

October 14, 2024

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

Dear Mr Lee,

### **The Women's Foundation Response to the Policy Address Public Consultation 2024**

I am writing to you as CEO of The Women's Foundation (TWF), a non-profit organisation dedicated to improving the lives of women and girls in Hong Kong. We are grateful for the opportunity to share our recommendations aimed at enhancing Hong Kong's prosperity by prioritising gender equality.

We commend your Administration's continued commitment to increasing the number of local and overseas talents in our workforce and supporting the local economy alongside your efforts to foster a diverse and inclusive workforce, which is crucial for Hong Kong's resilience and growth.

Our top three focus areas we would ask the Administration to consider prioritising for greater prosperity and well-being are the following: boosting women's workforce participation, implementing stronger protections against sexual violence, and tackling women's health taboos.

For context, Hong Kong continues to face several challenges, including a slower economy. Moreover, the city is not fully utilising its potential female workforce, with only 48%<sup>1</sup> of women participating compared to 64% of men. In contrast, over 60% of women participate in the workforce in [Mainland China](#) and [Singapore](#).

Importantly, gender equality is a key catalyst for Hong Kong's resilience and growth and enhancing our economy. Earlier this year, the World Bank [estimated](#) that closing gender gaps in employment could boost global GDP by 20%, effectively doubling growth rates over the next decade. Similarly, McKinsey [projected](#) that advancing women's equality in Asia-Pacific economies could add US\$4.5 trillion to their collective GDP.

When organisations have an inclusive business culture and inclusive policies, research consistently demonstrates the long-term benefits – increases in each of profitability, productivity, talent attraction and retention and innovation - making businesses more resilient and responsive to dynamic challenges.

We encourage a strengthened commitment to gender equal policies and initiatives that will fortify Hong Kong's workforce and ensure the territory's overall sustained progress.

---

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

To do so, there are a range of challenges women and girls face that must be addressed:

- **Low female workforce participation rate with caregiving responsibilities as a key contributor:** Hong Kong's low female workforce participation rate is due, in part, to childcare and eldercare responsibilities, which are typically expected to be taken up by women due to traditional gender role expectations, and can negatively impact their career advancement, leaving them more financially vulnerable in their old age.
- **Poverty and financial vulnerability:** With the gender pay gap, career breaks due to caregiving and biases in the workforce, women are financially vulnerable and many live in poverty, particularly single mothers and elderly women.
- **Gender-based violence:** Sexual violence affects one in three women in this city, and factors such as social stigma, lack of knowledge and fear of employer retribution often prevent them from seeking the help they need.
- **Gender Stereotypes** have lasting impact on women and girls body image and self-esteem issues and widen the ambition gender gap, particularly in STEM subjects. They also follow women into the workplace including negatively affecting performance reviews, salary negotiations, networking and appointments to boards.
- **Women's Health Taboos:** Lack of support and awareness around women's health has negative impacts for well-being and has concerning workplace implications which may lead many women move to part time or drop out altogether.
- **Compounding identity factors:** For Ethnic Minority women, Migrant Domestic Workers, LGBT+ communities, refugee and asylum seekers and others from marginalised communities, all of these issues can be exacerbated in addition to facing group-specific challenges.

These issues not only influence Hong Kong's low female workforce participation rate but also highlight another crucial concern: ensuring equal access to resources, opportunities, and safety. This equality is essential for fostering the social harmony that underpins Hong Kong's growth and well-being.

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

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

- Adopting a holistic approach to boost female workforce participation and to increase the number of women in leadership positions, including addressing caregiving responsibilities and providing caregiver support, board diversity, the motherhood penalty, the gender pay gap and women's health taboos
- Increased support for women in poverty, including strengthening childcare services and providing support for those who have not worked or who do not otherwise qualify for MPF, particularly women who are more disadvantaged in retirement age
- Greater protections and preventative measures around all forms of sexual and domestic violence including through adopting the Hong Kong Law Commission's 2019 recommended critical updates to the Crimes Ordinance into law as a start

- Stronger, targeted protections for vulnerable groups of women and girls such as those who identify as ethnic minorities, migrant domestic workers, and the LGBT+ community
- Tackling gender stereotypes in all spheres across the city including education, the workplace, and all forms of media
- Increase the availability and accessibility of gender disaggregated data, including revising data collection methods in a way that data can be disaggregated by gender and making measures consistent across all departments as well as mandate that companies of a certain size publicly disclose gender-related data about their workforce.

