generally not legally binding upon private bodies or individuals.

In some respects the discrimination provisions in the BORO are broader than under the civil anti-discrimination legislation. For example, there is specific reference to protection from discrimination on grounds of religion, language and political or other opinion which are not covered by the anti-discrimination legislation. The reference to 'other status' also means that other groups may be recognized as appropriate to protection from discrimination such as groups identified by their sexual orientation.⁷

In other respects the human rights protections from discrimination are narrower than the framework under the anti-discrimination legislation. In contrast to the BORO, the civil anti-discrimination legislation extends to the private sector, for example in relation to employment, the provision of goods and services and education. Further, the BORO does not provide the same form of comprehensive enforcement mechanisms that exist under the anti-discrimination Ordinances, including the powers of the Equal Opportunities Commission (EOC) to conciliate complaints and provide legal assistance.

⁴ Article 39 Basic Law.

⁵ Article 25 Basic Law

⁶ Article 22 Bill of Rights <[http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/AE5E078A7CF8E845482575EE007916D8/\\$FILE/CAP_383_e_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/AE5E078A7CF8E845482575EE007916D8/$FILE/CAP_383_e_b5.pdf)>.

⁷ In *Leung TC William Roy v Secretary for Justice* [2006] HKCU 1585 the Court of Appeal considered the constitutionality of criminal laws which provided for different ages of consent for homosexual sexual activity from heterosexual activity (21 years as opposed to 16 years). The Court decided such laws were discriminatory on the basis of sexual orientation and therefore unconstitutional and in breach of the Basic Law and the Bill of Rights.

^{1a} *Secretary for Justice v Yau Yuk Lung Zigo and Anor* [2007] HKCU 1195 the Court of Final Appeal also found that criminal laws that criminalized homosexual buggery otherwise than in private was also discriminatory, unconstitutional and in breach of the Basic Law and the Bill of Rights.

The Basic Law and BORO have been successfully applied to uphold the human rights of people in Hong Kong. There has also been a number of decisions by the courts of Hong Kong that have found breaches of the right to non-discrimination under the Basic Law and/or BORO on various grounds including sex⁸ and sexual orientation.⁹

2.3. Anti-discrimination legislation

Anti-discrimination legislation relating to particular groups in society have been developed incrementally and it is now 20 years since the first anti-discrimination legislation was introduced. There are currently four anti-discrimination Ordinances: the Sex Discrimination Ordinance (SDO); the Disability Discrimination Ordinance (DDO); the Family Status Discrimination Ordinance (FSDO); and the Race Discrimination Ordinance (RDO).

The SDO, DDO, FSDO, and RDO bind the government,¹⁰ as well as private bodies. Generally speaking they prohibit discrimination in a range of fields of public life: employment and vocational training; the provision of goods and services; education; management and disposal of premises; and government functions.

As described above, given the fact that Hong Kong retains a common law legal system, the concepts of discrimination in the legislation were modelled partly on previous United Kingdom anti-discrimination legislation,¹¹ as well as Australian anti-discrimination legislation.¹² Further, Hong Kong courts make reference where appropriate to the decisions of courts in other common law jurisdictions in relation to the interpretation of discrimination concepts.¹³

The anti-discrimination Ordinances also established and set out the functions and powers of the Equal Opportunities Commission (EOC) which is Hong Kong's statutory equality body to promote equality and eliminate discrimination in society. The four anti-discrimination Ordinances and the role of the EOC are described briefly below.

⁸ For example *Equal Opportunities Commission v Director of Education* [2001] 2 HKLRD 690, CFI; *Secretary of Justice v Chan Wah* [2000] 3 HKLRD 641, CFA

⁹ *Leung TC William Roy v Secretary for Justice* [2006] 4 HKLRD 211 (CA) and *Secretary for Justice v Yau Yuk Lung Zigo and Lee Kam Chuen* [2006] 4 HKLRD 196 (CFA)

¹⁰ See s 3 SDO; s 5 DDO; s 3 FSDO; and s 3 RDO.

¹¹ For example, the Sex Discrimination Act 1975 (UK) and Race Relations Act 1976 (UK).

¹² For example, the Sex Discrimination Act (Federal level, Australia) 1984; Human Rights and Equal Opportunity Commission Act 1986 (Federal level, Australia); and Disability Discrimination Act 1992 (Federal level, Australia).

¹³ '...it is plain that the courts in Hong Kong may look to [those] cases for guidance on the interpretation of the Hong Kong law. They will be persuasive authorities but the courts in Hong Kong should not blindly follow [their] approach which may, on occasions, not be appropriate for Hong Kong conditions.' *Chang Ying Kwan v Wyeth (HK) Ltd* [2001] 2 HKC 129 (Saunders J).

2.3.1. The Sex Discrimination Ordinance

The SDO was enacted on 14 July 1995 and came into force in 1996. The SDO renders unlawful certain acts which discriminate against persons on the ground of sex, marital status and pregnancy.

Discrimination on the ground of 'sex' means discrimination on the ground of being a male or female.

