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The promise and limitations of Hong Kong's Women's Commission as a vehicle to drive gender equality

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Abstract

Drawing on a qualitative study of Hong Kong's Women's Commission ('WoC'), this article examines how institutional mechanisms for the advancement of women function in a hybrid regime that includes both democratic and authoritarian elements. Hong Kong has a rights-based legal framework and equality agencies that support the operation of equality laws and policies. Paradoxically, Hong Kong's political system is non-democratic, and Beijing's Central People's Government is exerting more direct control on the territory. Grounded in qualitative interviews conducted with WoC members, non-governmental organisations, and scholars in Hong Kong, this article concludes that the WoC's full institutional potential in drawing attention to gender inequalities has not been realised. The implementation of authoritarian governance practices also has implications for the WoC's composition and agenda and may inhibit the development of progressive gender equality strategies to advance the status of women.

Keywords: Gender Equality Law; women's rights; Hong Kong; Women's Commission

1 Introduction

How do institutional mechanisms for the advancement of women foster a culture of gender equality in non-democratic contexts? Recognising the role of national machinery in promoting gender equality strategies, the Beijing Declaration and Platform for Action called for all states to develop centralised institutional mechanisms for the advancement of women (United Nations, 1995, para. 203(b)). There are several internal and external drivers for the development of national machinery including international peer pressure, political will, and sufficient resources (Jahan, 2010). From liberal democracies to authoritarian regimes, low-level mechanisms such as gender equality bureaus and high-level mechanisms such as government ministries have been established to support the development of laws, policies and programs designed to foster gender equality (True and Minstrom, 2001, p. 28).

Hong Kong is an interesting case study because it presents a paradox. Formerly a British colony, the territory reverted to Chinese sovereign rule on 1 July 1997 and is now a Special Administrative Region ('SAR') of the People's Republic of China ('PRC'). The emergence of 'One Country, Two Systems' ('OCTS') as a constitutional principle has had significant implications for Hong Kong's governance, and the operation of its legal and political institutions. Hong Kong has a rights-based legal framework including The Basic Law,¹ the SAR's quasi-constitutional framework ('Basic Law') and the Bill of Rights Ordinance (1990),² which both incorporate the International Covenant on Civil and

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¹The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, (1990).

²Bill of Rights Ordinance, (1990), Cap. 383 (H.K.).

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Political Rights (1966)³ ('ICCPR') into Hong Kong's common law system and all residents of the SAR are equal before the law (Basic Law 1990, Art. 25).

The Equal Opportunities Commission⁴ ('EOC'), a statutory body, investigates and conciliates discrimination complaints on the grounds of sex, family status, disability and race. The EOC also plays an important educational role in society, disseminating evidence-based research on discrimination and its impact on societal groups to foster equal opportunities more broadly. Further, the WoC, a consultative advisory body, is responsible for advising the Hong Kong SAR Government of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (1979)⁵ ('CEDAW'). Civil society organisations ('CSOs') have raised concerns that these institutions do not adequately protect those human rights contained within the Basic Law (*Human Rights Monitor*, 2006). In the absence of a body with a broader human rights-based mandate and enforcement powers however, both the EOC and the WoC have a critical role to play in the advancement of equality and non-discrimination.

Despite this infrastructure, which supports gender equality laws and policies, Hong Kong's political system is executive-led. The Hong Kong SAR Government has yet to implement the progressive realisation of universal suffrage as stipulated in the Basic Law (Jhaveri, 2018, p. 27). While often described as a 'hybrid regime' where both democratic (e.g. civil liberties, rule of law) and authoritarian elements (e.g. absence of universal suffrage) can be identified (Cheng, 2020, p. 32; Tai, 2020, p. 115), Hong Kong society is amidst a regime transition. In recent years the territory has seen growing political unrest fuelled in part by its citizens' limited recourse to influence the development of laws and policies (Tai, 2020; Lee, 2020). The imposition of the National Security Law (2020)⁶ ('NSL') also raises questions regarding the SAR's autonomy in governance (Pils, 2020). What implications does this paradox have for the development of a rights-based culture and gender equality in society?

While several scholars have considered the role of national machinery in post-industrial, Western liberal democracies (McBride Stetson and Mazur, 1995; Mazur et al., 2016; Sawyer, 1996), there are limited case studies exploring how national machinery operate in illiberal democracies and non-democratic contexts (see e.g. McAdams, 2007). This case study aims to address this gap, by providing further insight into how national machinery operate in other governance regimes. Focusing on the WoC as an example of an institutional mechanism, I consider how Hong Kong's transition from a semi-democratic to authoritarian regime potentially influences the commission and any resulting implications for women's mobilisation vis-à-vis the state. Globally, democratic regression has accelerated with a surge in authoritarian governance practices (Cooley, 2015; Diamond, 2021), and scholars have examined how authoritarianism also exists in 'enclaves' in liberal democratic contexts (Chua, 2019, p. 356). This case study will have wider relevance beyond hybrid regimes to other societies where repressive state measures risk undermining the autonomous functioning of institutions.

While there is research on women's socio-legal status in Hong Kong (Erikson and Byrnes, 1999; Kapai, 2013; Samuels, 1999), and there has been some analysis of the role played by institutional mechanisms in implementing laws and policies designed to support the advancement of women (Barrow, 2012; Barrow and Cheng, 2019; Ng and Ng, 2002; Petersen, 2002, 2009; Singer, 2000), there remains limited empirical data examining how the WoC operates (Barrow and Cheng, 2019). Existing research has largely traced the development of Hong Kong's anti-discrimination legislation (Lynch, 2014; Petersen, 2004) and evaluated the EOC's role (Kapai, 2009). Analysis of the WoC's role in advancing the status of women largely describes and evaluates the role, functions and powers of this institutional mechanism vis-à-vis the EOC (Petersen, 2009). While there is merit in this approach, and early research provides critical insight into CSOs' campaign for a women's commission

³United Nations. 1966. International Covenant on Civil and Political Rights, Dec. 16, 1966, U.N.T.S. 999, at 171.

⁴The EOC's role, functions and powers are outlined in s.63 of the Sex Discrimination Ordinance, (1995) Cap. 480 (H.K.).

⁵United Nations. 1979. Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, U.N.T.S. 1249, at 13.

⁶Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, (2020).

(Petersen and Samuels, 2002), when evaluated against the EOC as a comparator, the WoC appears to be weak and ineffective as an institutional mechanism. My aim is not to engage in a dichotomous analysis of these two institutions together. It is now more than twenty years since the WoC was founded, and further scrutiny of how this institutional mechanism has operationalised gender equality strategies is critical to understanding its promise and limitations.

