

**Minutes of the Seventy-second Meeting of  
The Equal Opportunities Commission  
held on 20 March 2008 (Thursday) at 2:30 p.m. in the  
Equal Opportunities Commission's Conference/Training Room**

**Present**

Mr. Raymond TANG Yee-bong	Chairperson
Dr. CHENG Kwok-kit, Edwin	
Prof. Randy CHIU	
Ms CHOI Wai-kam, Virginia	
Mrs. CHONG WONG Chor-sar, M.H., J.P.	
Mrs. KOO CHEUNG Man-kok, Christine	
Miss LAM Kam-yi	
Dr. LAW Koon-chui, Agnes, J.P.	
Mr. LEE Luen-fai	
Dr. LO Wing-lok, J.P.	
The Hon TAM Heung-man, Mandy	
Ms WONG Fung-ye, Margaret	
Mr. Michael CHAN Yick-man	Secretary [Director, Planning & Administration]

**Absent with apologies**

Ms CHAN Ka-mun, Carmen, J.P.  
Ms CHAN Man-ki, Maggie  
Mr. LIU Luk-por, Desmond  
Mr. Saeed UDDIN, M.H.  
Mr. YIP Kin-man, Raymond

**In attendance**

Mr. Joseph LI Siu-kwai	Director, Operations [D(Ops)]
Mr. Herman POON Lik-hang	Chief Legal Counsel [CLC]
Dr. Ferrick CHU	Head, Policy and Support [HPR]
Ms Shana WONG	Acting Head, Corporate Communications and Training [Ag. HCCT]
Ms Kerrie TENG	Accountant [ACCT]
Miss Gloria YU	Senior Equal Opportunities Officer, Administration & Personnel [SAP]

**I. Introduction**

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 72<sup>nd</sup> Meeting.
2. Apologies for absence were received from Ms Carmen CHAN Ka-mun, J.P., Ms CHAN Man-ki, Maggie, Mr. Desmond LIU Luk-por, Mr. Saeed UDDIN, M.H. and Mr. Raymond YIP Kin-man due to clash of meetings/out of town engagements. In addition, Mrs. KOO CHEUNG Man-kok, Christine had informed that she would need to leave the meeting at around 4:00pm.
3. A Press Briefing would be held immediately after the EOC meeting at 5:15p.m. Members were invited by the Chairperson to join the Briefing if timewise convenient.

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

4. The Minutes of the 70<sup>th</sup> Meeting and 71<sup>st</sup> Meeting (Special) held on 20 December 2007 and 9 January 2008 respectively were confirmed without amendments.

**III. Matters Arising**  
(Agenda Item No. 2)

**Formal Investigation on Accessibility in Certain Publicly Accessible Premises**

(Para 6 – 10 of Minutes of the 70<sup>th</sup> Meeting)

5. D(Ops) provided a verbal report on the latest progress on the Formal Investigation on Accessibility in Certain Publicly Accessible Premises. Members were informed that inspection for the 60 sites selected had been completed which included 17 public housing estates, 9 shopping centres, 2 carpark complexes and some government office buildings, markets, libraries/cultural and leisure facilities. The EOC Office had accepted 48 individual inspection reports from the inspection team (Environmental Advisory Service). The remaining 12 reports needed further clarifications before acceptance. It was noted that facilities in some sites complied with the requirements of the Design Manual of 1997 (DM 97) but not the Draft Design Manual of 2006 (DDM 06). The Operations Division together with the inspection team was still considering how best to reflect such observations in the summary inspection report and to follow up with an aim to facilitate further improvements.

6. A Member raised that the DDM 06 should be taken as the reference point as the recommendations should be forward-looking and

the Commission should aim for the betterment for persons with disabilities. The compliance with DM97 did not bar an aggrieved person who had accessibility problem from seeking redress under the Disabilities Discrimination Ordinance. D(Ops) responded that both the DM 97 and DDM 06 had been taken for reference in the site inspections. C/EOC also confirmed that in principle, the DDM 06 should be followed.