Discrimination on the ground of 'marital status' refers to discrimination on the ground of being single; married; married but living separately from one's spouse; divorced; or widowed.¹⁴

Discrimination on grounds of 'pregnancy' concerns the less favourable treatment of women who are pregnant compared with persons who are not pregnant. It can also include discrimination after the birth during the period the woman is on maternity leave, and discrimination when the woman returns to work. So long as the less favourable treatment is directly caused by the fact the woman was pregnant or related condition such as sickness, it can amount to pregnancy discrimination.¹⁵

The legislation applies to the following fields: employment; partnerships; trade unions; qualifying bodies; the provision of vocational training; education; the provision of goods, facilities and services; the disposal and management of premises; eligibility to vote for and to be elected or appointed to advisory bodies; the offer of pupillage, tenancy or instructions to barristers; clubs; and the exercise of government functions and powers.

The SDO prohibits direct and indirect sex, marital status, and pregnancy discrimination. It also prohibits sexual harassment and victimization when committed in the fields prescribed by the SDO.

2.3.2. The Disability Discrimination Ordinance

The DDO was enacted on 3 August 1995 and came into force in 1996. The DDO renders unlawful certain acts which discriminate against persons on the ground of disability. 'Disability' has a very wide definition under the DDO.¹⁶ The broad defi-

¹⁴ See s 2(1) SDO.

¹⁵ *Lam Wing Lai v YT Cheng (Chingtai) Ltd* DCEO 6/2004

¹⁶ See s 2 DDO. This defines disability as:

- (a) total or partial loss of the person's bodily or mental functions;
- (b) total or partial loss of a part of the person's body;
- (c) the presence in the body of organisms causing disease or illness;
- (d) the presence in the body of organisms capable of causing disease or illness;
- (e) the malfunction, malformation or disfigurement of a part of the person's body;

inition of ‘disability’ is intended to capture the full nature and range of disabilities, including functional difficulties which manifest themselves in disturbed behaviour and any functional limitations arising as a result of impairment.¹⁷

Protection is also extended in respect of discrimination on the ground of the disability of an associate,¹⁸ or where the discrimination arises because a person is accompanied by an interpreter, a reader, an assistant or a carer, who provides services because of the person’s disability.¹⁹ There is also protection where a person is imputed to have a disability, even if in fact they do not.

The legislation applies to the following fields: employment; partnerships; trade unions; qualifying bodies; the provision of vocational training; education; the provision of goods, facilities and services; the disposal and management of premises; the offer of pupillage, tenancy and instructions to barristers; clubs; sport; and the exercise of government functions and powers.

The DDO prohibits direct and indirect disability discrimination, harassment on the ground of disability, victimization and disability vilification when committed in the fields prescribed by the DDO.

2.3.3. The Family Status Discrimination Ordinance

The FSDO was enacted on 24 June 1997 and came into force later that year. It renders unlawful those acts which discriminate against persons on the ground of family status when committed in the same fields as those set out in the FSDO. ‘Family status’ is defined as having the responsibility for the care of an immediate family member, and ‘immediate family member’ is, in turn, defined as a person who is related by blood, marriage, adoption or affinity.²⁰ Affinity is not defined in the FSDO but is likely to refer to relationships by marriage such as in-laws.

- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour, and includes a disability that-
 - (i) presently exists;
 - (ii) previously existed but no longer exists;
 - (iii) may exist in the future; or
 - (iv) is imputed to a person.

¹⁷ *Purvis v State of New South Wales (Department of Education & Training)* [2003] 217 CLR 92.

¹⁸ See ss 2 and 6(c) DDO.

¹⁹ See s 10 DDO.

²⁰ See definitions in s 2 FSDO. These definitions have been modelled on similar definitions contained in various Australian and New Zealand legislation, eg the Equal Opportunity Act 1984 (WA) and the Human Rights Act 1993 (NZ). For example where a woman is discriminated against on grounds of having to care for her child this will be family status discrimination as it is based on a blood relationship: *Lam Wing Lai v YT Cheng (Chingtai) Ltd* DCEO 6/2004.

The FSDO applies to the following fields: employment; partnerships; trade unions; qualifying bodies; the provision of vocational training; education; the provision of goods, facilities and services; the disposal and management of premises; eligibility to vote for and to be elected or appointed to advisory bodies; the offer of pupillage, tenancy or instructions to barristers; clubs; and the exercise of government functions and powers.

The FSDO prohibits direct and indirect family status discrimination, and victimization when committed in the fields prescribed by the FSDO.

2.3.4. The Race Discrimination Ordinance

The RDO is the most recent anti-discrimination legislation, enacted on 10 July 2008 with all provisions coming into force by 2009. 'Race' is defined as meaning a person's race, colour, descent or national or ethnic origin; but it does not mean the status of being an indigenous inhabitant of the New Territories; or Hong Kong permanent residence or other immigration status under the Immigration Ordinance; or the length of residence in Hong Kong; or the nationality, citizenship or resident status under the law of any country or place.²¹

Protection is also extended in respect of discrimination on the ground of the race of a near relative.²² This is similar although more limited to the concept of discrimination by association under the DDO.

The legislation applies to the following fields: employment; partnership; organisations of workers or employers, or professional, or trade organisations; qualifying bodies; the provision of vocational training; education; the provision of goods, facilities, and services; the disposal and management of premises; eligibility to stand for election in public bodies; the offer of pupillage, tenancy or instructions to barristers; and clubs.