Prior to analysing the role and powers of the WoC, I explain how internal and external drivers have shaped the role of institutional mechanisms internationally. I then consider how Hong Kong's socio-political and legal landscape is evolving before examining the WoC as an institutional mechanism for the advancement of women. First considering the WoC's composition, I draw on content analysis of publicly available information about the WoC including the WoC's own communications. The WoC has adopted two identifiable equality strategies, but scholars have criticised the commission for failing to address the 'historic and persistent discrimination' experienced by women (Kapai, 2013, p. 295). Grounded in qualitative research methods and analysis, which I outline prior to the presentation of my findings, this case study engages the perspectives of both elite and grassroots actors to scrutinise the WoC as an institutional mechanism for the advancement of women. The article concludes that the WoC's full institutional potential in drawing attention to gender inequalities has not been realised. Further, the WoC's composition, powers and agenda are potentially susceptible to authoritarian governance practices, which may also inhibit the development of progressive policy initiatives on gender equality.

2 Institutional mechanisms to advance the status of women

In 1995, the Beijing Declaration and Platform for Action called for the establishment of institutional mechanisms to implement gender mainstreaming ('GM'), an equality strategy aimed at evaluating the impact of laws, policies and programs on both men and women at all stages of their design, implementation, and evaluation (United Nations, 1997, p. 24). However, the establishment of separate structures to promote gender equality and foster women's participation in civic and political affairs was raised as early as 1962 by the Commission on the Status of Women at the United Nations (Manjoo, 2005, p. 269).

Analysis of comparative state feminism has explored both the policy influence and access of institutional mechanisms in Australia, Europe, and North America (McBride Stetson and Mazur, 1995). Policy influence is determined by an institutional mechanism's role in the formation of feminist policies that promote the status of women, such as equal employment opportunities; whereas policy access relates to how institutional mechanisms foster the feminist political agenda by facilitating women's advocacy organisations' access to the state policymaking arena (McBride Stetson and Mazur, 1995, pp. 16–18).

Historically, the political opportunity structure for the development of institutional mechanisms has varied. During the early 1970s in Australia, for example, reform-minded governments enabled femocrats (feminist bureaucrats) to enter policy positions and advocate for targeted funding for women's services (Sawer, 1996, p. 4–5). The role and functions of national machinery has been limited however, with the scope of activities often aimed at preventing the 'least worst outcome', although even in hostile environments it may still be possible to achieve progress on issues including violence against women, and women and small businesses (Sawer, 1996, p. 23).

While significant, these early comparative analyses focus almost exclusively on post-industrial Western liberal democracies. Access to political power in both democratic and non-democratic contexts continues to be marked by gender inequality (Chappell, 2010, p. 184) and comparative analysis of women's movements' mobilisation and institutionalisation over time indicates that further research, particularly in non-Western contexts, is needed (Mazur et al., 2016, p. 667). Some important scholarship does exist, giving insight into the preliminary operation of national machinery in African and Latin American contexts (Beall, 1998; 2001; Okeke-Ihejirika and Franceschet, 2002), but there is limited, if any, literature that measures how these institutional mechanisms have performed over time.

It is important to consider the historical and political contexts which shape the development of institutional mechanisms (Manjoo, 2005, p. 269). The success of national machinery in promoting gender equality is dependent not only on the political system but also on whether there is the political will to foster cultural change internally within bureaucracies (Goetz 2003, pp. 91–92). The role of non-state actors has also been influential in the design of institutional mechanisms. For example, a vibrant women’s movement played a pivotal role in lobbying for the creation of a national machinery in the Philippines, influencing its policy direction and the development of training initiatives on GM, while also acting as a check and balance on the government (Honculada and Oreneo, 2003, p. 131). However, unless a national machinery actively embraces feminist policies, the promotion of a feminist agenda is unlikely (Ng and Ng, 2002, p. 9).

It is unclear whether it is possible to measure the effectiveness of institutional mechanisms by their policy influence and access in non-democratic contexts. Authoritarian governments have taken steps to create national machinery, but there is limited research examining how these institutional mechanisms foster gender equality. National machinery is perceived to play an important role in good governance and the democratisation of the state (Rai, 2003). Institutional mechanisms and other governance structures, at least in liberal democracies, ‘shape system openness, conduciveness to [substantive representation of women] claims-making and the prevailing political opportunity structures’ (Chaney, 2016, p. 210). Yet it is unclear whether this is the case with authoritarian regimes. Conversely, the operation of institutional mechanisms may serve to entrench undemocratic practices.

Adam’s case study, for example, illustrates that the Cameroonian state’s motives for adopting national machinery undermined its ability to promote the advancement of women (2007, p. 180). Designed to attract overseas funding, the national machinery provided the Cameroonian state with ‘low-cost international legitimacy,’ which was then utilised to ‘fuel patronage networks’ (Adams, 2007, p. 193). In other authoritarian contexts similar patterns emerge. Myanmar’s national machinery – the Myanmar National Committee on Women’s Affairs, and the Myanmar Women Affairs Federation – is regularly referred to in its state party’s reports to CEDAW, providing a means of securing low-cost international legitimacy (Barrow, 2015, p. 75). However, CSOs have suggested that the effectiveness of these institutional mechanisms, headed by elite women with connections to the Myanmar military, is undermined by a lack of independence (Barrow, 2015, p. 89).

Irrespective of the political context, both internal and external constraints hinder the operation of national machinery. Internal constraints may include structural marginalisation, weak monitoring and accountability mechanisms and a lack of resources (Jahan, 2010, p. 56). Externally, a lack of political will, together with ‘negative resistance from powerful constituencies’, constrain the effectiveness of national machinery (Jahan, 2010, p. 64). In the case of Hong Kong’s hybrid regime, the evolving socio-political and legal landscape also has implications for the functioning of its institutional mechanisms.

3 Hong Kong’s evolving socio-political and legal landscape

Although Hong Kong has often been described as a semi-democracy (Tai, 2020) this framing is increasingly contentious. While Hong Kong’s economy prospered during British colonial rule, limited rights-based protections were extended to the territory and governance processes were marked by the ‘administrative absorption of politics’ (King, 1975, p. 424). Elite interest groups were co-opted by the British colonial government into the administrative decision-making body to reduce the power of oppositional forces (King, 1975, p. 424; Loh, 2006, p. 28). During the period of British colonial rule, the territory’s administration was shaped by a myriad of consultative and advisory committees (King, 1975, p. 429).

Hong Kong’s governance has been shaped by its democratic deficit. The Chief Executive of the Hong Kong SAR is elected by an election committee and formally appointed by Beijing’s Central People’s Government (‘CPG’). Citizens have had limited scope to influence law and policymaking processes at the Legislative Council (‘LegCo’). Prior to 2021, the composition of the LegCo comprised directly elected geographical constituency seats representing Hong Kong’s eighteen districts (thirty-five

seats) and functional constituency seats (thirty-five seats) elected by and representing different professional sectors (e.g. Education; Finance; Insurance; Legal; Wholesale and Retail) (Zhang, 2011). While functional constituencies were created during the British colonial era, Beijing initially maintained this system of functional representation in a bid to reduce uncertainty and to ensure that 'balanced participation' persisted with the inclusion of 'business, the middle class and labour' (Zhang, 2011, p. 644).

