

主旨: Population Policy Views from The Zubin Foundation
附件: TZF Official Submission to Population Policy Feb 2013.pdf

Dear Sir/ Madam

Please find attached the views of The Zubin Foundation on The Population Policy.



The Zubin Foundation will honour the life of our son Zubin who died tragically at the age of 10 in 1997. The Foundation is in the process of being set up as a registered charity in Hong Kong.



Population Policy Views

23 February 2013

Organisation Name: The Zubin Foundation

Name of individual: Shalini Mahtani

Title: Founder and Chair

Unleashing the Potential of Existing Population

1. Encourage Female Homemakers to Work

- 1.1 Based on research¹ conducted with women in mid and senior level positions in Hong Kong, women are forced to leave the workplace for a number of reasons mainly because of time needed to become pregnant, childcare, elderly care and the prevailing discrimination against women.
- 1.2 With a growing number of working women delaying childbearing, women are increasingly having children with “assisted reproductive technology “ (ART). This requires considerable absence of work to get treatment, sometimes on a daily basis for a significant number of months. Some companies have begun to recognise this issue as a significant one for the workplace and therefore “IVF leave” is also an entitlement for employees.
- 1.3 Childcare and elderly care are taken up by women for the large part, both in Hong Kong and around the world. Greater public education needs to be given of the joint role of both parents and both genders in both parenting and caring for children and the elderly.
- 1.4 Employers should be made aware of the Family Status Discrimination Ordinance (FSDO) does not allow them to discriminate, directly or indirectly, against individuals with care responsibilities-. Most of our carers are women. Employers in Hong Kong lack understanding of the FSDO.
- 1.5 The government should consider introducing a Flexible Work Arrangement (FWA) law. This entitles all employees who have a care responsibility to apply to their employer for flexible work arrangements. Their employee has to qualify for this entitlement and it is up to the

¹ Conducted by Community Business, see www.communitybusiness.org, Standard Chartered Women on Boards; Hang Seng Index 2013 and 2009. See also Diversity & Inclusion in Asia County View.



employer to agree to this or not. This is in place in the UK- see <https://www.gov.uk/flexible-working/overview> for more details.

- 1.6 The business sector should be encouraged to retain women workers and should be encouraged to look at different types of flexible work arrangements for both men and women². These would include:
 - 1.6.1 Job sharing- 2 or more individuals sharing job
 - 1.6.2 Working from home
 - 1.6.3 Working flexible hours
 - 1.6.4 Working part time
 - 1.6.5 Working “term time”- which means during the child’s school term they work and when the child is on holiday or has exams, they work from home or they do not work.
 - 1.6.6 Introducing IVF leave
 - 1.6.7 Introducing breast feeding rooms for offices over a certain size
 - 1.6.8 Introduction of paternity leave (see note below 7.1.5)
 - 1.6.9 Eliminating discrimination in the workplace by creating a culture of meritocracy and respect. See point 1.8 below.
- 1.7 Businesses should be encouraged in a number of ways including:
 - 1.7.1 Take the lead from the government. The government as the largest employer should be a “role model” employer and demonstrate through new hires and existing positions that women can continue to have a career and work in non-traditional ways. The government must take the lead with flexible work arrangements as listed in 1.6.1.
 - 1.7.2 Playing heed to the new Code Provision that The Hong Kong Stock Exchange has introduced that required all listed companies to report on diversity at the board level. The government, through industry leaders should be sending a clear message that gender diversity should be encouraged at all levels of companies. The government itself should report on its own gender numbers and set its own plans on how to be more inclusive.
 - 1.7.3 Businesses are ultimately only going to adopt flexible work practices if they see a benefit in doing so. The government needs to consider the “carrot and stick” approach and explore how best to do this.
- 1.8 Professional women who have been interviewed by Community Business³ have repeatedly talked about it being “excluded” from progressing in their careers. Discriminatory behaviours still exist in the workplace and have resulted in women saying that they have to work “doubly hard” as men to be recognized, that their views are often ignored and that they are “excluded” from the “old boys club” with activities such as drinking and golfing. Such behaviours have resulted in them “choosing” to leave the workplace.
- 1.9 Ultimately the source of exclusion is bias behaviour, either intentional or not, and our leaders in Hong Kong in both business and government need to be made aware of their own gender biases.