The RDO prohibits direct and indirect racial discrimination, harassment on the ground of race, victimization and racial vilification when committed in the fields prescribed by the RDO.²³

²¹ See s 8 RDO.

²² See s 5 RDO. 'Near relative' is defined in s 2(1) RDO as:

- (a) the person's spouse;
- (b) a parent of the person or of the spouse;
- (c) a child of the person or the spouse of such a child;
- (d) a brother or sister (whether of full blood or half blood) of the person or of the spouse or the spouse of such a brother or sister;
- (e) a grandparent of the person or of the spouse; or
- (f) a grandchild of the person or the spouse of such a grandchild

²³ See ss 7, 6 and 45 RDO respectively.

2.3.5. The Equal Opportunities Commission

The government also established the Equal Opportunities Commission (EOC) in 1996 as Hong Kong's statutory body with responsibility for promoting equality and eliminating discrimination under the four anti-discrimination Ordinances. It has duties and powers to:

- work towards the elimination of discrimination, harassment and vilification;
- promote equality of opportunity between persons with protected characteristics (sex, disability, family status and race) and those that do not;
- seek conciliation between parties relating to alleged unlawful acts under the Ordinances;
- keep under review the working of the Ordinances and, where it thinks necessary, draw up and submit to the Chief Executive proposals for amending the Ordinances.²⁴

Pursuant to the EOC complaint-handling system, persons or their representatives²⁵ may lodge with the EOC complaints in writing, which the EOC is statutorily tasked to investigate and endeavour to conciliate.²⁶ Where conciliation is unsuccessful, the persons may apply to the EOC for legal assistance to commence legal proceedings.²⁷ However, persons may also commence legal proceedings on their own if they wish to, without going through the EOC's complaint-handling system.²⁸ This particular power of the EOC to grant assistance to successful applicants to bring legal proceedings has been modelled on broadly similar provisions in the UK legislation.²⁹

The EOC also has other important powers relating to promoting equality including producing Codes and other guidance on the anti-discrimination Ordinances,³⁰

²⁴ Sections: 64 SDO <[http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/A15C32BE97DAFAA6482575EF000D6CA2/\\$FILE/CAP_480_e_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/A15C32BE97DAFAA6482575EF000D6CA2/$FILE/CAP_480_e_b5.pdf)>; 62 DDO <[http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/D72F7A7DE6892EEE482575EF000ED92F/\\$FILE/CAP_487_e_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/D72F7A7DE6892EEE482575EF000ED92F/$FILE/CAP_487_e_b5.pdf)>; 44 FSDO <[http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/84D0B49D12B9E7F1482575EF0014A646/\\$FILE/CAP_527_e_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/84D0B49D12B9E7F1482575EF0014A646/$FILE/CAP_527_e_b5.pdf)>; 59 RDO <[http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/7B5C41B095863F7C482575EF0020F30A/\\$FILE/CAP_602_e_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/7B5C41B095863F7C482575EF0020F30A/$FILE/CAP_602_e_b5.pdf)>.

²⁵ See r 3 of Sex Discrimination (Investigation and Conciliation) Rules, Disability Discrimination (Investigation and Conciliation) Rules, Family Status Discrimination (Investigation and Conciliation) Rules and Race Discrimination (Investigation and Conciliation) Rules.

²⁶ See s 84 SDO; s 80 DDO; s 62 FSDO; and s 78 RDO.

²⁷ See s 85 SDO; s 81 DDO; s 63 FSDO; and s 79 RDO.

²⁸ In such cases, however, they cannot apply for assistance from the EOC.

²⁹ See Sex Discrimination Act 1975 and Race Relations Act 1976.

³⁰ See s 69 SDO; s 65 DDO; s 47 FSDO; and s 63 RDO.

conducting research and education,³¹ and conducting formal investigations into possible discrimination within an organization or a sector.³²

3. The Discrimination Law Review

A key aspect of human rights and anti-discrimination protections is that they should evolve to meet the needs of society, as the society itself evolves.

As described in Part 2 of this article, the EOC has a statutory duty to keep under review the working of the anti-discrimination Ordinances and, where it thinks necessary, draw up and submit to the Chief Executive proposals for amending the Ordinances.³³

In March 2013 the EOC decided to conduct for the first time a comprehensive review of all four anti-discrimination Ordinances (Discrimination Law Review, DLR) in order to modernise and improve the protections from discrimination. Below an examination is provided of the background and public consultation; and some of the main recommendations made by the EOC to modernise the anti-discrimination legislation in its submissions to the government.

3.1. Background and public consultation

The decision to conduct the DLR was based on a number of factors. Firstly, after 17 years of operational experience, the EOC recognized a number of deficiencies in the current provisions in the anti-discrimination legislation. For example there is currently no express and distinct requirement to provide reasonable accommodation for disabled people. This adversely affects the ability of persons with disabilities to fully participate in key aspects of life.

Secondly, there has been significant social and demographic change in Hong Kong over the last decade. For example, there has been a rapid increase in the numbers of mainland Chinese immigrating to Hong Kong to work and live here; there are now more than 300,000 foreign domestic workers most of whom are women; and the demographics of the population is shifting dramatically with many more older persons, who are more likely to also be disabled. These developments, too, sometimes link to issues of discrimination, prejudice and inequality of particular groups in society. As a result there arose a need to consider whether the anti-discrimination legislation should be improved to meet those challenges.