7. Members also noted that the total time spent on site inspection was longer than expected due to some switching of the sites for inspection. During the inspection process, it was found that there were some refurbishment works being carried out in several selected sites and alternate sites were therefore selected for inspection instead.

8. D(Ops) reported that, on the whole, there were improvements in general accessibility in public housing estates and shopping centers as compared to the general observation gathered in previous years and the Commission's check walk conducted in 2002. Some apparent deficiencies were noted in facilities managed by the Government departments, such as blockages of passages in markets, insufficient signage and sub-standard tactile guided paths. Nevertheless, significant improvements were observed in health centres managed by the Government, particularly on the staff sensitivity to the needs of the disabled users. He further informed that the access audit summary report would be completed in April 2008 and he expected the overall consolidated report to be ready in June 2008.

9. In response to a Member's question, D(Ops) confirmed that the apparent non-compliances on accessibility were related to constraint on

financial resources as well as problems on structure. Another Member suggested to detail all improvements required in the consolidated report for respective parties concerned to take follow up actions. She and another Member also enquired if there would be a press briefing to publicize the findings and if the answer was affirmative, when the briefing would be held. D(Ops) replied that the briefing was expected to be held in June 2008.

10. Members noted the latest updates as reported verbally by D(Ops).

**Seminar on “Our ten years under the DDO – Moving Forward, Changing Culture”**

(Para 3 – 29 of Minutes of the 71<sup>st</sup> Meeting)

11. C/EOC reported that this item would be dealt with in the New Agenda under Agenda Item 6 which provided a report on the Seminar.

**Review of Procedures necessitating the convening of a Special Meeting**

(Para 30 – 31 of Minutes of the 71<sup>st</sup> Meeting)

12. C/EOC invited the Member who raised the subject at the last meeting and other Members to express their views on this subject. Based on Members’ views and suggestions, the EOC office could prepare a revised procedure for consideration in the next EOC Meeting.

13. The Member who raised this subject at the last meeting said she initiated the subject from the perspective of more effective and efficient use of Members’ time, particularly on the need for convening special meetings and for example the recent 71<sup>st</sup> EOC (Special) Meeting was also convened at very short notice. She asked whether it would be appropriate to first decide on the topics or issues and/or expenses to be

incurred for which the convening of a special meeting would be warranted, separating others which could be handled within the EOC office. Another Member responded that this might not be an appropriate timing nor was there a need for the review considering the sensitivity of the topic as it might be viewed as posing restrictions to discussions related to accountability for spending public money, and that a decision made at a meeting could not be replaced by a decision made via paper circulation.

14. After deliberations, it was considered that EOC senior staff and C/EOC should exercise judgment in accordance with their delegated authority. It was also not the intention of the EOC Board to micro-manage the activities of the EOC office. For matters requiring consideration by the EOC Board in accordance with the established policy and exceptional matters which were thought appropriate to be brought to the attention of Members, the existing established procedure for convening a special meeting should be followed. There was no need to change the prevailing procedure on seeking Members' decision via paper circulation or in a meeting.

*(Prof. Randy CHIU joined the meeting at this juncture)*

#### **IV. New Agenda Items**

##### **Appointment of Auditors**

(EOC Paper No. 6/2008; Agenda Item No. 8)

15. C/EOC requested Members to consider Agenda Item No. 8 on Appointment of Auditors first so that the ACCT who was present by invitation could be released after the discussion on this item. He

explained that the Appointment of Auditors had originally been scheduled for consideration at the Administration and Finance Committee (A&FC) before seeking EOC Board's approval. However, as the date of the next A&FC Meeting had yet to be scheduled, and in view that the current financial year was about to end, and there was an urgency to appoint an Auditor, the Board's consideration was therefore sought directly. The ACCT then explained to Members EOC Paper No. 6/2008 concerning the Appointment of Auditors to audit EOC's accounts for 2007/08, 2008/09 and 2009/10.

