

**Minutes of the One Hundred and Fortieth Meeting of
The Equal Opportunities Commission
held on 21 December 2023 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Mr Ricky CHU Man-kin, IDS	Chairperson [C/EOC]
Ms Queenie CHAN Lai-kwan, MH	
Hon Vincent CHENG Wing-shun, MH, JP	
Ms Rosanna CHOI Yi-tak	
Miss CHOW Lily	
Dr Theresa CUNANAN	
Mr FONG James Mathew	
Mr Simon LAM Ken-chung	
Dr Sigmund LEUNG Sai-man, BBS, JP	
Mr Vishal MELWANI	
Dr Henry SHIE Wai-hung	
Ms Anna THOMPSON	
Miss Shirley TO Shuk-yi	
Ms Linda TSANG Chi-man	
Dr Rizwan ULLAH, MH	
Mr Gary WONG Chi-him, JP	
Dr Kitty WU Kit-ying, JP	
Dr Ferrick CHU Chung-man	Secretary Executive Director (Operations) [ED/O]

In attendance

Mr Ivan LUK Chi-cheung	Executive Director (Enforcement) [ED/E]
Mr Oska LI Kam-hung	Director, Corporate Planning and Services [DCPS]
Mr Tony SIU Kit-hung	Director, Complaint Services [DCS]
Miss Lisa CHAN Kit-ching	Head, Corporate Communications [HCC]
Mr Allan MAN Sui-lun	Chief Legal Counsel [CLC]
Ms Doris TSUI Ue-ting	Head, Policy, Research and Training [HPRT]
Mr LEUNG Shek-hay	Research Coordination Manager [RCM]} ^{For Agenda} _{Item 3 only}

Mr John KEUNG Shui-cheung	Acting Chief Equal Opportunities Officer (Services and HR Development) [Ag C(SHRD)]	} For Agenda Item 4 only
Mr Owen FUNG Heung-wang	Acting Senior Communications Manager [Ag SCCM3]	
Miss Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]	
Ms Hollis LING Yin-har	Equal Opportunities Officer, Administration & Personnel [EAP]	

I. Introduction

1. The Chairperson (C/EOC) welcomed all EOC Board Members (Members) to the 140th Meeting. C/EOC informed Members that Dr Rizwan ULLAH would join the meeting at a later time. Since all Members would be present at this meeting, he invited Members to take a group photo when all Members were present.

II. Confirmation of Minutes (Agenda Item No. 1)

Confirmation of Minutes of the 139th Meeting on 21 September 2023

2. The draft minutes of the 139th EOC Meeting held on 21 September 2023 were issued to Members on 13 October 2023. No request for amendments was received. Members confirmed the minutes of the 139th EOC Meeting without amendments.

III. Matters Arising (Agenda Item No. 2)

3. There were no matters arising from previous meetings that required Members' attention in this meeting.

IV. New Agenda Items

Findings of the Complaints Handling and Enquiry Services Users’ Feedback Study 2023

(EOC Paper No. 11/2023; Agenda Item No. 3)

4. C/EOC briefed Members on the background of EOC Paper No. 11/2023 on Findings of the Complaints Handling and Enquiry Services Users’ Feedback Study 2023 (the 2023 Study).

5. Members noted that the EOC started to conduct an annual study to gauge feedback from users on our complaint handling and enquiry services in pursuance of Director of Audit’s recommendation in the 2009 audit exercise. Since 2012, external consultant had been engaged to conduct the study following the advice from the Efficiency Unit of the Government. From 2016 onwards, the study had been conducted biennially per Members’ advice in consideration that a longitudinal study of this kind would not be cost-effective to conduct annually. The last study was conducted in 2021 and its findings were reported to Members at the EOC Meeting in December 2021. In early 2023, following EOC’s established procurement procedures, the Commission engaged an independent consultant, CS Global Consultancy Limited (CSGC) to conduct the 2023 Study.

(Dr Rizwan ULLAH joined the meeting at this juncture.)

6. RCM presented to Members the key findings and major observations of the 2023 Study. Members noted that the questionnaire used for the 2023 Study were generally modelled on the one first adopted since 2012 with refinement inputs from the Complaint Services Division (CSD) and the Anti-sexual Harassment Unit (ASHU). Feedback from Complainants, Respondents and Enquirers on 16 performance attributes in the areas of “Victim-centric approach (VCA)-related

factors”, “Physical-related factors” and “People-related factors” were gauged in the 2023 Study.