How has this democratic deficit affected the promotion and protection of women's rights? During Hong Kong's transition to Chinese sovereignty, the political landscape became 'more fluid and pervasive, yet more polarised and uncertain' and this also had implications for Hong Kong's women's movement, which 'became bifurcated along the wider political cleavage' (Lam and Tong, 2006, p. 13). Lam and Tong specifically point to the establishment of the *Hong Kong Federation of Women*, a pro-Beijing, non-feminist organisation in 1993, the leaders of which were appointed to several committees created by Beijing to ensure the 'smooth transfer of sovereignty' (2006, p. 13; see also Lo et al., 2019, p. 153).

Post-handover, Hong Kong initially enjoyed a high degree of autonomy and all the prerequisites for an open, democratic society such as CSOs, social media, legal and other institutions appeared to be in place. However, in Hong Kong's hybrid regime, these components are susceptible to manipulation and may provide a façade behind which the regime evades accountability (Cheng, 2020, p. 32). The Hong Kong SAR Government has been keen to prevent any powerful oppositional forces, with appointments to advisory and statutory bodies reflecting a clear preference for the selection of members that are pro-establishment, that is those members who are pro-Beijing (Zhang, 2011, p. 648). This also appears to be the case in the composition of the WoC (discussed in detail in part 4.1).

It is difficult to pinpoint the commencement of Hong Kong's authoritarian transition. The Basic Law's promise of the progressive realisation of democracy created the expectation that civic spaces would expand for Hong Kong citizens (Lam and Tong, 2006, p. 8). However, in 2014, the Standing Committee of the National People's Congress delivered an interpretive ruling requiring the vetting of Hong Kong's Chief Executive candidates before any election, denying citizens universal suffrage (Tai, 2020, p. 115). The ruling triggered the Occupy Central Movement, a civil disobedience campaign, which saw citizens stage a 79-day occupation of the Central and Admiralty Districts. However, the roots of the authoritarian transition can be traced further back to the 'reconfiguration' of the sovereign state's engagement with the SAR, which commenced as early as 2003 following the withdrawal of national security legislation by the Hong Kong SAR Government in response to mass opposition (Cheng, 2016, p. 391). Since this critical political juncture, Hong Kong citizens have regularly protested the perceived overreach of the CPG in Hong Kong's legal and political affairs from the anti-Hong Kong-Guangzhou express rail link movement protests in 2009 to the anti-National and Moral Education protests in 2012.

In the aftermath of the Occupy Central Movement, the CPG has exerted more direct control over the territory. This control takes two forms – first, a series of overt interventions in Hong Kong's legal and political affairs,⁷ and second soft power measures utilised to foster a 'stronger sense of national conscience' (Lo et al., 2019, p. 4; Yuen and Cheng, 2017).

From the 2016 oath-taking scandal, when pro-independence legislators were disqualified from the LegCo to the widespread, and at times violent, anti-extradition law amendment bill ('anti-ELAB') protests that occurred in 2019, the CPG has increasingly intervened in Hong Kong's legal and political system (Barrow, 2021). Classifying the anti-ELAB protests as a national security threat (Cheng, 2020, p. 30) the CPG proceeded to legislate the NSL, which was imposed on the SAR on 30 June 2020 (Barrow, 2021). In a dangerous departure from the principle of OCTS, the NSL criminalises secession, subversion, terrorism, and collusion with foreign or external forces (Pils, 2020). The imposition of the NSL represents the clearest exercise yet of the CPG's overt use of law to stifle pro-democracy activists who are perceived of challenging the existing constitutional configuration.

⁷For further academic commentary on overt political interventions in Hong Kong's legal and political affairs see e.g. Chan and de Londras, 2020; Deva, 2021; Jones, 2021).

Since the NSL was introduced to the territory, activists and opposition politicians have been arrested and charged under the NSL (Wong and Kellogg, 2021), new film censorship laws introduced restricting freedom of expression (BBC News, 2021), and the composition of the Legislative Council overhauled to ensure that all elected members are ‘patriots’ (Cheung, 2021). While these electoral changes initiated by the National People’s Congress have increased the overall number of legislative seats, only twenty geographical seats are now directly elected, with forty seats selected via an Election Committee, and the remaining thirty seats allocated to functional constituencies. The dismantling of this semi-democratic institution points to Beijing’s deliberate attempts to stack Hong Kong’s political and other institutional mechanisms with politically loyal legislators, and the WoC, as discussed below is no exception to this process of minimising opposition within the state apparatus.

Soft power measures also play a role in countering any dissent and scholars have examined how the Chinese Communist Party’s ‘United Front’ work has penetrated Hong Kong as the regime seeks to foster patronage and cultivate societal groups (Cheng, 2020). Hong Kong’s women’s movement has not been immune to these soft power measures. In their study of the United Front work for example, Lo et al. point to the *All-China Women’s Federation* (‘ACWF’), a government operated non-governmental organisation (‘GONGO’) representing women’s interests internationally and within the PRC (Jiang, 2019), as actively leading China’s ‘co-optation work targeted at local women’ in Hong Kong (2019, p. 160). They also identify ‘core’ pro-Beijing women’s groups such as the *Hong Kong Federation of Women*, which China uses to ‘infiltrate into the women sector’ in the SAR, and those organisations on the periphery, which include autonomous, pro-democracy feminist groups that resist state influence (Lo et al., 2019, p. 153; p. 161). Pro-democracy women’s groups are increasingly outnumbered by pro-Beijing women’s groups, which is testament to the advances made by China in its strategy to co-opt women’s interest groups (Lo et al. 2019, p. 187). This also potentially has implications for state-civil society relations including how women’s organisations engage with the WoC, and table policy issues on gender equality.

4 The Women’s Commission

Women’s organisations in Hong Kong played a significant role lobbying the government to set up a separate structure that focused on the advancement of women (Petersen and Samuels, 2002; Cheung and Chung, 2009; Lim, 2015, pp. 39–40). In 1989, New Territories’ women’s groups met with members of the Executive and the LegCo to call for the creation of a central committee on women’s issues, which led to the LegCo forming an ad hoc group to examine whether a women’s commission was needed (Women’s Commission, 2018a, pp. 6–7). In 1992, the LegCo supported the extension of CEDAW to Hong Kong and recommended that a women’s commission with advisory status be established (Women’s Commission, 2018a, p. 7).

CEDAW was extended to Hong Kong by the British Colonial Government in 1996.⁸ To support the implementation of CEDAW in Hong Kong, the Sex Discrimination Ordinance (1995) Cap. 480 was legislated (entry into force in 1996), s.63 of which sets out the statutory role, functions and powers of the EOC (Barrow and Scully Hill, 2016, p. 52). After the EOC was founded, the Hong Kong SAR Government considered that the demand for a separate structure to advance the status of women had been fulfilled (Interview with founding member of the WoC, 14 March 2016). However, the EOC’s mandate prevented it from playing a role in the development of policies and services, providing women’s groups with the political opportunity structure to continue their campaign for a women’s commission. Women’s groups lobbied the CEDAW Committee (Petersen and Samuels, 2002) to put pressure on the Hong Kong SAR Government. In 1999, the CEDAW Committee

⁸Following the return of Hong Kong to Chinese sovereignty post-1997, CEDAW continues to apply to the Hong Kong SAR, but the SAR’s periodic reports on CEDAW, along with those of the Macao SAR, are now included within the PRC’s state party report to the CEDAW Committee. The CEDAW Convention requires the Hong Kong SAR Government to take steps to eliminate sex-based discrimination against women.

recommended that the Hong Kong SAR Government establish ‘a high-level central mechanism with appropriate powers and resources to develop and coordinate a women-focused policy ... to ensure effective implementation of the CEDAW Convention’ (United Nations, 1999, para. 318).