We share your vision for a better Hong Kong and are dedicated to supporting the Government and other key stakeholders in implementing both long-term and short-term changes to address these critical gaps. We would welcome the opportunity to meet with you or a representative from your Administration to discuss some of the key challenges facing the women and girls in our city and explore opportunities for collaboration and closer cooperation where appropriate.

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

Sincerely

Signed.

Fiona Nott  
CEO  
The Women's Foundation  
[Fiona.Nott@twfhk.org](mailto:Fiona.Nott@twfhk.org)  
+852 2592 8265

CC

Mr CHAN Kwok-ki, GBS, IDSM, JP, Chief Secretary for Administration  
Mr Chris SUN Yuk-han, JP, Secretary for Labour and Welfare  
Mr Algernon YAU, JP, Secretary for Commerce and Economic Development  
Dr CHOI Yuk-lin, JP, Secretary for Education  
Mr SIU Chak-ye, PDSM, PMSM, Commissioner of Police  
Ms Alice MAK Mei-kuen, SBS, JP, Secretary for Home and Youth Affairs  
Dr Eliza CHAN, GBS, JP, Chairperson, Women's Commission  
Ms Linda LAM, SBS, Chairperson, Equal Opportunities Commission  
Dr Donald LI Kwok-tung, SBS, JP, Chairperson, Elderly Commission

## KEY ISSUES AND RECOMMENDATIONS

### HOLISTIC APPROACH NEEDED TO BOOST FEMALE WORKFORCE PARTICIPATION

Boosting women's workforce participation rate would positively address the current talent shortage, but Hong Kong greatly lags behind when it comes to gender equality in the workforce limiting the number of women able and willing to be participants in the formal economy. Hong Kong's female workforce participation rate is only 48%<sup>2</sup> lower than many of its regional neighbours including [Mainland China](#), [Singapore](#), and [Australia](#) which all have an over 60% participation rate. At board of director level, whilst there has been some progress in increasing the number of female boards directors on Hang Seng Index listed companies, at [19% female representation](#), Hong Kong continues to trail its regional neighbours at in Australia ([38%](#)) and Malaysia ([31%](#)) in addition to international financial centres such as the UK at [43%](#).

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

#### *Improved Provisions for Working Caregivers*

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

From the Labour & Welfare Bureau-commissioned [research](#) last year on women currently not working in their 40s and 50s, low income homemakers and ethnic minority women – the majority of who have caregiving responsibilities -- not being able to secure part time or flexible work was a significant reason for not joining the workforce. The Government should more strongly encourage employers to adopt options that accommodate working parents and caregivers long term and without penalty, and consider incentives to companies that adopt these practices.

##### **Childcare**

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

##### **Parental Leave**

Whilst Hong Kong's maternity and paternity leave meets the international standard of 14 weeks and 5 days respectively, as a next step, the Government should aim to extend maternity leave to 16 weeks in line with Singapore and extend paternity leave to 7 days. Long term, we believe Hong Kong would do well to follow the approach being adopted in other jurisdictions which have embraced the concept of gender-neutral parental leave, allowing parents to choose which of them assumes the greater share of childcare

---

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

responsibilities, and which covers adoptions and foster placements in addition to natural or surrogate birth.

### **Eldercare**

The Government has announced its intention to improve people's livelihoods, which will include the elderly. In addition to the positive measures that have been 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.

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

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

### **Board Diversity**

It has been [well documented](#) that greater gender diversity on boards improves decision-making, has a positive impact on corporate culture, and [the bottom line](#), serves as a fundamental aspect of good governance and delivers benefits for the whole society. Hong Kong is lagging far behind its global counterparts, and increasingly its regional neighbours, with respect to board gender diversity with [19%](#) of directors on HSI-listed boards being women.