Thirdly, since the anti-discrimination legislation was introduced, at international level there has been significant modernization and evolution in the concepts of

³¹ See s 65 SDO.

³² See s 70 SDO; s 66 DDO; s 48 FSDO; and s 64 RDO.

³³ Sections 64 SDO, 62 DDO, 44 FSDO, and 59 RDO.

promoting equality and eliminating discrimination. For example, some jurisdictions such as the United Kingdom have placed greater emphasis on developing tools for addressing systemic inequality rather than only focusing on individual claims of discrimination. It is therefore appropriate to consider whether any of those international developments are suitable to be adapted to the needs of Hong Kong.

The DLR consisted of the following phases:

- Phase 1: an internal review by the EOC of the discrimination law and its operation in practice;
- Phase 2: public consultation with all stakeholders and the general public on their views as to how the discrimination law should or could be modernized;
- Phase 3: an assessment of all the submissions and views expressed during the public consultation;
- Phase 4: drafting and publishing submissions and recommendations to the government on how the anti-discrimination legislation should be modernized;
- Phase 5: advising the government on how the recommendations can be implemented.

The public consultation took place from 8 July 2014 to 31 October 2014. It aimed to gather the views on possible reform from all key stakeholders that have an interest in the anti-discrimination legislation in Hong Kong including: the government and public authorities, Legislative Council members, the general public, employers and employees, non-government organizations, academics, and lawyers.

The EOC considered possible reforms to all aspects of the four anti-Discrimination Ordinances with 77 consultation questions.³⁴ This included the scope of the protected characteristics (for example sex, disability, race); the forms of prohibited conduct (for example direct and indirect discrimination, harassment); the fields in which the unlawful conduct is prohibited (for example employment, provision of goods and services, education); the systems of promoting and mainstreaming equality; exceptions to the prohibitions on discrimination; and the duties and powers of the Equal Opportunities Commission.

The EOC received a very large number of responses from the public of approximately 125,000. This was the largest number of responses by far that the EOC has received to any consultation it has conducted. Most of the responses were from individuals, with 288 from different types of organisations.

The responses from organisations were generally more supportive of proposed reforms. For 57 of the 77 questions, a majority percentage of responses from organisations supported the proposals. In contrast, for 66 of the 77 questions, a majority

³⁴Equal Opportunities Commission, *Discrimination Law Review, Public Consultation* <<http://www.eocdlr.org.hk/en/document-00-foreword.html?f=s&c=white>>.

percentage of individuals opposed the proposals. NGOs working with women, ethnic minorities, persons with disabilities, or on human rights were generally more supportive of the proposals.³⁵ Academics working on issues of discrimination were also generally more supportive.³⁶ The EOC published a report on the responses to the public consultation at the same time it published its submissions to the government.³⁷

3.2. EOC submissions to the government

The EOC published and submitted to the government its submissions on the DLR on 29 March 2016.³⁸ It identified 27 higher priority areas as well as other areas of proposed reform based on a number of factors.³⁹

Some of the recommendations which would have the most significant impact are discussed below.

3.2.1. A duty to make reasonable accommodation for persons with disabilities

Internationally, the requirement or duty to make reasonable accommodation or adjustments for persons with disabilities is critical for advancing their human rights to be treated with dignity, respect and to fully participate in society.

The United Nations Convention on Rights of Persons with Disabilities (CRPD) defines reasonable accommodation as: necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.⁴⁰

In many international jurisdictions there are specific duties to make reasonable accommodation for persons with disabilities in a range of fields. For example, in

³⁵ Submission by Amnesty International Hong Kong, October 2014 <https://www.amnesty.org.hk/web/wp-content/uploads/2012/07/20141031-aihk-submission_discrimination_ordinance_review-en.pdf>.

³⁶ See for example the Centre for Comparative Law, University of Hong Kong, November 2014 <<http://www.law.hku.hk/ccpl/pub/submissions/Combined%20CCPL%20submission%20to%20the%20EOC%20November%202014.pdf>>.

³⁷ Equal Opportunities Commission, *Discrimination Law Review, Report on Response to the Public Consultation* <<http://www.eoc.org.hk/eoc/upload/DLR/20163241415549215158.pdf>>.

³⁸ Equal Opportunities Commission, *Discrimination Law Review, Submissions to the Government* <<http://www.eoc.org.hk/eoc/upload/DLR/2016330179502227490.pdf>>.

³⁹ The factors taken into account in making recommendations to the government included: the role and operational experience of the EOC; evidence of discrimination or other human rights affected; number of people affected or seriousness of discrimination; extent of current protection from discrimination; reform could reduce levels of protection from discrimination; current legislation does not comply with Hong Kong or international human rights obligations; recommendations by international human rights bodies.

⁴⁰ Article 2 CRPD.

the European Union, the anti-discrimination legislation relating to disability discrimination in employment specifically requires employers to provide reasonable accommodation for persons with disabilities to have access to, participate in or advance in employment unless such measures would impose a disproportionate burden.⁴¹ The denial of reasonable accommodation is also defined as a distinct form of discrimination.⁴²

In Hong Kong under the current DDO, there is no express and distinct requirement to make reasonable accommodation. Rather, a failure to make reasonable accommodation could constitute indirect discrimination, subject to a defence of unjustifiable hardship. Unjustifiable hardship can be established where for example the amount of expenditure required to provide accommodation to a person with disabilities would be disproportionately high for an employer.⁴³

The EOC recommended that a distinct duty to make reasonable accommodation should be introduced in the DDO, and that it apply to key aspects of public life such as employment, education, access to services, and premises.