² Community Business experience with quantitative work-life balance research over the years from 2006 onwards (see www.communitybusiness.org) is that employees in Hong Kong are pragmatic and that employers should not fear flexible working arrangements. Also, research tends to suggest that employees value flexibility.

³ See Footnote 1.



- 1.10 Working hours in Hong Kong need to be managed with Hong Kong having one of the lowest sex rates and fertility rates. Through public awareness campaigns, employers should be encouraged by their employees to leave work at a reasonable time should form a key part of government messaging.

2. Extend working life

- 2.1 Introduction of equal opportunity legislation based on age discrimination, in line with the other equal ordinances that we have currently which cover sex, disability, family status and race. Similar to other equal opportunity legislation, the business sector may initially complain about interference and the increased cost of business. Similar to the other ordinances, they will quickly realise that the negative impact will be minimal.
- 2.2 Working with, or encouraging a business organisation to develop a “Best Employers List for Over 50s” compiled by the American Association in the US.
- 2.3 Look again at producing the Hong Kong equivalent of the “One Step Ahead Toolkit” for UK businesses by Employers Forum on Age in the UK.

3. Other Groups

- 3.1 Non Chinese Hong Kong people are a significant number of individuals who view Hong Kong as their home and who are not encouraged to either “stay in Hong Kong” post secondary education or to “return’ to Hong Kong post education.
- 3.2 Hong Kong produces thousands of school leavers through its international schools each year. For the most part these students are bright and have a strong affiliation to Hong Kong. These students should be encouraged to return to Hong Kong to work post graduation and the government should consider giving them an incentive to return. These students may or may not speak, read or write Chinese.
- 3.3 These individuals should be encouraged to learn Chinese through government-subsidised schemes.
- 3.4 Grassroots ethnic minorities are not being fully thought about in terms of integration into the community and receiving equal access to tertiary level education. In addition, some minority women are being denied equal access to education hours and others are turning to vice behavior as a direct result of exclusion. Therefore grassroots ethnic minorities have not fully achieved their full potential in so far as integrating and contributing to their Hong Kong community.



- 3.5 The government needs to better understand ethnic minorities and should set up a Special Committee to address the Integration of ethnic minorities in Hong Kong. Chief secretary Carrie Lam mentioned that she would set one up at the recent Poverty Summit and we look forward to this.
- 3.6 Essentially, the government needs to adopt an approach that Hong Kong's ethnic minorities are Hong Kong people. This requires a fundamental shift in the current mindset of our leadership.

Complementing our Existing Population and Workforce with New Sources

4. Talent Admission

- 4.1 Currently the Hong Kong government does not accept same sex marriages or civil unions (conducted in jurisdictions outside Hong Kong where such unions are legal) as evidence of "marriage". This means that local Hong Kong gay and lesbian people who are "married" abroad and expatriates in Hong Kong who are "married" are not able to bring their partners into Hong Kong as married people. Hong Kong is restricting its talent admission and the result is that both local and foreign same sex married professionals choose not to live in Hong Kong.
- 4.2 Hong Kong's gay and lesbian population is 10% of our total population. Hong Kong does not have any equal opportunity legislation on the grounds of sexual orientation. As a result of this, professional gays and lesbians may chose to leave Hong Kong to live in jurisdictions where they will be granted equal opportunity and access to recourse in the case of discrimination on the grounds of their sexual orientation. This is a question of retention of talent.
- 4.3 As per point 3.2 above, thousands of Hong Kong children graduate each year from secondary schools and go abroad to study, many in the best universities globally. They should be encouraged to return to Hong Kong to live and work, regardless of ethnicity. Furthermore, they should be encouraged and subsidised to take Chinese language lessons for those who do not have proficiency in the Chinese language. Our competitive advantage in Hong Kong rests largely on our access to the best international workforce and we have access to this through our own international schools. They are not just schools for expatriate children but increasingly non ethnic Chinese Hong Kong people.
- 4.4 In certain professions, mainly Hong Kong's medical doctors, Hong Kong has adopted an archaic closed door policy to talent. Hong Kong needs to consider that with our ageing population and the increased burden on medical providers, we need an increase in quantity and great quality medical practitioners. Talent must be admitted from other jurisdictions with high medical practitioner qualifications such as UK, USA and Australia- but also others. Hong Kong's policy is protectionist and not in the best interest of the people or the profession.