We were encouraged to see the 2021 Hong Kong Exchanges and Clearing (HKEX) reforms (including the no single-gender boards rules) that will improve board gender diversity in the short to medium term. However, overall advancement remains slow and we believe further action is needed to achieve real progress. The Government should take up a greater role in actively encouraging companies to set board gender diversity targets of 30% by 31 December 2027 and extend the no single gender boards rule to 30% representation by the same date with the aim of parity. In order to build a pipeline for diverse board talent and to achieve overall diversity among Hong Kong listed companies, we further recommend that proposed requirements to disclose workforce diversity policies include measurable objectives and targets of 30% female representation at senior management level by 31 December 2027.

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

### **Motherhood Penalty**

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

---

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

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

### **Gender Pay Gap**

The gender pay gap stands at 18%<sup>4</sup> overall and is significantly higher in certain occupations such as sales and services (22%) and craft (25%). Granular data on this and the method used to calculate wage disparities is not available. This lack of transparency in organisations' pay scales and the way an organisation defines the pay gap makes it difficult for that organisation to formulate initiatives and policies to rectify this gap, and they face no pressure to correct these imbalances.

#### *Equal pay legislation*

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

#### *Gender pay disclosure*

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

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

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

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

---

<sup>4</sup> Hong Kong Census and Statistics Department, Median monthly employment earnings of employed persons (excluding Foreign Domestic Workers) – 2024 Edition

## **Age Discrimination**

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

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

We urge the Government to implement an age discrimination ordinance.

## **Women's Health Taboos**

### *Fertility Treatments*

Hong Kong has a birth rate [well below](#) replacement level, which has worrying implications for its already rapidly ageing population. While fertility treatments have made many advancements over the past few decades, Hong Kong's laws on their uptake remain outdated. We believe it prudent to review the conditions under which a woman is allowed to use her frozen eggs, how long she is allowed to keep her eggs frozen and where fertility treatments can take place in a way that fully supports women's choices. Under the [Human Reproductive Technology Ordinance](#), while any woman can freeze her eggs only married women are allowed to use them. This excludes the population of single women and those in non-traditional relationships who may wish to start a family. It is also a criminal offence for non-married individuals to travel overseas for fertility treatments such as In vitro fertilization, where treatments are often more affordable. We recommend the Government review this law with a view to enable all women to have access to, and full use of, fertility treatments regardless of their partnership status. The ten year expiry period in which a woman can use her frozen eggs should also be revisited by the Government with a view to significantly extend this timeframe – an extension which is already available to women who have frozen their eggs before undergoing medical treatments for cancer for instance. This would give women more flexibility for family planning.

### *Abortion*

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



To address these issues, we recommend the sex education curriculum in schools be made mandatory and provide a more holistic education around gender awareness and sex education including understanding consent, contraceptive options, relationships, sexual health, pregnancy and the de-stigmatisation of abortion and post-abortion care. Given that 1 in 3 women [will experience](#) sexual violence in her lifetime and that there has been an [increase](#) in juvenile sex crimes – often due to lack of awareness and understanding around concepts like consent and healthy relationships, comprehensive sex education would be a positive step in addressing this concerning trend. It's also important relevant government bodies examine the accessibility of abortion services as well as consider measures that can reduce the wait time for the actual procedure.

### *Menstrual Health and Menopause*

[Up to 85%](#) of girls and women, once they start menstruating, experience symptoms such as cramps, tiredness, backache, depression and anxiety, with 38% noting that they are not able to perform daily activities because of this. Once they start undergoing the transition to menopause the culture of shame around this normal life stage means that women don't get the help they need or feel able to talk about their experiences. Medical symptoms will vary in severity and duration but can [last up to 12 years](#).

Support for women and girls throughout the reproductive cycle is essential from a public health perspective. Yet, despite half of Hong Kong's population have or will experience menstruation through to menopause, there remains a strong taboo surrounding all stages of the reproductive cycle.