3.2.2. Expanding protection from racial discrimination to nationality, citizenship, and residency status

The scope of protection from racial discrimination is currently more limited in Hong Kong than in a number of other similar common law jurisdictions. The Race Discrimination Ordinance (RDO) provides protection from racial discrimination in relation to the ‘race, colour, descent or national or ethnic origin’ of a person.⁴⁴ There is currently no protection from discrimination based on nationality, citizenship, or Hong Kong residency or related status. This can have a discriminatory impact on particular racial groups in Hong Kong, given that nationality, citizenship or residency status are often connected to race.

The position in a number of other international similar common law jurisdictions such as the United Kingdom and New Zealand is different, as they provide protection from discrimination on grounds of nationality or citizenship.⁴⁵

The United Nations has made several recommendations on this issue. In 2009 at the last examination of the Peoples’ Republic of China on its compliance with the Convention on the Elimination Racial Discrimination (CERD), the Committee on

⁴¹ Article 5 Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation [2000] OJ L 303 (Framework Directive 2000/78/EC).

⁴² Article 2 Framework Directive 2000/78/EC.

⁴³ Section 4 DDO.

⁴⁴ Section 8 RDO.

⁴⁵ Section 9(1) of the Equality Act 2010 (UK) and section 21 of the Human Rights Act 1993 (New Zealand).

the Elimination of Racial Discrimination made a specific recommendation to the Hong Kong government for it to include in the RDO ‘immigration status and nationality’ as prohibited characteristics of discrimination.⁴⁶ Similarly in 2014, the Committee on Economic Social and Cultural Rights in relation to the Covenant on Economic Social and Cultural Rights (ICESCR) noted that it ‘regrets that the Race Discrimination Ordinance does not include discrimination on the grounds of nationality, citizenship, resident status or the length of residence in Hong Kong, China’ and recommended that the legislation be amended.⁴⁷

A related issue which is particular to Hong Kong, is its relationship to mainland China given the principle of ‘one country, two systems’. This affects issues relating to for example restrictions on internal immigration, and entitlements to public benefits which may be subject to rights to residency.

There is evidence of possible discrimination between people who are Hong Kong residents and visitors or new immigrants from mainland China. Several years ago, a survey conducted by the University of Hong Kong School of Public Health into social harmony, interviewed approximately 1000 new immigrants from mainland China that had been living in Hong Kong 10 years or less.⁴⁸ Approximately 25% of the immigrants reported that they had been discriminated against since arriving because of their immigration status ranging from situations of being refused services, being treated unfairly, and their family being discriminated against.

The current scope of protection from discrimination on grounds of race does not include protection from discrimination on grounds of Hong Kong residency status. Given China has a system of ‘one country, two systems’, the lack of such protection affects not just immigrants to Hong Kong from overseas, but also internal immigrants from mainland China.

The EOC therefore recommended that the government conduct public consultation then introduce protection from discrimination on grounds of nationality, citizenship, and residency status in Hong Kong under the RDO.

3.2.3. Expanding protection from discrimination to persons in cohabiting relationships

A particular aspect of Hong Kong society is that for the purposes of relationships and family life, marriages are currently the only form of relationship which can be

⁴⁶ Committee on the Elimination of Racial Discrimination, *Concluding Observations* (CERD/C/CHN/CO/10-13, 15 September 2009) para 27.

⁴⁷ Committee on Economic Social and Cultural Rights, *Concluding Observations* (E/C.12/CHN/CO/2, 13 June 2014) para 41.

⁴⁸ University of Hong Kong School of Public Health, ‘A social barometer for HK: from family harmony to social cohesion’ (December 2012) <<https://www.med.hku.hk/v1/media/4723.pdf>>.

entered into and be legally recognised. Further, only heterosexual marriages can be entered into and are recognised.

There is no ability for couples to enter into or have recognised *de facto* relationships similar to marriage such as civil unions, whether they are heterosexual or same sex relationships.

This system applies even to legal relationships from overseas. In other words, same sex marriages from overseas are not recognised in Hong Kong, and neither are *de facto* relationships, whether they are heterosexual or same sex relationships.

This affects many aspects of people's lives including employment benefits, taxation, inheritance rights, access to public housing, immigration rights (dependant visas) and access to reproductive treatment such as in vitro fertilisation (IVF). Couples are only entitled to such benefits or rights when they are legally married and in heterosexual marriages.

As Hong Kong society is evolving, there is increasing debate as to whether the current system provides sufficient scope for protecting the rights of persons in different types of family relationships. This is relevant to various scenarios such as where a heterosexual or same sex couple does not wish to marry, but would like to have their relationship legally recognised. It raises issues of possible sexual orientation discrimination, given that same sex partners cannot marry in Hong Kong, there is no system of recognising *de facto* relationships, and even if a same sex couple is in a legal marriage or civil union overseas it will not be recognised in Hong Kong.