- 4.5 Hong Kong also has other industries that have adopted an unnecessarily closed door approach to importing qualified professionals including the legal industry. Protectionist measures in place are not in the best interest of our population policy..
- 4.6 Although not covered in this Population Policy Consultation, it is imperative that the question of medical care be addressed in parallel to the issues being addressed regarding population. The pressure on the public sector healthcare is increasing and it makes sense, in theory, that private healthcare bear an increasing burden. However our private hospitals are unregulated and left to voluntarily accept, or not, the Code of Practice for Private Hospitals. This is not good enough. The Steering Committee looking into private hospital reform is imperative because population quality is a function of a decent, robust and regulated private hospital system. Our private hospitals need regulation. This is a major area of concern.
- 4.7 A major barrier to attracting talent into Hong Kong is the shortage of international school places and the lack of a clear government stance on this issue. The government has yet to send a clear message, backed with action, that international talent is welcome and that school places are being increased to attract such talent.

5. Hong Kong emigrants and their offspring

- 5.1 Although we support attracting emigrants and their offspring to return- these individuals and their families have chosen to leave Hong Kong. Our first priority should be given to Hong Kong people, regardless of race, who have stayed in Hong Kong and chosen to make Hong Kong their home.

Fostering a Supporting Environment for our People to Form and Raise Families.

6. Forming children

- 6.1 There are those who chose not to have children and there are those who wish to have children but cannot.
- 6.2 For those who chose to have children every opportunity should given to them to have them.
- 6.3 Assisted Reproductive Technology (ART) is both expensive and time consuming.
- 6.4 ART should be provided to couples and subsidised by the government, as the cost of such treatment is often prohibitive.
- 6.5 In addition, the government should ensure that time off work be allowed for individuals undergoing ART and would need to consider how to do this. For example, for individuals taking time off work to undergo ART, they may be issued with a certificate to present to their employer which gives them details of how often they will need to take off work and for how long.



- 6.6 In addition, the government should consider subsidising the pregnancy and delivery expenses particularly for women whose income is below an income threshold. Also, a subsidy should be offered to all families who chose to have more than 2 children.
- 6.7 ART should not only be restricted to married couples but should be open to single women as well. There is an increasing number of single women in Hong Kong who wish to have children and should not be discriminated against because they are single.
- 6.8 Some ethnic minority families, such as the vast Pakistani community, have a propensity to have a larger family size. This community should be encouraged to continue to have children. As mentioned in point 3.5 above, a high level committee needs to be set up to address the integration of ethnic minorities in Hong Kong and this committee should be tasked with commissioning research that looks at the needs of individual ethnic communities in Hong Kong.

