

Home Affairs Bureau
Gender Identity and Sexual Orientation Unit
Enquiries and Complaints Hotline
Guide to Complaint Procedures

A. Scope of Complaints

If you have experienced discrimination against your gender identity and sexual orientation in the fields of education, employment, provision of services, accommodation etc, or faced offensive behaviours on the grounds of your gender identity and sexual orientation, you can lodge a complaint to us. Complaints can also be lodged by a representative authorized by the aggrieved person.

B. How to lodge a complaint?

Complaints may be sent to us by

- Telephone: 2835-1565
Incoming calls during office hours will be received by the staff of the Unit.

Office Hours: Monday – Friday	8:45 am – 6:00 pm. (Lunch Break 1:00pm – 2:00pm)
Saturday, Sunday and Public Holidays	Closed

- Mail: Gender Identity and Sexual Orientation Unit, Home Affairs Bureau, 31/F., Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong
- Fax : 2591-6002
- Email: gisou@hab.gov.hk

You may simply make use of the Unit's Complaint Form which is available at our Unit and at Home Affairs Bureau's website

<http://www.hab.gov.hk/gisou-e>

C. Information required

To facilitate the smooth handling of your case, please state clearly and succinctly the details of the complaint case such as -

- your name, address and contact details
- contact details for the person, people and/or the organisation you are complaining against
- relevant date, time, location and people involved

If you are making a complaint on behalf of another person, the relationship between you and the aggrieved person shall also be stated. You have to obtain written consent from the aggrieved person for authorisation.

D. Limitations on case follow-up

We will give a full assessment of each case. Under certain circumstances, we are not able to pursue a case, e.g. the subject matter is beyond the Unit's purview, insufficient information provided by the complainant, the complainant cannot recall events in sufficient details. In that case, we will inform the complainant the reason(s) why the case is not pursuable. If the Unit believes that another department or organisation should address your complaint, we will make sure you know how to get in contact with the proper department or organisation.

E. Procedure in Handling Complaints

In Hong Kong, the Hong Kong Bill of Rights Ordinance protects every citizen against any form of discrimination including sexual orientation. However, the Ordinance binds only the Government and public authorities or persons acting on behalf of the Government or a public authority. In other words, there is no existing legislation prohibiting private individuals or organizations to discriminate on the ground of sexual orientation. That is why we need the complainant's consent to proceed before we undertake to follow up a complaint. Before giving us that consent, the complainant should bear this point in mind.

The complainant must understand that we have no legal power to direct any individual or organisation to act in accordance with our request or suggestion.

Having said that, we endeavour to provide any possible help to the complainant as follows:-

Follow-up

We will carefully study the cases received. We may explain to and seek clarification from the complainant if necessary. Where appropriate, we will send a letter of inquiry to the respondent setting out details of the complaint against him/her and inviting the respondent to reply.

Mediation

If possible, the Unit may attempt to work with both parties to negotiate an agreement that is acceptable to both. Meeting may be arranged between both parties. Mediation is completely voluntary and staff of the Unit acts as a neutral facilitator.

While we are processing the cases, if necessary, we may ask for further information from the complainant and respondent.

F. Performance Pledges

We endeavour to serve the community with sincerity and courtesy.

Since the Unit has been newly set up, we will review our performance pledges from time to time. For the time being, our target is to complete handling a complaint in about 3 months from receipt. More complex cases may take longer.

G. Statistics of Enquiries and Complaints

Statistics and classification of enquiries and complaints received and handled will be reported quarterly to facilitate the public's understanding of our work and achievement.

H. Personal Information Collection Statement

The Gender Identity and Sexual Orientation Unit (the Unit) respects personal data and is committed to fully implementing and complying with the data protection principles and all relevant provisions of the Personal Data (Privacy) Ordinance, Chapter 486.

Purpose of Collection of Personal Data

It is voluntary for you to supply to us your personal data. All personal data collected by us in the course of our handling of your enquiry or complaint made to the Unit will be used for one or more of the following purposes:

- purposes which are directly related to the enquiry or complaint;
- statistics and research purposes; and
- any other legitimate purposes.

Incomplete or inaccurate information provided in the course of our handling of your enquiry or complaint may affect the consideration and processing of your enquiry or complaint.

Transfer of Personal Data

The data collected in the course of our handling of your enquiry or complaint will be kept in confidence. They may however be transferred to parties who will be contacted by us during the handling of the case including the party being complained against, if express and voluntary consent to such transfer is given by you; or if such transfer is authorized or required by law.

Rights of Access to and Correction of Personal Data

You have the rights to request access to and correction of your personal data held by us. A charge will be made to cover the cost of photocopying the data supplied. Request for access or correction should be made in writing to the Unit Officer, Gender Identity and Sexual Orientation Unit, 31/F., Southorn Centre, 130 Hennessy Road, Wanchai, Hong Kong.