

**Minutes of the Seventieth Meeting of  
The Equal Opportunities Commission  
held on 20 December 2007 (Thursday) at 2:30 p.m. in the  
Equal Opportunities Commission's Conference/Training Room**

**Present**

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

**Absent with apologies**

Ms CHAN Ka-mun, Carmen, J.P.  
Dr. LAW Koon-chui, Agnes, J.P.  
Mr. LEE Luen-fai  
Mr. LIU Luk-por, Desmond  
Mr. Saeed UDDIN, M.H.  
Ms WONG Fung-yee, Margaret  
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 Mariana LAW	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 70<sup>th</sup> Meeting.
2. Apologies for absence were received from Ms Carmen CHAN Ka-mun, J.P., Dr. Agnes LAW Koon-chui, J.P., Mr. LEE Luen-fai, Mr. Desmond LIU Luk-por, Mr. Saeed UDDIN, M.H., Ms Margaret WONG Fung-ye, and Mr. Raymond YIP Kin-man due to clash of meetings/out of town engagements.
3. A Press Briefing would be held immediately after the EOC meeting at 5:00p.m. Members were invited to join the Briefing if timewise feasible.

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

4. The Minutes of the 68<sup>th</sup> and 69<sup>th</sup> Meetings held on 20 September

2007 and 25 October 2007 respectively were confirmed without amendments.

**III. Matters Arising**

(Agenda Item No. 2)

5. Matters requiring Members' attention arising from the 68<sup>th</sup> Meeting were included in the new agenda items. There were no matters arising from the 69<sup>th</sup> Meeting.

**IV. New Agenda Items**

**Update on Progress of Formal Investigation on Accessibility in Certain Publicly Accessible Premises**

(EOC Paper No. 29/2007; Agenda Item No. 3)

6. D(Ops) updated Members the latest progress of the Formal Investigation on Accessibility in Certain Publicly Accessible Premises as detailed in EOC Paper No. 29/2007.

7. Members were informed that up to the end of November 2007, a total of 44 out of 60 sites selected for the exercise had been inspected which included shopping centres, car parks, markets, government offices, public rental housing estates and cultural facilities. Inspections to government clinics and health centres were yet to be made upon obtaining more information from the users' perspective. In addition, instead of inspecting stand alone community halls, inspections would be made to community centres that included rented venues for NGOs and other facilities. As such, more time and effort would be expected to complete the inspection. Members were also briefed about the general

observations from the inspections made as contained in paragraph 5 of the said paper.

8. Regarding the contact with stakeholder groups, D(Ops) informed Members that 2 focus group meetings were held with disability groups in which a Member had assisted in the conduct of the meeting. He thanked the Member for her assistance and said that 1 to 2 similar meetings would be arranged in due course. The entire inspection was expected to be completed by the end of February 2008. Views from management/owners of the target premises and professional groups would also be collected.

9. The Member assisted in the conduct of the focus group meetings added that participants of the meetings from disability groups expressed appreciation on the arrangement which served as a useful platform for exchanging views and they welcomed similar communication forums be arranged in the future. On the other hand, there was also a representative from the Rehabilitation Advisory Committee who participated in the meetings to share views and progress of the work in relation to accessibility in government departments with participants. She commented that the meetings were very effective to increase understanding among various stakeholders. She appreciated EOC staff's efforts in this regard. C/EOC responded that this was one of the important functions of the EOC acting as a bridge between various stakeholders to help advance our work towards a barrier-free society. He also requested D(Ops) to prepare a priority list of action items after the completion of the whole project for follow up. D(Ops) said that the priority list would be drawn up from users' perspective after obtaining views from stakeholder groups and professionals concerned.

10. Members noted the paper and the verbal report.

**Report and Recommendations of the Working Group on the Desirability of Establishing an Equal Opportunities Tribunal**

(EOC Paper No. 30/2007, Agenda Item No. 4, also a matter arising from the 68<sup>th</sup> Meeting)

11. CLC presented to Members the revised recommendations of the Working Group on the Desirability of Establishing an Equal Opportunities Tribunal. He briefed Members, in particular, on the revised recommendation of providing direct access to the complainant to commence a claim in the proposed Equal Opportunities Tribunal (EOT), the discretion in the proposed EOT to refer appropriate cases to the EOC for investigation and conciliation before commencing proceedings, other matters facilitating the interface between the EOC and the proposed EOT, and the question of recovering legal expenses from successful assisted persons as contained in EOC Paper No. 30/2007. He invited Members' views on the paper.