This is also true in the workplace with implications for female talent retention. Research shows [more than a quarter of women](#) at work experience challenges related to their sexual or reproductive health<sup>5</sup>. Menstrual symptoms range from mild discomfort to [debilitating pain](#); for some, fertility is an issue while pregnancy comes with its own issues of discomfort, risk and stress. Later, peri-menopause and menopause symptoms often arrive at the same time as increasing responsibility in the workplace and caring responsibilities. While there is no HK-specific data, results from a UK [survey](#) suggest 1 in 4 women consider dropping out of the workforce because of menopausal symptoms. With their departure is an immense loss of talent and experience at a time when female representation is needed – on company boards, as CEOs, on executive committees, and overall workforce participation.

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

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

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

---

<sup>5</sup> Whilst the Deloitte study is a global one, it includes a representative sample from China



## MPF

Homemakers, along with some part-time workers and elderly, are ineligible for pension protection. This is particularly concerning given, due to traditional gender role expectations, women are 10 times more likely to be economically inactive than men due to household responsibilities and are outliving men by an average of [five years](#). Longer life spans coupled with forced retirement, gender gaps in pay, and midlife caring responsibilities, make women more vulnerable to poverty particularly in old age. Those in low paying jobs who have MPF accounts often [do not have](#) the financial savvy to skilfully manage their accounts, and women are three times more likely to [rely on](#) their spouses financially, leaving them vulnerable.

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

## STRONGER PROTECTIONS FOR VICTIMS OF SEXUAL VIOLENCE

A missing element of policy addresses to date has been the commitment to stronger protections and preventative measures for victim-survivors of sexual violence. More than 1 in 3 women in Hong Kong [have experienced](#) sexual violence. Although there has [not been a significant increase](#) in indecent assault cases or rape cases in comparison with pre-COVID years, it is important to remain vigilant and strengthen preventative and interventive efforts. Victim-survivors face a number of hurdles when trying to report an incident: lack of knowledge on where to seek help, fear of retribution by the assailant, entrenched stereotypes and a culture of victim-blaming and social stigma from the community.

### Review of Substantive Sexual Offences

The Hong Kong Law Reform Commission has conducted comprehensive reviews of existing legislation for victims of sexual violence from 2012-2018 which culminated in its report in 2019 "[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

2021 updates to the Sexual Discrimination Ordinance on outlawing behaviour that directly or indirectly victimises women who are breastfeeding or expressing milk in public spaces or the workplace was welcome alongside the 2020 passage of the Discrimination Legislation (Miscellaneous Amendments) Bill 2018, which contained important protections against sexual harassment for volunteers, consignment workers and interns, and members or prospective members of clubs. We encourage the Government to

go one step further and provide legal protection from sexual harassment for tenants or sub-tenants harassed by other tenants or subtenants occupying the same premises.

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

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

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

### **Domestic Violence**

Women and girls are disproportionately affected by domestic violence. From 2024 [Social Welfare Statistics](#), we know that 63% of child victims of violence are girls and 86% of spouse / cohabitant abuse victims are women. We urge the Government to consider setting up an emergency fund to help women and their dependent temporarily cover living expenses and to provide housing support for women to help women leave their perpetrators. We also recommend working closely with stakeholders to strengthen protections and ensure adequate support and resources to frontline services organisations working with this vulnerable group.

### **Online Violence & Voyeurism**

We were pleased to note the adoption of measures in recent years to criminalise voyeurism, upskirting and non-consensual intimate image sharing. However, further progress remains to be done on online sexual harassment and bullying. Results from an EOC survey on sexual harassment [showed](#) young women aged between 18 and 34 were more vulnerable to both workplace and online sexual harassment. Secondary school children are also at risk with findings from Save the Children [showing](#) 40% of surveyed teens said they had unwanted online sexual content exposure, solicitation, or experience. We urge the Government to monitor these developments more closely and discuss enhanced protections and solutions with social media platforms to curb sexist behaviour, abuse, harassment and hateful comments in cyberspace.