The current scope of protection under the anti-discrimination legislation in terms of both marital status and family status discrimination does not expressly cover *de facto* relationships, either.

In relation to marital status, currently the SDO provides protection from discrimination on grounds of being single; married; married but living separately and apart from one's spouse; divorced; or widowed.⁴⁹ In relation to the state of being 'single', it is yet to be determined by the courts in Hong Kong as to whether it would include those persons who are not married but are either in heterosexual or homosexual *de facto* relationships.

In some other jurisdictions there is express protection from discrimination where persons are in relationships that are similar to marriage. In Australia, the Sex Discrimination Act 1984 currently provides for protection from discrimination not only for those that are or have been married, but also for those that are in heterosexual or homosexual *de facto* relationships.⁵⁰

In relation to family status, the FSDO extends protection from discrimination to people who are responsible for the care of immediate family members. Immediate

⁴⁹ Section 2 SDO.

⁵⁰ Section 4 Sex Discrimination Act 1984.

family members are defined as where a person is related by ‘blood, marriage, adoption or affinity’.⁵¹

The current definition of family status does not provide protection from discrimination arising from current or former *de facto* relationships. This would mean, for example, that a woman who has been in a *de facto* relationship with a man for many years and is required to care for him is not currently protected from family status discrimination. Again, this can be contrasted with the equivalent Australian provisions which provide such protection.⁵²

As a result of the above gaps in protection, in relation to marital status discrimination under the SDO, the EOC recommended that the government conduct comprehensive research and public consultation on the issues of discrimination and the related issue of possible legal recognition of heterosexual and homosexual cohabitation relationships in Hong Kong, including cohabitation relationships and same sex marriages from overseas.

The EOC also indicated that the government should:

- consult on providing protection from discrimination for persons in cohabiting relationships in relation to the marital status protection under the Sex Discrimination Ordinance, including the possible repeal, amendment or addition of specific exceptions;
- consider all the other potentially discriminatory legislation and policies as to whether it is appropriate to reform them;
- consider the possible different methods of recognising such relationships, including coverage of heterosexual and homosexual relationships.

In relation to protection from family status discrimination under the FSDO, the EOC also recommended that the government should extend protection in relation to:

- caring for immediate family members in cohabiting relationships;
- caring for immediate family members of former spouses or former cohabiting partners.

3.2.4. A duty on public authorities to promote equality

Increasingly there is recognition that specific legislative measures are required to better promote equality and reduce systemic inequality in societies. At international level and in a number of jurisdictions around the world, in order to better promote and mainstream equality, duties are imposed on the State and public authorities to promote equality and eliminate discrimination. This is a modern approach to equality

⁵¹ Section 2 Family Status Discrimination Ordinance.

⁵² Section 4A Sex Discrimination Act 1984.

which, rather than focusing primarily on individual claims of discrimination and being reactive, requires an institutional and proactive approach.

For example in the European Union, the Treaty on the Functioning of the European Union, which sets out its powers and functions, includes provisions requiring gender mainstreaming. It states that the EU 'shall in all its activities aim to eliminate inequalities, and to promote equality, between men and women'.⁵³

Some jurisdictions include proactive duties within their domestic discrimination legislation to promote equality and eliminate discrimination. For example in the United Kingdom there are proactive duties on the government and public authorities to promote equality in the jurisdictions of Britain and Northern Ireland (Public Sector Equality Duties, PSEDs).

In Britain the Equality Act 2010 requires public authorities in the exercise of its functions to have 'due regard' to the need to:

- (a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.⁵⁴

These duties are legally binding. There have been a number of cases since the equality duties were introduced in the United Kingdom that have found a breach of the duties. This is usually in situations where there has also been a finding of direct or indirect discrimination by the government or relevant public authority.⁵⁵

In Hong Kong, there are currently no specific duties in the anti-discrimination legislation requiring public authorities to eliminate discrimination and promote equality of opportunity equivalent to the United Kingdom. The Hong Kong government has however introduced a number of measures to promote the equality of particular groups in society which focus on ensuring that public authorities review their policies and programs for their impact on those groups.

For example in relation to gender equality and gender mainstreaming, the government established the Women's Commission in 2001 to promote gender equality. In 2002 the Women's Commission published a gender mainstreaming checklist to assist government officers in the evaluation of the gender impact of new and existing public policies, legislation and programs.⁵⁶

⁵³ Article 8 of the Treaty on the Functioning of the European Union [2012] OJ C 326/47.

⁵⁴ Section 149 Equality Act 2010.

⁵⁵ For example, *R. (Watkins-Singh) v Governors of Aberdare Girls' High School* [2008] EWHC 1865 (Admin).

⁵⁶ Women's Commission <http://www.lwb.gov.hk/Gender_Mainstreaming/eng/gmhke4.html>.

In relation to race equality, in 2010 the Constitutional and Mainland Affairs Bureau published 'Administrative Guidelines on the Promotion of Racial Equality' for government departments and other public authorities.⁵⁷ The guidelines provide guidance for public authorities on how they should promote racial equality in the formulation, implementation and review of relevant policies and measures.

However, a major problem with these measures of checklists and guidance is that they only apply to certain government departments or public authorities; and they are not legally binding on the government and public authorities. It is therefore arguable whether they have had any effect on issues of equality.