7. The fieldwork of the 2023 Study was conducted between 3 July 2023 and 19 October 2023. A total of 1 093 service users (comprising 242 Complainants, 80 Respondents and 771 Enquirers) had completed the survey questionnaires and the overall response rate was 50.9%.

8. Members noted that in the 2023 Study, the overall mean ratings on the EOC’s services were higher among the Complainants, Respondents and Enquirers than that of the 2021 ones. Particularly, the increase in the overall mean score of Respondents was statistically significant. Clearly, the respective overall ratings had been on a stable and slightly rising trend.

9. On whether service users would recommend EOC’s services to others, 74.8% of Complainants, 97.0% of Respondents and 86.6% of Enquirers indicated that they certainly would or probably would. Majority of the reasons for recommending were VCA-related factors (e.g. the EOC’s staff provided professional opinion and advice when handling the complaints / enquiries, the EOC’s staff provided clear explanation and direction) and physical-related (e.g. the EOC handled enquiries in timely manner, the channels of lodging a complaint (including online complaint form) were convenient and the related information was clear). The majority reasons for not recommending were attributable to process-related factors (e.g. the EOC lacked the power of adjudication or prosecution, the EOC was not entitled to subject the respondents to punishment and / or to compel the respondents to execute requests from complainants) and people-related factors (e.g. the EOC’s staff were unable to provide professional legal advice).

10. RCM concluded that the 2023 overall ratings on EOC’s complaint handling and enquiry services and the performance attributes improved notably when compared with those in the 2021 Study. Through stepwise linear regression analysis, VCA-related factors “Impartiality” and “Willingness to listen to and

understanding service users' needs" were identified as the critical factors affecting the overall ratings. To further enhance the service users' favourable ratings on the EOC's services, focus for service improvement could be placed on these VCA-related aspects in the future.

11. A Member expressed his appreciation of the positive feedback on EOC's complaint handling and enquiry services. He suggested that, given the following considerations, the survey could be conducted at a three-year interval instead of the current two-year one: (i) the results of the same surveys in the past years had all along been showing a stable and positive trend in the service quality delivered. There seemed not much value, from a longitudinal study perspective, for checking the numeric changes each round which were often statistically insignificant; (ii) while the figures would need to be presented to the Legislative Council (LegCo) in the Constitutional and Mainland Affairs Bureau's (CMAB) Controlling Officer Report, there was a case to adjust the interval from the cost-effectiveness angle given that doing such a comprehensive survey would cost public funds; and (iii) in the light of the overwhelming prevalence of telephone scams nowadays, the telephone calls made to our service users in the survey process could sometimes bring about unwanted anxieties and sentiments which would induce negativity to both the service users and EOC's image. Therefore, the EOC office might have to weigh against the continual need for gauging service feedback at the prevailing two-year interval.

12. Another Member agreed with the suggestion and added that in anticipation of the Government's exercising fiscal prudence in the coming years, the EOC might have to exercise greater cost economy. He opined that the resources to be saved could be utilised on other service initiatives.

13. One Member expressed her support of conducting the study at a three-year interval as it would align with the three-year cycle of the EOC's strategic plan which was also formulated at a three-year interval such that the new strategic plan would take effect from 2024 to 2026.

14. Members unanimously congratulated the EOC on the positive ratings received from the service users, and in general agreed that a three-year study interval would be appropriate for the purpose of tracking service users' feedback in the light of the positive ratings trail evidenced in the past years.

15. Members further noted that, as supplemented by DCS, the EOC had a robust service quality monitoring mechanism, including a revised Internal Operation Manual (IOP) 2023 providing comprehensive and up-to-date guidelines for CSD's day-to-day operations to assure work efficiency and a victim-centric process. In parallel, the EOC had an established mechanism for service users to provide feedback and lodge complaints against EOC's services and staff members' handling processes. This served as an on-going avenue providing qualitative and quantitative feedback on EOC's complaint handling and enquiries services. Specifically, the number of service complaints against EOC's officers all along remained at a low level and the majority of the complaints were not substantiated. On another front, the Corporate Planning and Services Division had been continuously organising tailor-made staff training programmes and initiating systemic / process refinements based on feedback received, including those from the studies in the past years.