12. In response to a Member's query on whether the proposed EOT, if adopted, would affect the existing work of the EOC or its future development, CLC replied that he could see no difference in EOC's operation if the EOT were to be established.

13. Members expressed their support of the revised recommendations. A Member had reservation on the proposed discretion for the EOC to terminate complaints involving issues of public importance that should be considered by the proposed EOT vide paragraph 20.2 of the said paper. He had concern on how the discretion would be exercised and when the EOC was exercising the discretion, it

could be perceived as a departure from its existing core duty of resolving complaints in the first place by conciliation. A Member said that she had no particular concern on this discretion as long as it was not a governing principle and she believed that the EOC would exercise reasonable discretion. CLC added that in making the recommendations, reference had been made to overseas' experience to allow for flexibility in the interface between EOC and the proposed EOT. In addition, the Commission would consider relevant factors and merits of each case in exercising its discretion to terminate a complaint and such decision was subject to judicial review. He said that he was confident that appropriate discretion would be exercised within the remit of the law under the revised recommendations.

*(Ms Virginia CHOI left the meeting at this juncture.)*

14. Having deliberated on the said Paper, Members endorsed the recommendations. A detailed document would be drafted for submission to the Government on EOC's recommendations and the draft would be presented to Members for endorsement before it was issued.

**Update on Seminar on Our Ten Years Under the DDO – Moving Forward, Changing Culture**

(EOC Paper No. 31/2007; Agenda Item No. 5, also a matter arising from the 68<sup>th</sup> Meeting)

15. HPR provided an update to Members on the preparation work for the Seminar on Our Ten Years Under the DDO – Moving Forward, Changing Culture (the Seminar). He recapitulated that the objective of the Seminar was to review the impact of the Disability Discrimination Ordinance (DDO) since its implementation and consider the way

forward with due regard to the newly adopted Convention on the Rights of Persons with Disabilities. He said that Members raised the following points concerning the Seminar in the last meeting:

- i. The question of inviting participants from the Mainland authorities and Non-Government Organizations (NGOs) to the Seminar;
- ii. Members' request for a detailed breakdown of the budget for the Seminar for consideration; and
- iii. Consideration of a more appropriate Chinese Seminar title to replace the proposed title of “移風易俗”.

16. HPR said that a working group was formed and with the advice from Members, the points raised above were addressed. In addition to Dr. Andrew BYRNES from the University of New South Wales, Australia, Mr. Eric ZHANG, Director of China National Secretary for Rehabilitation Institute, would speak at the Seminar in the context of China's way forward in promoting the rights and well-being of persons with disabilities following the signatory of the newly adopted Convention on the Rights of Persons with Disabilities. Moreover, there would be 10 participants from related organizations from Guangzhou attending the Seminar, as referred by Dr. Agnes LAW. To facilitate their attendance, a financial subsidy was proposed in the estimated expenditure breakdown attached to EOC Paper No. 31/2007 for consideration. He then highlighted to Members the major estimated expenditure items and explained that there was an increase in the budget as compared to last year's seminar on Gender Equality of the same scale.

The increase was mainly due to the more than 10% increase in hiring of venue, the financial cost involved in inviting overseas and Mainland speakers, the provision of SI, sign language translators, the construction of a wider stage ramp to facilitate wheelchair speakers, the making of seminar papers in Braille format for the visually impaired participants, and souvenirs for over 20 speakers and panelists. Moreover, to allow room for the stage ramp and the SI booths, the venue might only house a maximum of 250 participants. This would reduce the required budget under hiring of venue. He estimated that the overall budget for the Seminar would be around HK\$400K to HK\$500K.

17. A Member expressed that the Seminar was very meaningful and would well-serve the purpose, and it would be a pity to accommodate only 250 participants. He enquired if a bigger venue could be used. Another Member echoed the same and suggested booking an additional room for video-linking the Seminar to include more participants. HPR replied that it was not possible as all the rooms in the Hong Kong Exhibition and Convention Centre were fully booked more than half a year ago.