Responding to this international peer pressure, in January 2001 the Hong Kong SAR Government relented and established the WoC, a consultative advisory body, to promote the wellbeing and interests of women in Hong Kong. As outlined on its website, the WoC’s primary ‘mission’, or mandate, is to enable women in Hong Kong ‘to fully realize their due status, rights and opportunities in all aspects of life’ (Women’s Commission, 2018b). In addition to advising the Hong Kong SAR Government on policies relating to women, the WoC is required to develop and maintain contact with both local and international women’s groups. Related to this goal, the WoC has held programmes with the ACWF.

Given Hong Kong’s democratic deficit, which has inhibited Hong Kong citizen’s participation in the political arena, the Women’s Commission acts as a potential bridge between the macro (government) and micro (civil society) levels with the capacity to open up the policymaking arena to CSOs. At the time it was founded, scholars suggested that the policy influence and access of Hong Kong’s EOC was low and constrained by its statutory role, but they were cautiously optimistic that the establishment of the WoC would allow ‘the feminist agenda to permeate the government bureaucracy’ (Ng and Ng, 2002, p. 32). However, shortly after being appointed as first chairperson to the WoC, Sophie Leung publicly disassociated herself from the feminist movement in an interview (Petersen and Samuels, 2002, p. 38). As indicated, the Women’s Commission is not a statutory body, a limitation examined in other scholarly analyses examining the WoC vis-à-vis the EOC (Petersen, 2009).

4.1 Composition of the Women’s Commission

In terms of composition, the WoC is made up of a chair (non-official) and twenty non-official members as well as three ex-officio members. Like the myriad of other advisory bodies in Hong Kong’s administration, members are appointed⁹ on an honorary basis by Hong Kong’s Chief Executive. Positioned under the Labour and Welfare Bureau (‘LWB’), the WoC itself has no fulltime, paid staff. The LWB provides secretariat support for project development, implementation, and management. Since it was founded, Hong Kong’s Chief Executive has appointed four successive WoC Chairpersons, who have all sat on numerous government and advisory bodies. The founding Chairperson of the WoC, Sophie Leung (2001–2005), was formerly a functional constituency legislator representing the textile and garment industry. At the time of her appointment, she was the Honorary Vice-chairman of the *Hong Kong Federation of Women* (identified by Lo *et al.* (2019) as a core United Front organisation). Sophie Leung became a Deputy of the National People’s Congress of China in 2003.

Leung’s successor, Sophia Kau, was a founding member of the WoC (2001–2005) before becoming Chairperson for a six-year term (2006–2011). Sophia Kau enjoyed a career in the corporate sector in human resource management before serving on several government advisory bodies including as a member of the Central Policy Unit (replaced by the Policy Innovation and Co-Ordination Unit in 2018), responsible for advising Hong Kong’s Chief Executive. Stella Lau, Headmistress of the prestigious Diocesan Girls High School, had been a member of the WoC (2006–2011) prior to chairing the WoC from 2012–2017. In comparison to her predecessors, Chan Yuen-han (2018– current), was only appointed as a member of the WoC in 2017, one year prior to being appointed as Chairperson. Chan is Honorary President of the *Hong Kong Federation of Trade Unions*, a pro-Beijing labour group and was a founding member of the pro-Beijing political party, the *Democratic Alliance for the Betterment and Progress of Hong Kong* (‘DAB’). While all the chairpersons of the WoC are professional women;

⁹Besides direct appointment to advisory bodies by the Government, in some cases nominations and recommendations may be made. In 2016, the appointment of advisory body members was called into question by then Democratic Party legislative councillor, Hon Emily Lau, who sought greater transparency regarding the background and political affiliations of appointees, as well as more information about the persons who made appointments (Government of Hong Kong SAR, 2016).

highly successful and accomplished in their own right; they are nevertheless firmly entrenched in elite, pro-establishment circles, potentially limiting their agency, independence and capacity in decision-making.

Although appointments to the WoC have been driven by an emphasis on the plurality of its membership, this has not actively involved the identification of members with appropriate gender-based expertise (Cheung and Chung, 2009). In 2005, LegCo members called for the increased representation of grassroots women to advisory and statutory bodies, particularly the WoC (Legislative Council 2005, para. 23). Despite these calls, most WoC members have sat on numerous government committees and advisory bodies. Many are affiliated to the DAB and the *Hong Kong Federation of Trade Unions*, or they are District Councillors (Interview with former WoC member, 5 September 2016). Since the WoC was founded, ninety-five non-official members have been appointed to the WoC for varying periods of tenure (including three members subsequently appointed as chairpersons). Six of the founding members to the WoC completed a term of three years, but subsequent WoC members have largely served for periods of either five (22 percent) or six years (36.8 percent).

As an advisory body, with no statutory powers, one may question whether the WoC's capacity to promote women's rights was predestined or to be expected. While the founding Chair of the WoC, Sophie Leung's early disassociation from the feminist movement set a conservative tone that has persisted, this does not necessarily mean that WoC members do not support gender equality. The WoC's membership has included the participation of notable women's rights advocates at various points in its institutional history. Fanny Cheung, a founding member of the WoC, pioneered the 'War-on-Rape' campaign in the 1970s. However, Cheung herself distinguished the 'conciliatory approach' adopted by the feminist movement in Hong Kong from radical feminist movements in the West (1989, p. 105).

This may in part explain why the type of gender equality strategies initially adopted by the WoC appear to be conciliatory in approach, relying on voluntary engagement rather than the direct imposition of any strategies on government departments. The WoC's membership has also included a significant number of individuals with strong ties to the business and corporate sectors. WoC members' support of women's advancement is not necessarily grounded in a rights-based conceptualisation of gender equality. Instead, the WoC's focus on women's empowerment appears to echo the socio-economic goals of the Hong Kong SAR government including increasing women's participation in the labour force.

4.2 Gender equality strategies

The Beijing Declaration and Platform for Action indicated that national machinery should have the capacity to influence the development of all government policies (United Nations 1995: para. 201(d)). Since its inception, the WoC has adopted two identifiable strategies to promote gender equality, the Gender Mainstreaming Checklist (Government of Hong Kong SAR, 2018a) ('GM Checklist') and the Capacity Building Mileage Programme ('CBMP'). In addition, the WoC has conducted several research surveys and projects primarily focused on women's participation in the labour force.