*(The Hon Mandy TAM declared that she had worked for two of the CPA firms listed in EOC Paper No. 6/2008 and therefore she would not participate in the discussion concerned. Ms Virginia CHOI also declared that three of the CPA firms listed in the same paper were her clients, therefore she would not participate in the discussion or the decision-making process related to this agenda item.)*

16. In response to a question raised by a Member concerning the noticeable differences in the quoted price received from the CPA firms, ACCT said that there was also a big difference noted in the last year's quoted price versus the current year's from EOC's existing auditor, the latter being much higher. She said that the higher fee quoted this year was probably due to the increase in audit fees, and additional work related to the change in accounting standards.

17. In response to questions posed by Members, ACCT replied that the quotes obtained from the "Big Four" CPA firms had followed EOC's established procurement procedures. The quoted price would be valid for auditing the 2007/08 financial year accounts only. A new fee could

be proposed by the selected firm in each of the following two years.

18. After deliberations and taking all relevant factors into account, the Meeting decided to appoint KPMG, which had quoted the lowest audit fee for the 07/08 financial year, as EOC's auditor for 2007/08, 2008/09 and 2009/10. However, if the selected firm's performance could not meet EOC's requirement and/or the fees quoted for the subsequent two years were not acceptable, then EOC might give consideration for a new appointment in accordance with its procurement procedure.

*(The Accountant left the meeting at this juncture.)*

**Review of Work of EOC in 2007**

(EOC Paper No. 1/2008; Agenda Item No. 3)

19. With regard to the work undertaken by the EOC in 2007 as stated in EOC Paper No. 1/2008, D(Ops) informed that there was a considerable increase in the complaint figures in 2007 as compared to 2006 with complaints under the Disability Discrimination Ordinance (DDO) continued to constitute a major portion of the complaints received and handled in 2007. Complaints under the DDO received in 2007 mainly arose from issues related to pregnancy discrimination, long sick leaves and accessibility issues.

20. Members noted the work of the Commission, as well as work/project progress and conduct of legal assistance court actions since the second half of 2007 as contained in EOC Paper No. 1/2008.

**EOC's Work Plan for 2008/2009**

(EOC Paper No. 2/2008, Agenda Item No. 4)

21. Concerning EOC's Work Plan for 2008/2009, C/EOC informed Members that major work functions could be categorized into five broad areas including Public Enquiry and Complaints Handling, Promotion, Education and Publicity, Policy and Research, Legal Service and Corporate Support. The details and major work items for 2008/09 were spelt out in the Appendix of EOC Paper No. 2/2008.

22. In response to a Member's question on how the EOC would promote the creation of an Equal Opportunities Officer post for implementing EO policies in both public and private organizations as stated in the Work Plan, DPA replied that currently this was mainly done through the EO Club which members were mainly HR practitioners and other professionals from big, medium and small sized organizations. Through the EO Club, EO legislation, EO best practices, court cases and the duties of an EO officer were shared. Useful information was also provided to the Club members online and through EOC's website to facilitate them to perform the role of an EO officer. Ag. HCCT added that many of the EO Club members were in fact EO officers although their respective post titles might be different. She spoke from her experience in the sharing sessions that all EO Club members were very eager to share and learn more about good EO practices. The EO Club was considered to be a very useful platform for disseminating and sharing EO knowledge and there would be more educational activities organized for the EO Club in the future.

23. A Member commented that the Institute of Human Resources Management (IHRM) also included an understanding of EO in addition to Employment Ordinance and good human resources management practices as a requirement for members' accreditation. Another

Member added that human resources personnel had an important role to play in ensuring compliance with EO legislation within their organizations. It would be more effective for the EOC to join hands more often with professional bodies, like the IHRM and employer associations to promote the concepts of EO as well as the appointment of EO officers.