The EOC therefore recommended that the government conduct public consultation and research to introduce a public sector equality duty to promote equality and eliminate discrimination which applies to all the protected characteristics.

3.2.5. Establishing a Human Rights Commission

The EOC's mandate is restricted to promoting equality and eliminating discrimination. Currently there is no single body in Hong Kong that has responsibility for promoting and monitoring wider human rights under the Basic Law, Bill of Rights, and international human rights obligations.

The United Nations has repeatedly expressed its concern that there is no Human Rights Commission in Hong Kong and recommended that one be established in compliance with the Paris Principles⁵⁸ for National Human Rights Institutions (NHRIs).⁵⁹

Internationally there has been a positive trend over the last 20 years with increasing numbers of States establishing NHRIs.⁶⁰ As at the end of 2014, the United Nations stated that there were 72 'A' status NHRIs, meaning that they are fully compliant with the Paris Principles. A number of NHRIs have also developed mandates that include promoting and monitoring compliance with both anti-discrimination and human rights legislation. The Equality and Human Rights Commission in the United Kingdom and the Australian Human Rights Commission in Australia monitor and enforce both the domestic anti-discrimination legislation, and compliance with domestic and/or international human rights obligations.

⁵⁷ 'Administrative Guidelines on the Promotion of Racial Equality' <http://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/the_rights_of_the_individuals/agpre/adm_guidelines.pdf>.

⁵⁸ The Paris Principles were developed by the United Nations and set out the key requirements regarding mandates and institutional structures of National Human Rights Institutions: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

⁵⁹ Human Rights Committee, *Concluding Observations* (CCPR/C/79/Add.117, 15 November 1999) para 9 and (CCPR/C/HKG/CO/2, 21 April 2006) para 8; *Concluding Observations of the Committee on Economic Social and Cultural Rights* (E/C.12/1/Add107, 13 May 2005) para 78(b); *Concluding Observations on China* (CRC/C/CHN/CO/3-4, 4 October 2013) para 19.

⁶⁰ See <<http://www.ohchr.org/en/countries/nhri/pages/nhrimain.aspx>>.

In light of international practice, there are several options that could be considered for Hong Kong. One option would be to establish a separate Human Rights Commission with jurisdiction over promoting and protecting human rights under the Basic Law, Bill of Rights, and international human rights obligations. Another option could be that the mandate of the EOC is amended and expanded to monitoring and promoting compliance with human rights under the Basic Law, Bill of Rights and international human rights obligations.

The EOC therefore recommended that the government should consider the establishment of a Human Rights Commission by conducting separate detailed research and public consultation on those issues.

4. Study on introducing LGBTI anti-discrimination legislation

In the last three years, the EOC has made it one of its strategic priorities to advance the rights to non-discrimination of LGBTI people in Hong Kong. This is being considered in light of international and local human rights obligations, evidence of discrimination, and evolving attitudes towards the rights of LGBTI people.

In July 2011 the United Nations Human Rights Council adopted a resolution on sexual orientation and gender identity.⁶¹ Further to the Human Rights Council resolution, in November 2011 the United Nations High Commissioner for Human Rights published a detailed report documenting evidence of discriminatory laws and practices as well as acts of violence against individuals based on their sexual orientation and gender identity.⁶² It made recommendations that all Member States: ‘(e) Enact comprehensive anti-discrimination legislation that includes discrimination on grounds sexual orientation and gender identity among the prohibited grounds and recognizes intersecting forms of discrimination; ensure that combating discrimination on grounds of sexual orientation and gender identity is included in the mandates of national human rights institutions.’⁶³

Various human rights monitoring bodies of the United Nations have made specific recommendations to the Hong Kong government to adopt anti-discrimination legislation relating to sexual orientation and gender identity on a number of occasions: the Human Rights Committee in relation to the ICCPR in 1999 and 2013;⁶⁴ and the Committee on Economic, Social and Cultural Rights in relation to the ICESCR

⁶¹ Human Rights Council (seventeenth session, A/HRC/RES/17/19, 14 July 2011).

⁶² *Report of the United Nations High Commissioner for Human Rights* (A/HRC/19/41, 17 November 2011) <http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/a.hrc.19.41_english.pdf>.

⁶³ http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/a.hrc.19.41_english.pdf, p 25.

⁶⁴ CCPR/C/CHN-HKG/CO/3, 29 April 2013 para 23 <http://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/the_rights_of_the_individuals/Advance_Version_2013_ICCPR_e.pdf>.

in 2001, 2005 and 2014.⁶⁵ For example in 2013, the Human Rights Committee, which has responsibility for monitoring compliance with the ICCPR, noted and recommended:

The Committee is concerned about the absence of legislation explicitly prohibiting discrimination on the basis of sexual orientation and reported discrimination against lesbian, gay, bisexual and transgender persons in the private sector (arts. 2 and 26). Hong Kong, China, should consider enacting legislation that specifically prohibits discrimination on ground of sexual orientation and gender identity, take the necessary steps to put an end to prejudice and social stigmatization of homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity. Furthermore, Hong Kong, China, should ensure that benefits granted to unmarried cohabiting opposite-sex couples are equally granted to unmarried cohabiting same sex couples, in line with article 26 of the Covenant.