As explored by feminist scholars across disciplines, a key theoretical tension with GM is whether the process of realising gender equality is based on 'sameness' (the assimilation of women's experiences into existing law and policy frameworks), 'difference' (formally recognising gender-based differences in law and policy-making) or 'transformation' (reshaping the 'mainstream' itself) (Walby, 2005). Further, Woodward's theory of 'Velvet Triangles' posits that three central components need to be in place for GM to operate effectively – femocrats (feminist bureaucrats), CSOs and epistemic communities with the requisite knowledge and expertise in gender equality (2004). In practice GM has been marred by a lack of clarity around the evaluation of GM strategies (Moser and Moser, 2005). Policymakers are likely to view GM as a bureaucratic gender equality tool rather than a transformative process (Squires, 2005, p. 368), and this appears to be the case in how the GM Checklist has been implemented to date in Hong Kong.

Introduced in 2002 and revised in 2009, the GM Checklist is an analytical tool designed for use by government officers in the design, implementation, and evaluation of policies. The GM Checklist focuses on the disadvantaged position of women in Hong Kong, and most of the questions are specifically framed about the potential impact of laws, policies, and programs on women, rather than both genders, perpetuating a male comparator standard against which women's experiences are measured (Barrow and Cheng, 2019, p. 92). The GM checklist appears to be a tick box exercise with most questions only requiring a 'yes', 'no' or 'not applicable' response, which makes it particularly difficult to track how, for example, resources have been allocated to ensure gender is effectively mainstreamed in program areas (Barrow and Cheng 2019, p. 92).

Initially voluntary, in its 2015 policy address, the Government announced that the checklist would be mandatory. Since its inception, the WoC report that the GM Checklist has been applied to more than 800 areas (Women's Commission, 2021, p. 7) although prior to being made compulsory, the GM Checklist was only applied to fifty areas from 2002–2015 (Women's Commission, 2018d). There is limited publicly available information about the process and impact of GM. The LWB lists case summaries identifying which policy areas the GM Checklist has been applied to (Government of Hong Kong SAR, 2018b). However, these examples provide limited insight, making it difficult to fully evaluate the GM Checklist's impact in practice. The WoC does collaborate with the Census and Statistics Department to publish the annual report on Hong Kong Men and Women Key Statistics (see e.g. Census and Statistics Department 2019, 2021), a key resource which presents gender-disaggregated statistics, providing some insight into distinctions between men and women's lives across a broad range of policy areas.

Second, the WoC promoted its CBMP, an educational program in collaboration with the Open University of Hong Kong and women's CSOs, which has created a series of courses targeted at women with familial and other caring responsibilities. Initiated in 2004 under the leadership of founding Chairperson, Sophie Leung, the CBMP is not specifically targeted at elevating women's skills and employability to allow them to re-enter the labour market, but instead focuses on topics such as 'household keeping' or how to 'build a harmonious family' (Barrow and Cheng, 2019, p. 91). In 2006, some LegCo members called for the CBMP to enhance the 'skills and employability of low-income female employees and their competitiveness in the labour market' (Legislative Council, 2006). These suggestions do not appear to have been considered by the WoC.

More than a decade later, while some WoC members suggested that more credit-bearing courses should be included to enable a path to continuing education, overall, the commission agreed that the CBMP's original objective – women's 'self-development' – should be maintained (Women's Commission, 2020, p. 6)). In 2020, members suggested that further courses on 'gender roles, relationship between husband and wife, communication with the family, caring skills for children/elders' should be developed (Women's Commission, 2020, p. 7). The WoC itself acknowledges that the CBMP is 'neither career-orientated nor designed for attaining academic qualifications' (Women's Commission, 2020, p. 6) and the current Chairperson, Chan Yuen-han, has distinguished the CBMP from other publicly funded educational programmes (Women's Commission, 2020, p. 8). With courses focused on relationships in the private sphere, the CBMP does not appear to be transformative in its design, but rather may constrain women's empowerment. Further, CSOs representing migrant workers have raised concerns that limited information is provided about the CBMP in English, excluding minority ethnic women who do not read Chinese (The Hong Kong Unison Limited, 2013).

5 Data collection and methods

Potential interviewees were first identified by utilising the list of women's organisations registered with the WoC. Relevant organisations were also identified via the WoC's list of projects funded by the Women's Development Funding Scheme. Some CSOs identified worked with LGBT or marginalised communities and were not registered with the WoC. Present and former members of the WoC were identified via the commission's website. Interviewees were purposively sampled from this information

and include former and then members of the WoC; employees, members, and a claimant of the EOC; legislators, human rights advocates, grassroots women's organisations, and scholars. Forty-eight individuals participated in semi-structured in-depth interviews from October 2015–September 2016. Two further written responses were also received. Key pro-establishment organisations declined to be interviewed including the Hong Kong Federation of Women; the Hong Kong Federation of Trade Unions Women's Affairs Committee and several District-level women's associations. As Hong Kong is a bilingual society, where possible, interviews were conducted in English. While this approach was feasible in the context of elite interviews with policymakers, legislators, and scholars, I was keen to engage with the perspectives of Cantonese-speaking grassroots actors. With support from my research assistants, several grassroots actors were interviewed in Cantonese; these interviews were transcribed into Chinese first and then translated into English.

The aim of the interviews was to explore the role of both the EOC and the WoC, with a view to evaluating the perceived effectiveness of these institutional mechanisms in advancing the status of women and promoting gender equality. I utilised framework analysis to analyse the data generated through the interviews. Influenced by Glaser and Strauss's grounded theory, framework analysis allows for the development of a thematic framework inclusive of both deductive themes identified prior to data collection, and inductive themes emerging from the data (Lacey and Luff, 2001, p. 9). Through a process of familiarisation with the data, I coded, indexed, and charted the data before interpreting it (Lacey and Luff, 2001, pp. 9–10). Deductive themes included the respective role and powers of the EOC and the WoC; the organisational structure of each institutional mechanism; the institution's policy influence; the type of strategies adopted to advance women's status and promote gender equality; and the relationship between the institutional mechanisms, CSOs and state institutions. Several inductive themes emerged from the data including Hong Kong's changing socio-political and legal landscape, the government's actions more broadly, and the polarisation of the women's movement in Hong Kong.

6 Role and powers of the Women's Commission

The Beijing Declaration and Platform for Action called for national machinery to be located at the highest possible level of government and sufficiently resourced (United Nations, 1995, paras. 201(a) and (c)). Hong Kong's thirteen policy bureaux include the Constitutional and Mainland Affairs Bureau, which is responsible for the implementation of the Basic Law (1990), the elimination of discrimination and the promotion of equal opportunities. Although described by the Hong Kong SAR Government as a high-level central mechanism, the WoC, was first positioned under the Health and Welfare Bureau, and from 2007–2021 was situated under the LWB (Barrow, 2012, p. 308). Critically, this positioning distinguishes women's legal and social status as distinct from human rights-related policy concerns. Given that the WoC is responsible for advising the government on its implementation of CEDAW, its position reinforces the 'double marginalization of women's human rights, which are seen as the "soft" issues of human rights and are developed through modalities of law-making that allow states to accept such principles while minimizing their legal commitments' (Charlesworth and Chinkin, 2000, p. 66).