24. On the review of EOC's organizational structure and staff pay which was currently under consideration by the Administration and Finance Committee (A&FC), a Member enquired about the progress of the work and whether this subject should be added to the work plan of the Commission for the 2008/09 financial year. In reply, DPA said that the A&FC had recently considered the subject of staff pay and EOC's organizational structure in its second Working Group meeting. With regard to staff pay policy, the A&FC Working Group recommended to revive the staff annual increment policy. For the review of EOC's organizational structure, with reference to the recommendations of the three review reports, the A&FC would further consider if the Chief Executive post should be reinstated for strengthening the organizational structure and whether other structural improvements necessary. This subject would therefore be included into the work plan of the Commission in 2008/09.

25. A Member enquired if the review of EOC's organizational structure would be done taking also into account the possibility of the enactment of the Race Discrimination Bill and the associated increase in workload. In response, C/EOC confirmed that there would be more work on all fronts when the Race Discrimination Bill was passed and the Government had tentatively agreed to provide to the EOC additional

financial resources to facilitate the implementation. As such, the same Member commented that there would be a need to have both EOC's organizational structure and manpower requirements reviewed.

26. A Member suggested the adoption of a thematic and goal attainment approach for inclusion in the annual work plan. This would help the Commission to focus on targets set against accomplishments achieved. Another Member concurred with the suggestion and added that in the suggested approach, themes should be set depending on work priorities and strategies developed to achieve the planned targets. C/EOC agreed to the suggestion for presenting EOC's work plan in future.

*(Mrs. Christine KOO left the meeting at this juncture.)*

**Reports of the Legal & Complaints Committee, Community Participation & Publicity Committee, Public Education & Research Committee and Administration & Finance Committee**  
(EOC Paper No. 3/2008; Agenda Item No. 5)

27. In relation to the work of the Legal and Complaints Committee (LCC), a Member enquired about a particular case which was made known to her from one of her colleagues in the Legislative Council. D(Ops) and CLC explained the current position of the case to Members. Members were informed that all relevant information had been duly considered by the Legal and Complaints Committee (LCC) in this case before arriving at a decision. Should there be new information related to this case be furnished, the LCC would deal with the case in accordance with the established procedures.

28. Members noted the information on the work of the respective

EOC committees (other than the Administration and Finance Committee (A&FC) which had no meeting during the reporting period) as contained in EOC Paper No. 3/2008.

**Reports on the Seminar on “Our Ten Years under the DDO – Moving Forward, Changing Culture” held on 24 January 2008**  
(EOC Paper No. 4/2008; Agenda Item No. 6)

29. HPR briefed Members on EOC Paper No. 4/2008 which provided an evaluation on the “Our Ten Years under the DDO – Moving Forward, Changing Culture” Seminar held on 24 January 2008 (the Seminar) and consolidated the experience gained with some reflections for possible improvements in the future. The Seminar had attracted about 250 participants. Although there were some newspaper reports saying that the Seminar had spent a lot of money, on the whole, the Seminar was well-received and rated highly by participants. Nearly all of the participants commented in the evaluation forms that they were very satisfied/satisfied with all the arrangements of the Seminar. They also provided encouraging and constructive feedback. One of the feedback was that there were too many speakers and given the time constraint, more in-depth sharing and exchange with the speakers was insufficient. The feedback would be taken into account in organizing similar events in future.

*(The Hon Mandy TAM left the meeting at this juncture.)*

30. HPR went on to explain the reason for the substantial reduction of the budget of the Seminar from HK\$500K to HK\$350K as detailed in paragraph 9 of the same EOC Paper. Members noted that the actual expenses for the Seminar were around HK\$320K, which was about

HK\$50K below the approved budget. This was achieved through efforts made in negotiation with service vendors for the best available prices in order to keep the expenses to the minimum. He mentioned that it was a usual practice for public organizations to allow certain flexibility when preparing an estimated budget for an event but the actual spending of each item would be kept to the minimum as far as possible and well accounted for.