16. In response to a Member's question, RCM said that in line with the studies conducted in the past years, the 2023 Study covered the complaints for investigation and conciliation and the enquiries done during the period from 1 August 2022 to 31 July 2023. All Complainants and Respondents of these concluded cases together with the service users of the enquiry services handled by CSD or ASHU in the aforementioned period were invited to participate in the 2023 Study through mail, email, SMS or telephone. Survey respondents were given the option to choose whether they would like to participate in the 2023 Study. Based on the demographic profile of service users who participated in the 2023 Study, it was observed that the number of survey respondents related to the Race Discrimination Ordinance (RDO) and Family Status Discrimination Ordinance

(FSDO) was comparatively lower than the other two Discrimination Ordinances which were in line with the relatively fewer number of complaints and enquiries received under RDO and FSDO during the period. In addition, a significant proportion of survey respondents had attained a tertiary level of education or higher.

17. In the light of Members' comments and suggestions, C/EOC summarised that there was an in-principle agreement for the next study be conducted at a three-year interval, subject to further refinements, if any, on the usual mechanism adopted for gauging service users' feedback after review by the EOC management. The EOC office would inform CMAB of the latest change in the study interval.

18. Members noted the EOC Paper No. 11/2023.

(RCM left the meeting at this juncture.)

(The meeting was adjourned for 20 minutes for Members to take a group photo.)

EOC Strategic Plan 2024 - 2026

(EOC Paper No. 12/2023; Agenda Item No. 4)

19. EOC Paper No. 12/2023 presented the draft EOC Strategic Plan for the next three years, i.e. 2024 to 2026 (the Plan).

20. Ag C(SHRD) recapped the background of the formulation of the EOC Strategic Plan for 2024 - 2026. Members noted that the one-day Strategic Retreat 2023, which was attended by 13 Members and 21 management team and senior staff members, was held on 6 October 2023 at Regal Hong Kong Hotel in Causeway Bay. Participants were divided into four groups to evolve around the four anti-discrimination ordinances and the future development of the EOC in discussion sessions held in the morning and afternoon, providing valuable views and comments for the formulation of the Plan.

21. HCC said the EOC office drafted the Plan by incorporating the views and comments expressed by participants during the group discussions and presentations at the Strategic Retreat. Taking into account the anticipated social, economic, and political trends in Hong Kong, along with the challenges and opportunities ahead, the Plan covered six strategic goals and detailed 19 work priorities under five thematic areas for the years 2024 to 2026.

22. A Member said while he appreciated the EOC's efforts in promoting racial equality, he hoped to see more concrete progress made in the area of Chinese language learning. To achieve this goal, he proposed that the EOC could (i) commission research on ways to leverage technology to enhance Chinese learning in schools; (ii) promote public recognition of the schools that would employ innovative and effective methods for teaching Chinese to EMs; and (iii) escalate the level of engagement beyond the Education Bureau to more senior levels. C/EOC affirmed that the EOC would continue its effort to promote racial equality. He also acknowledged that despite dedicating more resources to improve Chinese learning for EMs, the effectiveness of such policies still had room for improvement.

23. A Member said that with the growing population of EMs in Hong Kong, there was a need for more efforts to enhance their education and employment opportunities. He suggested that the EOC should collaborate with relevant stakeholders to explore the systemic causes of the problems encountered by EMs in learning Chinese as a second language.

24. A Member noted that there remained a gap between the recommendations put forward by the EOC in its research and the actual policy implementation by the Government. He suggested that the EOC should make converting research to policy changes a strategic goal. In response, C/EOC said the EOC was very pleased to note that there were more policy initiatives for EMs in the Chief Executive's Policy Address 2023, many of which indeed aligning with the EOC's advocacy and recommendations over the years. ED/O said that from experience,

it could take time for research studies and recommendations to become concrete policies. When the EOC proposed a new initiative, it usually would not cause an immediate policy change as expected. He observed that a change in policy direction could sometimes take as long as 10 to 15 years to surface and materialise. He took the EOC's proposals to establish the position of special education needs coordinators (SENCO) in schools, and set up diversity, equality and inclusion (DEI) offices in universities as illustrative examples. Only on rare occasions could a research study bring about an immediate change. For example, the percentage of primary and secondary schools with a sexual harassment policy increased from 50% to 80% a year after an EOC study highlighted deficiency in this area. HPRT echoed and cited that the EOC had just been approved for a one-off allocation to launch an award scheme to promote universal design in buildings to enhance accessibility after several years' efforts on policy advocacy.

25. A Member commented that tackling the problems encountered by EMs in learning Chinese requires solutions on the micro, mezzo, and macro levels, covering policy advocacy, implementation of policies in schools, and support provided by parents and teachers. He also noted that there was a need to address the issue of integration at a broader societal level, as the core of the problem lay in whether the society-at-large stands to embrace EMs.