A legislator described her disbelief when the decision to situate the WoC under the Health and Welfare Bureau was first made: 'What the hell is going on? Why should [the] secretary for [Health and] Welfare be responsible for women's affairs?' (Interview with Legislator, 26 April 2016). Several interviewees expressed their disappointment that the WoC did not occupy a more prominent position in the government's organisational structure:

'It's unfortunate – [the] Women's Commission is not a central mechanism – of course they claim themselves as a central mechanism to implement CEDAW. But in fact, we all know that it's just remained at the consultation level, just like the other commissions. They don't have real power, they don't have much resources...I don't think they can work much to improve the situation of women in Hong Kong.' (Interview with former WoC member, 9 November 2015)

As a consultative advisory body, the WoC's role, functions and powers are limited. A former EOC Chairperson explained that the existence of these institutional mechanisms does not take away the need for an institution with a broader human rights mandate with more executive power and resources, but what the WoC can achieve as an institution in isolation is limited (Interview with former EOC Chairperson, 20 May 2016). Although some interviewees suggested that the WoC is 'better than nothing' (Interview with CSO Chairperson, 19 November 2015), this does of course raise the question of whether the institutionalisation of gender equality has been inimical to the continuous development and design of progressive measures to advance women's status.

6.1 Policy formation on gender equality

The WoC is primarily responsible for advising the Hong Kong SAR Government on its implementation of CEDAW. Significantly, members of the WoC are assigned to one of several working groups. The 'enabling environment' working group is primarily responsible for the promotion of the GM Checklist. Limited legal research explores how GM operates within institutions (Beveridge, 2007; Charlesworth, 2005). One of the aims of the qualitative research was to identify how the process of GM worked in practice, 'ownership' of the GM Checklist, and the nature of the relationship between the WoC and the LWB Secretariat. Significantly, during my interview with a member of the WoC, it became clear that the commission has limited control over the implementation of the GM Checklist. I asked whether the WoC had any oversight of the civil servants responsible for completing an evaluation of GM in their respective departments. Further, I wanted to understand whether the completed GM Checklists were returned to the WoC for their review and feedback. As a then member of the WoC explained:

'Right now, the accountability is not very transparent. Because not many papers have gone to us. A lot of policy issues can be confidential as well. It stops at the secretariat and doesn't go to the Women's Commission.' (Interview with member of the WoC, 30 March 2016)

As a consultative advisory body, the WoC lacks the power and authority to direct the implementation of the GM Checklist by government departments. Beyond its role in the formulation of the GM Checklist, the WoC has not been at the forefront of monitoring its implementation, making it difficult to fully evaluate the WoC's policy influence over time. This member of the WoC recognised that women's groups had high expectations for the work of the WoC, but explained that the commission was constrained in what it could achieve:

'The expectation is high, and I understand...we give advice, but we can't push the government to do anything so from that perspective we have a limited role to play in promoting gender equality.' (Interview with WoC member, 30 March 2016)

This interviewee suggested that the Hong Kong SAR Government is paternalistic in its approach to policymaking, noting that it was not in the public interest to explain how every policy operates, with the development of some policies necessitating confidentiality. They explained to me that the WoC's position under the LWB was advantageous given the WoC's lack of 'manpower':

'Now the secretariat have supportive function by supporting and organizing the meeting, inviting departments to talk to us. On top of it, they arrange and offer gender mainstreaming to bureaus.' (Interview with WoC member, 30 March 2016)

I contacted the LWB Secretariat to find out more about its role in monitoring the GM Checklist and asked several questions including how often government departments were expected to complete the GM Checklist and whether they were required to return their completed checklists to the LWB Secretariat. I wanted to understand how accountability for completion of the GM Checklists was

ensured including whether government departments received any feedback from the LWB Secretariat, or whether they were required to revisit their evaluations. Responding vaguely, the LWB Secretariat indicated that:

‘LWB will review and clear the assessments on gender issue submitted by the subject officers and provide assistance if necessary.’ (Labour and Welfare Bureau, email to the author, 29 June 2016)

Whether the GM Checklist has effectively influenced the design of laws, policies and programs over time is difficult to evaluate. Many interviewees remain sceptical about the impact of GM in practice. Several interviewees described how the WoC regularly refers to the male-to-female toilet ratio, as a positive example of the GM Checklist’s implementation:

‘They are doing gender mainstreaming for ten years, right?...and they always use toilets as an example!’ (Interview with CSO Chairperson, 6 February 2016)

Beyond this specific example, however, the capacity of the WoC as a vehicle to drive the advancement of women’s status was questioned by several interviewees. Although the WoC initially established several development goals; and developed the GM Checklist and the CBMP, in recent years the Commission has not proactively initiated new policy initiatives. Several interviewees suggested that the lack of initiatives was primarily due to the WoC’s interaction with the LWB Secretariat, which shaped the direction of the WoC’s agenda. One former WoC member suggested that policy initiatives developed by the commission had effectively stagnated in recent years:

‘Unless you have the secretariat that is more engaged and more proactive, it’s not going to move too much...other than just carrying on the usual annual graduation party for the capacity building program. Of course...they supposedly have discussed different policies which may have a women’s perspective, but you don’t see too many initiatives that are proactive.’ (Interview with founding WoC member, 14 March 2016)

Further, some women’s organisations indicated that research projects initiated by the WoC are too narrow in focus, failing to represent minority groups in society:

‘Frankly speaking...their research topics are too general! Because they talk only about straight female, but somehow “female” supposed to include all kind of female! They assume all are married!’ (Interview with CSO member, 28 November 2015)

The WoC does not appear to be proactively developing new strategies to drive the promotion of gender equality forward. In part, this is because of the nature of the WoC’s organisational structure, its composition, and resources. On average, the WoC receives recurrent funding of about HKD\$ 20 million (approx. USD\$2.5 million) every year, which includes funding for the CBMP and the expenditure of the LWB Secretariat (Women’s Commission, 2011). As a result, the majority of the WoC’s resources have been directed towards low-scale, low-cost projects. As a former member of the WoC explained:

‘Without the structure and resources...they can take the very neutral stance...very mild, just doing some educational program.’ (Interview with former WoC member, November 9, 2015)

6.2 Organisational structure

Reflecting on the appointment and tenure of appointees to the WoC, one interviewee explained that many of the founding members of the WoC were women’s rights advocates such as Dr Margaret Wong Fung-ye, a social worker with expertise on domestic violence. These members’ relevant

expertise in gender equality was grounded in decades experience working on women's issues, which is why they were 'so dynamic'. While not criticising the WoC outright and recognising the importance of institutional change and 'new blood', this interviewee nevertheless suggested that subsequent appointments to the WoC had not produced a critical mass of members with the relevant expertise to actively engage with women's issues (Former member of the WoC, Interview with the author 14 March 2016).