7. Raising Children

7.1 Parental leave

- 7.1.1 The below refers to maternity and paternity leave and should also be applied in the case of adoption leave.
- 7.1.2 Maternity leave should be enhanced to encourage women to have more substantial time with their children and to bond. The statutory 10 weeks should be increased to 6 months. The first 10 weeks should be seen as “ordinary” maternity leave and the balance should be seen as “additional”. This notion of ‘ordinary’ and “additional” is similar to the UK- see <https://www.gov.uk/maternity-pay-leave>
- 7.1.3 This “additional leave” should be paid at a to-be determined percentage of the woman’s salary. The position should have to be held open for the woman whilst she is on “additional leave” and should woman wish to work during this time they can be encouraged to work from home, if their job nature allows for it.
- 7.1.4 Employers should not bear the costs of this “additional” period beyond 10 weeks as it is the objective of the government, not the employers, to increase the population of Hong Kong.
- 7.1.5 Paternity leave should also be regulated in Hong Kong and be 2 weeks of paid leave. The government should encourage fathers to take this leave. Some companies in Hong Kong already have this leave but the take up rate is low due to the perceived “weakness” of men who take this leave.
- 7.1.6 “Additional paternity leave” should be offered to men for up to 6 months if their partner or wife or co-adopter, choses to return to work and not take the additional leave.
- 7.1.7 Paternity leave should not be restricted to married men.
- 7.1.8 Individuals in same sex relationships should also be granted the same rights and benefits as heterosexual couples.

7.2 Education



7.2.1 The government must treat all Hong Kong people equally. Those who wish to send their children to private schooling should receive the same level of “subsidy” as they would if they sent their children to public schools. Hong Kong has the same responsibility to all its children.

7.2.2 In line with this point, increasing numbers of Hong Kong parents are making the choice to send their children to international schools. This trend will likely increase partly due to the growing need of our children to be globalised. The current pressure of whether their children will obtain a place to study has become a real factor for individuals and couples thinking about having a child or even increasing the number of children they have. The government must address the shortage of international school places and create a high level committee to streamline the process needed for international schools to set up. The current process to set up an international school in Hong Kong is both inefficient, confusing and time consuming.

7.2.3 In line with 7.2.2, increasing the number of international school places will enhance the number of foreigners choosing to work in Hong Kong. Currently, the lack of international school places is a deterrent for talent admission in Hong Kong with known cases of foreigners accepting jobs in Singapore instead simply as a result of access to international school places.

7.3 Childcare support

7.3.1 Domestic Help has changed significantly in Hong Kong from the last generation of domestic helpers. The turnover rate of domestic helpers has increased significantly over the years and families today are no longer able to rely on the “staying power” of their domestic helper. This has resulted in more couples deciding not to have more children or women leaving the work force. The government needs to investigate this further.

7.3.2 Kindergartens should be encouraged to bring on children as young as 18 months to 2 years old. There is a lack of supply of kindergartens that offer a half or full day programme for younger children which, coupled with the domestic helper turnover issues, has resulted in more women being forced out of the workforce and families choosing either not to have children or limiting the size of their family.

7.3.3 Daycare and crèches needs to be set up by the government as a legitimate and affordable alternative to domestic help to all families including those at the grassroots level. In addition, the government should encourage the growth of this industry with high industry health, safety and education standards. The government should look overseas for best practice.

7.4 Education

7.4.1 Public awareness about the biological clock and the implications of delayed childbearing is critical to both men and women and should start at university level.

8. Other Considerations



- 8.1 Without a housing policy that encourages and supports young couple living independently it is difficult to enhance population in any way. The government needs to address the issue of land supply urgently.
- 8.2 Leadership in the Education Bureau needs to be enhanced and Hong Kong's pre-kindergarten to tertiary level education needs greater thought leadership. Particularly international school places and pre-kindergarten places need to be addressed to attract families to have children.
- 8.3 Long working hours are not conducive to a healthy sex or personal life. Hong Kong needs to seek a balance between overall economic productivity and population health and reproductive concerns.
- 8.4 Upward mobility in Hong Kong is a major barrier for career and personal development for Hong Kong's youth. The government needs to seriously consider the threat of smart Hong Kong people leaving Hong Kong for better opportunities elsewhere.
- 8.5 The lack of creativity and poor English language standards of Hong Kong's children at school needs to be addressed if want Hong Kong to continue to be a attractive place for international business.

About The Zubin Foundation

The Zubin Foundation is dedicated to social change and social justice in Hong Kong. It was set up in honour of Zubin Mahtani Gidumal who died tragically at the age of 3.

The Zubin Foundation is a registered charity in Hong Kong.