26. A Member expressed appreciation for the comprehensiveness of the Plan, which sets a clear direction for the EOC in the coming three years. He noted that while age discrimination is prevalent in Hong Kong, as reported in the Equal Opportunities Awareness Survey 2021, the Plan did not seem to tackle the matter. In response, C/EOC said that the EOC could only directly act on issues within the four anti-discrimination ordinances. As such, it would not be an option for the EOC to deploy public resources or use a direct legislative approach to tackle the age discrimination problem. Given the confines, he remarked that the EOC was entrusted with the statutory responsibility to review the existing anti-discrimination legislations. In the coming years, the Commission could endeavour a more indirect approach to see whether the key issues related to age discrimination could

be addressed under the existing legislations, such as the Disability Discrimination Ordinance and Family Status Discrimination Ordinance. HPRT supplemented though the EOC was concerned about age discrimination in Hong Kong, she recalled that the EOC had been queried by the Audit Commission about the rationale for conducting two research projects that were beyond the scope of the existing anti-discrimination ordinances. She added that deploying resources to study issues outside the EOC's jurisdiction might attract public criticism.

27. A Member agreed that the EOC should not act ultra vires and expend resources on issues beyond the existing anti-discrimination legislations. Regarding age discrimination, he suggested the EOC could explore informal channels to discuss the matter with Legislative Council Members. In essence, it would be the Government's role to lead the policy direction on this subject and to form consensus with relevant stakeholders including legislators.

28. C/EOC thanked Members for their valuable comments and suggestions on the Plan. He said that the Plan would be promulgated on the EOC website by end 2023. Also, Members would be informed annually, usually around March each year, of the progress made and results achieved in the implementation of the Plan.

29. Members endorsed the EOC Paper No. 12/2023.

(Hon Vincent CHENG, Ag C(SHRD) and Ag SCCM3 left the meeting at this juncture.)

Chairperson's Quarterly Report

(EOC Paper No. 13/2023; Agenda Item No. 5)

30. C/EOC highlighted to Members the important work done for the period from September to November 2023 as contained in EOC Paper No. 13/2023.

31. Members noted that in the light of alleged sexual harassment incidents at orientation camps organised by some local universities, as widely reported by the media in early-September 2023, had sparked public concerns about the sexual harassment issues in campus. To express EOC's deep concerns about the incidents and explain the specific protection under the Sex Discrimination Ordinance (SDO), C/EOC was interviewed by various media organisations, including two radio programmes on RTHK1 and a pre-recorded TVB Jade news programme, On the Record.

32. Members also noted that the EOC office had held a press conference on 30 October 2023 to release Hong Kong's first "Practical Guide on Universal Design for Catering Services" (the Guide) and softly launch the upcoming Universal Design Award Scheme 2024/25 (UDAS). As a follow-up event of the Guide, a seminar titled "Application of Accessible Technology in Catering Services" had been held on 22 November 2023 to promote the use of accessible technology to serve customers with diverse needs.

33. Members noted that the list of the Racial Diversity and Inclusion Charter signatories, which was around 400 in total, had been growing steadily in the past months. To continue promoting racial equality in schools, the 2023/24 Racially Friendly Campus Recognition Scheme and the Equal Opportunity Youth Ambassador Scheme 2023/24 had been rolled out for the new academic year.

34. Members noted EOC Paper No. 13/2023.

(Ms Rosanna CHOI left the meeting at this juncture.)

Reports of the Legal & Complaints Committee, Community Participation & Publicity Committee, Policy, Research & Training Committee and Administration & Finance Committee
(EOC Paper No. 14/2023; Agenda Item No. 6)

35. EOC Paper No. 14/2023 presented the important matters raised and decisions made at the recent meetings of the four committees held during the period from September to November 2023.

36. Members noted EOC Paper No. 14/2023.

Tentative EOC Meeting Schedule for 2024
(EOC Paper No. 15/2023; Agenda Item No. 7)

37. Members noted the tentative meeting schedule for 2024 as contained in EOC Paper No. 15/2023.

V. Any Other Business

38. There being no other business, the Meeting was adjourned at 5:00 pm.

VI. Date of Next Meeting

39. The next regular EOC Meeting was scheduled for **21 March 2024 (Thursday) at 2:30 p.m.**

Equal Opportunities Commission
January 2024