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**

Whilst we have been encouraged by developments last year such as the [legal changing of gender markers on IDs](#) and [the recognition of a child's second female parent](#), we are concerned with the broad lack of official protections for those who identify as sexual minorities. We are one of many organisations who believe a standalone discrimination ordinance to protect LGBT+ people is critical. Such an ordinance would ensure LGBT+ people are not discriminated against at work, at school or in public. It also allows for LGBT+ people who do face discrimination to seek legal redress. We would also recommend the Government consider reviewing its policies and measures to ensure they support and includes the full and equal participation of the LGBTQ+ communities in all aspects of Hong Kong society.

### **Migrant Domestic Workers**

About 340,000 Migrant Domestic Workers (MDWs) live and work in our city, making up more than 50% of ethnic minorities here. The vast majority are female and are a crucial part of the workforce, [contributing an estimated US\\$12.6 billion](#) to our economy per year. MDWs face a specific set of challenges, with lower than living wages, a lack of systematic protection of their limited rights, increased vulnerability to exploitation and abuse, and overt [discrimination](#). While there is information and resources available to educate and support MDWs, much of this is not culturally accessible. We encourage the Government to carefully review their policies and ensure the full protection of MDWs from exploitation and work conditions that are aligned with the International Labour Organisation's standards alongside access to information that is culturally accessible and provisions for ways that MDWs can gain access to support they may need for mental health crises and sexual violence, as well as proactively remind household employers about their responsibilities towards their employees.

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

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

### **Mental Health**

We know the Government has made efforts on multiple fronts to boost mental health in Hong Kong, particularly among young people, given the concerning mental health crisis among [young people](#) and [adults](#) alike. We would ask the Government to provide targeted services, particularly to groups with less awareness of mental health symptoms and who may lack access to resources. All of the above listed vulnerable groups of women face particular danger of increased stress and mental health issues as they have less networks or access to resources than others. We recommend the Government widely promote messages around the importance of caring for mental health (which can still be a sensitive topic among segments of the population), and direct individuals to available free and subsidised mental health resources in languages that meet the needs of these diverse, vulnerable groups.

### **TACKLING GENDER STEREOTYPES**

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

## Education

More public education around this issue is needed as well as education curricula reform. This can include: teacher training on gender equality and gender sensitivity; replacing materials that omit women or tokenise their experiences; teaching boys and young men about the [negative impact](#) on masculinity; taking out gender stereotypical language or examples; and ensuring all school libraries feature books with gender diverse content and authors, and that materials do not contain gender stereotypes.

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

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

## Private Sector

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, and in particular, encourage private sector media, PR and advertising agencies to adopt gender sensitive policies and practices. The Government should role model gender sensitive collaborations between their PR firms and traditional media / social media.

## INCREASE THE AVAILABILITY AND ACCESSIBILITY OF GENDER DISAGGREGATED DATA

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

The Government can also consider compulsory reporting from any company with 250 or more employees (or a similar number of employees that fits the Hong Kong context) to publicly disclose their workforce's gender related statistics at all levels of the organisation. This would contribute towards accelerating



gender parity progress on many fronts including the gender gap in pay and low numbers of women in managerial and leadership positions, among others.

## **APPENDIX A – ELDERCARE RECOMMENDATIONS**

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

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

### **Capacity Building**

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

### **Subsidies**

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

### **Tax Incentives**

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

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

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

### **Role Model Best Practice**

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

### **Protect Caregivers**

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

### **Societal Income Insurance Mechanism**

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

## APPENDIX B – RECOMMENDATIONS TO TACKLE SEXUAL VIOLENCE

### LEGISLATION

#### **Criminal Law**

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

#### **Sexual Discrimination Ordinance**

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

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

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

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

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

#### **Changes to Listing Rules<sup>6</sup>**

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

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

### SUPPORT SERVICES

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

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

#### **Hong Kong Police**

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

---

<sup>6</sup> Adapted from the Australia Sexual Harassment National Inquiry Report 2020



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

## EDUCATION & AWARENESS RAISING

### Online Sexual Harassment & Cyberbullying

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

### Media Guidelines

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

### Research

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

### Education Curricula

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

### Public Campaigns

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