31. HPR continued to explain the guiding principles on providing travelling and accommodation expenses for guest participants for future occasions. He said that in principle, guests who would actively contribute in an event could be offered financial sponsorship in order to facilitate their participation. Guests contributions could be in a variety of forms such as providing consultancy service, delivering speeches, providing training, sharing of knowledge and experiences. Visitors who could help EOC build network with their respective region/country/district with a view to enhancing exchange of expertise and experience with regional and international counterparts could also be sponsored to come. These guiding principles were in line with the principles applicable to the Government Sponsored Visitors' Programme.

32. For future reference, when organizing major events such as international conferences, HPR suggested that the programme details, guest list and breakdown of more accurate estimates to be made available for Members' advice and approval as early as possible at one go. Only under exceptional circumstances that more sponsored guests would be added to the invitation list after Members have approved the programme and the budget of the event concerned. Members' views

and advice on the suggestion were then invited.

33. A Member suggested that programme details, guests list and budget could be submitted to the EOC Board for consideration at least half a year before the event and an additional 10% - 15% buffer could be allowed to cater for contingencies. Another Member supported the suggestion and added that in working out the budget estimates, the lowest possible quotes/costs should be used given that an amount would be set aside for contingencies. On the guiding principles for sponsored participation, he generally agreed to those listed out in paragraph 17 of EOC Paper No. 4/2008 but stated that there should be no exception to invite more guests once the guest list was approved. He also said that sponsorship being provided for speakers' assistants was an exception that should not be considered.

34. Members further deliberated on this subject. A Member said that EOC should follow the proposed guiding principles on guest invitation; on the other hand, he also considered that certain established protocols on invitation of guests should be followed, such as when Mainland officials were invited to an event, their assistants might also need to be invited. Relevant background information should be collected when preparing a budget of an event to facilitate Members' consideration. Some other Members viewed that having gained experience from organizing this Seminar, the EOC office should be able to deal with similar matters with clearer guidelines. Moreover, speaking from their own experience in organizing events of a large scale, from time to time, there would be last minute changes, even for the list of invited guests. Hence, it would be practical to allow certain flexibility in the organizing process.

35. A Member said that she in principle agreed to all the views expressed; however, there would be situations where observers apart from speakers' assistants be invited to events, particularly from the under-developed countries for networking and sharing on subjects related to human rights and discrimination. If these observers were not provided with financial sponsorship, they would be unable to attend international events. It would be a hindrance to the promotion of human rights and anti-discrimination subjects at the global platform. She also said that the Seminar held on 24 January 2008 was very successful, and the invited guests all fulfilled their roles satisfactorily and the purpose of the Seminar was well-served. Nonetheless, she was saddened to observe that EOC staff present on that day appeared to be somewhat demoralized as media reporters there only focused on the budget of the Seminar. She called for Members' mutual support as well as support for the EOC staff.

36. A Member said that if observers from elsewhere were to be included, clear guidelines for the EOC office to follow would be required. C/EOC remarked that by and large, EOC's stakeholders and service recipients were those at the local level. Another Member shared the same view further opined that the EOC was a public body in Hong Kong, it should not shoulder responsibilities at the global or national level. He also agreed that it was important that clear guidelines were set. When there was an exception, it should be considered by the Public Education and Research Committee (PERC), and if necessary, elevated to the Board level.

37. A Member remarked that in organizing a conference, apart from agreeing on the theme and objective of the conference at the inception

stage, it would be a prerequisite to decide on the scale and style of the whole event before proceeding to decide on the other details. Once the above was decided, a suitable working group could be formed to follow up with the organizing work of the event and flexibility as well as accountability should be given to the working group to facilitate the process. The working group could report to the EOC Board on progress so that Members could perform a monitoring role. For the Seminar held on 24 January 2008, he opined that it was organized at an appropriate scale and style and the responses were good. The negative reports from the media were originated from pre-conceived adverse views on the EOC. Regrettably, such negative public image had been a burden to the EOC on all its endeavours no matter how good they were. He opined that it would be worthwhile to pay more efforts on building relationship with the media and rallying their support.