To advance the issues, the EOC commissioned in 2014 a 'Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status'. The study was conducted by the Gender Research Centre of the Hong Kong Institute of Asia-Pacific Studies, at the Chinese University of Hong Kong. The study examines LGBTI people's experiences of discrimination in Hong Kong in a wide range of fields, such as employment, education, provision of services, premises, and government functions. It also examines the public's views on introducing the legislation at issue, as well as comparative models of equivalent legislation in a number of jurisdictions of Australia, New Zealand, the United Kingdom, Canada, the Netherlands, and Taiwan.

The report on the findings and recommendations of the study was published in January 2016.⁶⁶ The findings from the focus groups with LGBTI people in Hong Kong found that there was evidence of widespread discrimination against LGBTI people in *all* aspects of life such as employment, services, education, and housing. Of the LGBTI people interviewed 88% said they had been discriminated against in the last 2 years, and 30% had attempted suicide in their lifetime.

The study also found that there were changing attitudes of the general public towards the introduction of such LGBTI anti-discrimination legislation, with 55.7% of those surveyed indicating that they either completely or somewhat agreed to the introduction of such legislation.⁶⁷

⁶⁵ E/C.12/CHN/CO/2 para 41 <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHN%2FCO%2F2>.

⁶⁶ Gender Research Centre, Chinese University of Hong Kong, *Report on Study on Legislation against discrimination on the grounds of sexual orientation, gender identity and intersex status* <<http://www.eoc.org.hk/eoc/upload/ResearchReport/20161251750293418312.pdf>>.

⁶⁷ The survey was of 1005 people, see Appendix V of the study report.

In relation to the feasibility of developing such legislation, the experience of other similar jurisdictions, such as the UK and Australia, indicated that such legislation could be developed, particularly by balancing the right to non-discrimination of LGBTI people, and the rights of religious people to freedom of religion and expression. For example, where appropriate and necessary, possible exceptions relating to religious ethos can be developed.

Based on all the above evidence and considerations, the EOC recommended that the government should start consultation as soon as possible on introducing comprehensive LGBTI anti-discrimination legislation.

5. Study on age anti-discrimination legislation

The EOC has also been concerned by evidence of age discrimination in Hong Kong, and particularly in the employment sector. For example, in the Equal Opportunities Awareness Survey conducted by the EOC in 2012,⁶⁸ age discrimination was perceived to be serious by 41% of the respondents. It was found that 6% of the general public claimed that they had experienced discrimination in the preceding year, which tended to relate to age in employment (38%). Findings also showed that over 60% of the general public viewed the importance of introducing legislation in relation to age discrimination.

As a result, in 2014 the EOC commissioned a study entitled 'Exploratory Study on Age Discrimination in Employment'. The study examined a number of issues including:

- local and overseas policies, preventive measures, and mitigation practices relating to age discrimination in employment. Overseas policies in Singapore, Japan, Taiwan, United Kingdom, and Australia were examined in detail;
- what types of age discrimination (older and younger people) are encountered by stakeholders and how serious the situation is in Hong Kong;
- the feasibility of legislating on age discrimination including pros and cons of legislation, areas of coverage, delineation of official / mandatory retirement age, and strategies for rolling out the legislation.

The study report was published in January 2016.⁶⁹ The study found that approximately 35% of people in Hong Kong had been discriminated against in employment on grounds of their age in the last five years.

⁶⁸ Equal Opportunities Commission <<http://www.eoc.org.hk/eoc/upload/ResearchReport/2013191436554640807.pdf>>.

⁶⁹ Consumer Search Hong Kong Limited on behalf of the EOC, *Exploratory Study on Age Discrimination in Employment* <<http://www.eoc.org.hk/eoc/upload/ResearchReport/2016161633111925251.pdf>>.

The report recommended that the government should start conducting large scale prevalence surveys of age discrimination regularly to collect public views on the issue, so as to start discussion of legislating against age discrimination as soon as possible.

6. Response of the government to the recommendations

The government has indicated that it is studying the Discrimination Law Review submissions. In relation to the studies relating to introducing LGBTI anti-discrimination legislation and age discrimination legislation in employment, the government has not indicated its position.

There are concerns however based on the experience of the last 20 years that either the proposals will not be implemented, or any legislative change will take many years. For example, in relation to introducing LGBTI legislation the government has indicated that as it is a 'controversial issue' they are not willing at this point to even conduct public consultation on introducing legislation.

7. Conclusion

This article has sought to highlight that although Hong Kong is currently one of the jurisdictions with the best developed systems for promoting equality in Asia, the scope of protections is falling behind many Western developed jurisdictions, nor does it meet the evolving needs of Hong Kong society.

There are a number of areas where the EOC has made recommendations to modernise the anti-discrimination legislation including: creating a duty to provide reasonable accommodation for persons with disabilities; introducing protections from nationality, citizenship and residency status discrimination; providing protection from discrimination for couples in cohabiting relationships; introducing a duty for public authorities to promote equality; establishing a Human Rights Commission; and introducing new grounds of protection such as sexual orientation, gender identity, intersex status, and age.

However without leadership by the Hong Kong government, there will remain many areas and groups in society that do not enjoy protection from discrimination. The government should act on the EOC's recommendations in order that there can be equality for all in Hong Kong.

Peter Reading

Legal Counsel, Equal Opportunities Commission Hong Kong, China.