A then serving member of the WoC suggested that appointments were merit-based, and reflected different backgrounds, knowledge, and experience from various sectors, enabling the WoC to promote the wellbeing and interests of women in Hong Kong (WoC Member, email to the author, 5 March 2016). However, many interviewees expressed concern about the background of commissioners, suggesting that appointees were selected based on their personal connections to government rather than having any relevant expertise in gender equality and diversity:

'It [The Women's Commission] was heavily weighted to women who were well off, well connected to the government, [who] either had very well-established professional careers or... they were very, what we will call pro-establishment, very disconnected from the women's groups that were helping lower income women.' (Interview with scholar, 2 September 2016)

'They are from the so-called pro-establishment camp or you have to be someone senior in the commercial sector. They are from the upper class; they don't really understand issues of the grass-roots women.' (Interview with CSO Chairperson, 19 November 2015)

Reinforcing this perception, the majority of WoC appointees have significant prior experience sitting on a range of other government commissions and committees. One civil society actor suggested that members of the commission were firmly entrenched in policy circles, which effectively biased their ability to objectively evaluate government laws and policies:

'The recent bunch of commissioners, they are all nominated again and again.... It's just like the game of musical chairs, it's still the same bunch of people...but recently [the members] are more and more pro-government, this is inevitable, and this is also the trend, you will know it just by seeing the name list.' (Interview with CSO Chairperson, 25 November 2015)

This perspective raises the question of whether elite women can substantively represent all women. One interviewee described the Women's Commission as a 'Tai Tai [ladies who lunch] Commission' (Interview with scholar, 2 September 2016), an image which has been difficult to shake off with the successive appointment of well-connected, pro-establishment women in society. Significantly, these perspectives point to the polarised nature of Hong Kong politics, which has been divided between pro-establishment groups and pro-democracy groups that support autonomy and greater democracy in Hong Kong. Further, several interviewees expressed concern that WoC members do not have sufficient understanding of 'gender equality', which meant that they are ill-equipped to drive policymaking to support the advancement of women:

'Most of the members come from pro-establishment organizations. And for those who represent women organizations, I can say that all of them are pro-establishment women's organizations. And for some members, they are professionals...but most of them, they don't have the gender concept.' (Interview with former WoC member, 9 November 2015)

Some CSOs have written directly to the Hong Kong SAR Government to recommend the appointment of individuals to the WoC with a track record in human rights, together with relevant expertise in gender equality, but these suggestions have rarely been considered. A former civil servant recognised that the organisational structure of the WoC mirrors other government commissions, which are heavily process-driven rather than results-focused:

‘They take you know the great and the good, put a whole lot of them round the table, have someone as the secretary taking the minutes and that’s what you’ve got at the end of the year – a lot of meetings and a few tiny low-cost projects.’ (Interview with former civil servant, 16 June 2016)

This perspective suggests that advisory bodies have a superficial role to play in advancing government policy. A former member of the WoC recognised that a strong preference for the appointment of people who are pro-government also had implications for membership of the WoC:

‘Well, with any government body, they don’t want people who are anti-government (laugh) and fair enough, you want people who are going to contribute, and not destroy.’ (Interview with founding WoC member, 14 March 2016)

In part, this reflects the Confucian values which run through Hong Kong society, but also a ‘nationalistic discourse that emphasizes unity and stability’ (Lam and Tong, 2006, p. 28).

6.3 *The role of the WoC Chairperson*

Several interviewees discussed the integral role of the Chairperson in shaping the WoC:

‘[The WoC] don’t have any substantive power, but I think the chairperson is also very crucial, I mean, frankly, when Anna Wu was in EOC, a lot could be accomplished, and it’s quite different after she had stepped down, right?’ (Interview with community worker, 21 December 2015)

However, the disparity in funding between the EOC and the WoC may also influence how proactive the chair of each body is. One interviewee explained that Sophia Kau (chairperson of the WoC from 2006–2011), whose prior professional experience was grounded in human resources management, had been proactive in pushing forward policy initiatives including creating a set of women’s development goals and publicising these on the WoC’s website. However, these goals were removed following a change in leadership with then incoming chair, Stella Lau, expressing concern that the commission was trying to do too many things (Interview with CSO Director, 22 April 2016). This suggests that the Chairperson’s role is significant in shaping the direction of the WoC, including how proactive the advisory body is. A member of the WoC suggested that it was not the WoC’s role to be antagonistic:

‘[Stella Kau] won’t publicly come out and demand for this and that in a high-profile way to the media...Because a lot of times [the government] will, talk to us committees...So actually [the WoC] don’t have the need to gossip in front of the media. Basically, for fighting for things, it’s left for women organizations at lower levels, to successfully fight for it!’ (Interview with then WoC member, 11 April 2016)

Critically, this perspective suggests that the WoC and women’s organisations have different and exclusive roles to play. However, this perception appears to be at odds with the Beijing Declaration and Platform for Action’s goal that institutional mechanisms should engage civil society actors from the grassroots upwards (United Nations, 1995, para. 201(b)). This response also suggests that the WoC is not willing to push the envelope on key policy issues. The WoC does not appear to recognise the significance of its role as a bridge between macro and micro levels in providing a means of opening up the policymaking arena to women’s organisations.

6.4 *Policy access and engagement with CSOs*

A former legislator explained that during the 1990s there was a significant drive to establish institutional mechanisms and equal opportunities laws, a positive development that resonated with society

more broadly. However, they explained that since the EOC had been fully operational for a substantial period and given that the WoC existed, it was to be expected that any questions regarding women's legal and social status in society would not receive the same level of scrutiny. The former legislator suggested that this may in part be due to a lack of clear advocacy on women's rights in the past decade:

'It seems that in more recent years, the women's advocacy, seems not to have been able to pinpoint on certain things that resonated with the whole of society.' (Interview with former legislator, 21 June 2016)

This perspective does not sufficiently explain why women's advocacy has not been particularly cohesive in the past decade. While other policy issues have come to the fore, for example campaigns calling for the recognition and legal protection of LGBT minority groups (Loper, 2019; Barrow, 2020), there remains significant gender inequality within society, such as disparity in pay (Census and Statistics Department, 2021). Potentially, this lack of advocacy on women's rights also points to an absence of the WoC's leadership on gender equality issues. In consultation with women's groups, the WoC should be deciphering pertinent policy issues and advising the Hong Kong SAR Government. Instead, progressive non-governmental women's groups on the 'periphery' including the *Association for the Advancement of Feminism* and the *Hong Kong Women's Coalition on Equal Opportunities* have played a pivotal role holding the Hong Kong SAR Government to account, whether through shadow reports to the CEDAW Committee or in policy submissions to the LegCo. Members of the *Hong Kong's Coalition on Equal Opportunities* include the *Hong Kong Federation of Women's Centres* founded in 1981 (not to be confused with the *Hong Kong Federation of Women* established in 1993), which works on rights-based issues including gender-based violence and provides pro bono legal advice to grassroots women, strengthening access to justice; *Action for Reach Out* (representing sex workers) and the *Association Concerning Sexual Violence against Women*.