38. A Member said that she supported openness and a formal and democratic mechanism. When there were decisions made through an open, formal and democratic process, it was also important for all to follow and respect them. Another Member said that she had not attended the Special Meeting and the Seminar held respectively on 9 January 2008 and 24 January 2008; however, as there were newspaper reports focusing on the Seminar's budget, she had received some enquiries and feedback from her contacts in the social welfare sector on the Seminar. On the budget side, she had helped to explain with information provided by the EOC. On the feedback she collected, they were mainly on insufficient places for all who wished to attend the Seminar and it was therefore suggested using a bigger venue that could accommodate more participants in future. Regarding the discussion on

whether or not non-speakers could be sponsored to join future similar events, she viewed that it should depend on the occasion/situation concerned, hence, she was in support of allowing more flexibility.

39. C/EOC concluded that all Members' views were well-intended and beneficial for the EOC. As such, he proposed that the Public Education and Research Committee (PERC) would adopt the guiding principles for future conferences or seminars and invited Members to decide whether or not to include the following 3 exceptions, which would require the consideration by the EOC Board in the set of guiding principles:

- i. When non-speaker(s) were to be sponsored to join;
- ii. When speaker's assistant(s) were sponsored to join (e.g. following the speaker's local customs/protocols);
- iii. When there was a need to amend the approved guest list.

By a majority, the meeting accepted the 3 exceptions.

*(Dr. LO Wing-lok objected to the third exception as listed above and requested his objection be recorded.)*

40. Regarding the work on improving EOC's public image and relations with the media, a Member opined that it should be one of the items on the work plan of the EOC for the coming year. C/EOC responded that it was a subject that warranted further consideration in due course. Mr. LEE Luen-fai and other Members interested would be invited to provide views and give advice as appropriate. In response to

a Member's enquiry on the progress of recruitment of the HCCT post, the Convenor of the A&FC and a Member who was also one of the Selection Board Members for the HCCT post said that they understood that C/EOC would bring the matter up for further consideration at an appropriate time. At the moment, the HCCT duties were performed by two staff members taking turns to act in the post. The Member who raised this matter said that there might be a need to reprioritize the work portfolio of the HCCT post so as to align more efforts focusing on improving EOC's relationship with the media, and when the incumbent was on board, he/she could help to refine EOC's future strategies in this area.

**Commercial Offers for EOC Staff**

(EOC Paper No. 5/2008; Agenda Item No. 7)

41. C/EOC highlighted to Members the salient points as contained in EOC Paper No. 5/2008 on Commercial Offers for EOC Staff. Members noted that there were two options proposed vide paragraph 9 of the said paper on the handling of commercial offers for EOC staff and there were guidelines proposed to enhance the existing procurement policy in dealing with service/product suppliers in paragraphs 15-16 of the same paper. Members also noted EOC's difficulties/constraints in dealing with suppliers who were not a subject of complaint before a relationship was entered with EOC but later became one. Members' advice on the handling of commercial offers for EOC staff and on the enhancement to the existing EOC procurement policy were sought.

42. On the handling of commercial offers for EOC staff, a Member opined that Option I in paragraph 9 of the said EOC Paper would be

simpler for implementation. Some Members also preferred Option I as they viewed that staff of the EOC were expected to maintain the highest possible standard of probity. On the other hand, two other Members opined that EOC staff should be treated the same as those of comparable public bodies. If Option I were selected so as to give an impression to the public that EOC had adopted the highest possible standard of probity, it would be at the expense of staff's normal entitled welfare and hence, would negatively affect staff's morale.

43. After deliberations, the Meeting agreed by majority to adopt Option I in paragraph 9 of EOC Paper No. 5/2008 and endorsed the proposed enhancement to the existing EOC Procurement Policy as detailed in paragraphs 15-16 of the same paper with immediate effect.

**Any Other Business**  
(Agenda Item 9)

44. There being no other business, the meeting was adjourned at 5:25pm.

**V. Date of Next Meeting**

45. The next meeting would be held on 19 June 2008 (Thursday) at 2:30pm.