There are also many smaller women's associations, some of which are affiliated to the *Hong Kong Federation of Women* such as the *Tin Shui Wai Women Association Limited*. These associations are primarily community-based in nature, and often focus on social and cultural activities targeted at women. Many of these women's associations were reluctant to evaluate whether the WoC was 'effective', and were particularly reticent about stating any negative opinion about the WoC. A grassroots organisation explained that they only received information from the WoC:

'We do not dare to evaluate their effectiveness, I can only say that they are influential, because... whether an organization is good or not, actually no one is qualified to judge that... I would rather say that they have a sharp image, they have a good image. This is the impression we have on the WOC as ordinary organization and citizen; they give us a good impression.' (Interview with grassroots society, 17 December 2015)

This interviewee's perspective appears to be focused on the WoC's public profile, rather than its substantive activities. While this organisation had not directly benefitted from WoC funding, it was affiliated with the *Hong Kong Federation of Women*. More generally, this interviewee noted the importance of promoting mediation to foster a harmonious society 'if we want the society to be harmonious, we need to complain less.' This may suggest that women's associations linked to the *Hong Kong Federation of Women* are less likely to be critical of the WoC and other Hong Kong SAR Government institutions, as this would potentially undermine discourses on harmony, unity, and stability within society. Notably, many of these smaller associations and societies included Chairpersons, who were District Councillors, DAB members or had experience sitting on various government committees. This raises the question of whether these associations are independent and autonomous. At the least, it suggests that these associations are pro-establishment leaning and pro-Beijing.

One interviewee suggested that the WoC has restricted its engagement with women's groups from across the political spectrum:

'[The WoC] should liaise with all various women groups with different political standing.'
(Interview with CSO Chairperson, 25 November 2015)

The WoC does not hold regular plenaries. During 2012–2015, the WoC held an exchange session and a separate meeting with the *Hong Kong Women's Coalition on Equal Opportunities*. During the same period, the majority of the WoC's engagement with CSOs included lunch meetings with pro-Beijing groups, such as the *Hong Kong Federation of Women*; the *Hong Kong Island Women's Association* and the *Kowloon Women's Development Association* (Women's Commission, 2018c). Interaction between the WoC and epistemic communities, such as the Gender Research Centre at the Chinese University of Hong Kong was lacking. In 2014, Anson Chan, Chief Secretary of Hong Kong from 1993–2001 who had announced the WoC's founding, publicly criticised the WoC for becoming about 'cocktails and receptions' rather than addressing vital issues (Choi, 2014).

The WoC did not report on its activities (for the period 2016–2019) until 2021. Since 2016, members of the WoC have attended multiple functions including the GRC's annual gender roles workshop, but most events attended have been ceremonial or social in nature including celebratory gatherings, dinners and banquets held with women's district community associations (Women's Commission, 2021, p. 124). Although the WoC did meet with the *Association for the Advancement of Feminism* and the *Hong Kong Women's Coalition on Equal Opportunities*, most of the commission's engagement with 'local NGOs' took place in 2018 and involved meetings with community affairs and other District Council committees (58 percent) rather than local NGOs. These meetings coincided with the lead up to the submission of the Hong Kong SAR's fourth periodic report to the CEDAW Committee in September 2018.

In 2014, the CEDAW Committee had called for the WoC to be given adequate financial and human resources to enable it to carry out its mandate effectively (United Nations, 2014, para. 51). However, it was not until 2018, that the Hong Kong SAR government doubled its funding for the WoC's Women's Development Funding Scheme from HKD\$2–\$4 million (approx. US\$250,000–\$500,000) to enable local women's groups to organise regional or territory-wide activities (Women's Commission, 2021, p. 82). The timing of this budget increase appears to coincide with the CEDAW periodic reporting process. International peer pressure was a driver in the development of the WoC, and it continues to be influential at least in so far as securing low-cost international legitimacy. During each periodic reporting process, the Hong Kong SAR Government appears to address prior criticisms levelled at it by the CEDAW Committee, but otherwise does not proactively take steps to strengthen the WoC as an institution.

7 Concluding remarks

It is important to understand how national machinery operate in political systems outside of 'Western' liberal democracies and the way in which internal and external drivers shape the development of laws and policies on gender equality. Significantly, this article gives insight into the role of the WoC in Hong Kong, a hybrid system where both democratic and authoritarian elements of governance can be found, but one in which the CPG is exerting more direct control.

The WoC held considerable promise as an institutional mechanism for the advancement of women. However, the commission's role in the formation of feminist policies has not fully materialised and the 'Velvet Triangle' required to successfully advance GM is absent. Femocrats have not been successfully integrated into the WoC. The expertise of epistemic communities does not appear to have been fully harnessed, nor does this institutional mechanism appear to have opened up the policymaking arena to women's groups from across the political spectrum.

Although the WoC's membership has included some gender equality advocates, the commission has largely comprised elite, professional women, and some men, who are well-connected to the government. The agency of WoC members in decision-making appears to be inhibited not only by their background, class, and connection to government, but their role and powers are also structurally limited by the WoC's position under the LWB (since 2022 the Women's Commission receives secretariat support from the Home and Youth Affairs Bureau). Femocrats are not dispersed throughout Hong Kong's administration to enable the advancement of a feminist agenda and the WoC lacks a critical mass of members with the requisite expertise in gender equality law, policy, and practice. The WoC does not appear to have the capacity or resources to advance the status of women. Given the entrenched practice of 'administrative absorption of politics' in Hong Kong, was it ever intended to be an effective driver of social change? The WoC was not founded in the pre-handover period, when rights-based legal protections were strengthened, but established post-1997 when the territory reverted to Chinese sovereign rule under the principle of OCTS. Despite this, the colonial practice of co-opting elite interest groups into advisory committees continues.

Since the establishment of the WoC, what has fundamentally altered however is the direction and nature of the hybrid regime, which has experienced a surge in authoritarian governance practices. Opposing the imposition of repressive state measures, different societal interest groups have regularly mobilised against the state to contest the shrinking of civic spaces. Institutional mechanisms are not immune to these tensions and the successive appointment of pro-Beijing members to the WoC points to the regime's attempt to prevent any powerful oppositional forces within the state apparatus. This may have detrimental consequences for women's mobilisation vis-à-vis the state, by limiting spaces for engagement with those women's groups whose advocacy does not align with the Hong Kong SAR government's, and Beijing's political goals.

Further research is needed to examine how institutional mechanisms are susceptible to authoritarian governance practices, and whether the role of national machinery for women's rights in other political contexts has declined over time. Discussing the effectiveness of the WoC since its founding, one interviewee suggested that there appears to have been a 'U-turn' on gender equality (Interview with former WoC member, 5 September 2016). The WoC increasingly exists to preserve the status quo providing low-cost international legitimacy. It gives the appearance of doing gender equality and provides a façade behind which the government evades accountability. Regrettably, the WoC's full institutional potential in drawing attention to gender inequalities has not been realised, and given the direction of Hong Kong's regime change, it is unlikely that this will happen in the future.

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