18. The same Member also suggested to treat the 10 participants from Guangzhou referred by Dr. Agnes LAW as invited guests to the Seminar to better reflect the nature of their participation. HPR would make appropriate revision in the estimated expenditure to reflect this. In response to a question raised by the same Member and another Member, HPR informed that all the 10 invited guests from Guangzhou were representatives of disability groups and NGOs in Guangzhou. The Members concerned followed on to suggest requesting the 10 invited guests from Guangzhou to participate actively in the floor

discussions at the Seminar and to provide written materials for sharing, for the benefit of local participants. The Meeting agreed.

19. With regard to the estimated budget, a Member questioned the reasonableness of the HK\$75,000 for backdrop, the HK\$22,770 for hiring of a VIP Room for speakers and the expenditures of HK\$15,000 for the souvenirs to the 24 speakers and panelists. He opined that all items under the estimated budget could be trimmed. He requested to have a further itemized breakdown on the estimated expenditure related to the backdrop and to give consideration to lowering the overall budget before giving consideration to this agenda item. Regarding the HK\$75,000 for the backdrop, HPR clarified that the amount included an estimated expenditure for construction of a ramp of standard scale 1 to 12; however, after consulting the 2 speakers who were wheelchair-users, it was confirmed that they could use the ramp that came with the venue. As such, the cost of this item would be trimmed down accordingly.

20. After deliberations and in view of the urgency of this subject, the Meeting agreed to consider the revised budget for the Seminar after it has been prepared via paper circulation

*(Ms Mandy TAM and Prof. Randy CHIU left the meeting respectively at this juncture.)*

**Reports of the Legal & Complaints Committee, Community Participation & Publicity Committee, Public Education & Research Committee and Administration & Finance Committee**

(EOC Paper No. 32/2007; Agenda Item No. 6)

21. Members noted the information on the work of the respective committees as contained in EOC Paper No. 32/2007.

**Status Report on the Follow-up Actions on Recommendations of EOC's Organizational Review, HRM Review and Independent Panel of Inquiry and EOC's Work Plan**

(EOC Paper No. 33/2007; Agenda Item No. 7; also a matter arising from previous meetings)

22. DPA outlined to Members the updated progress regarding the implementation of the three review reports and the status of work carried out under EOC's Work Plan as detailed in EOC Paper No. 33/2007. He added that the great majority of the recommendations of the three reports had either been implemented, which included items that were on-going in nature, or given due consideration if not implemented. In the course of implementing the various recommendations, Members' input and advice had been sought through the working committees, the EOC Board or task groups. He then went through in detail the updated status of outstanding items at the last report as highlighted in Appendix I of the said paper with Members.

23. Members noted that on item 17 concerning the recommendation for EOC to broaden its network by increasing the number of Co-opted Members in sub-committees, EOC had appointed three new Co-opted Members each for the Community Participation & Publicity Committee (CPPC) and the Public Education & Research Committee (PERC) in 2007.

24. On item 29c, Members noted that a broad-based survey to gauge public perception on EOC's work and to evaluate the opinions of service recipients of EOC's public education and training programmes had commenced and was expected to be completed by March of 2008.

25. On the recommendation for EOC to have more collaboration with the Women's Commission (WoC) and the Rehabilitation Advisory Committee (RAC) vide item 43, Members noted that an executive summary of the findings and recommendations of a Survey on Family Friendly Policies in Hong Kong conducted in collaboration with the WoC had been released in July 2007. Further collaboration opportunities with the WoC and other organizations/academic institutes were being considered.

26. Regarding the recommendations for EOC to conduct thematic surveys on a need basis (item 50) and to strengthen the Policy and Research Unit (PRU) to cater for the increasing workload, DPA informed that a new staff was recruited for the PRU. Apart from conducting a Survey on Family Friendly Policies conducted in collaboration with the WoC mentioned above, another thematic study on Media Contents on Gender Awareness had commenced in February 2007. The study was expected to be completed in the 1<sup>st</sup> quarter of 2008.

27. On item 60 concerning EOC's human resources policies and management, Members noted consideration has been given to the recommendation for EOC to explore "open contract employment" instead of "fixed term contract employment" for staff. On the proviso that there would be no change in staff's terms and conditions of employment, the EOC would progressively introduce the conversion to

“open contract employment” for staff on permanent establishment with 10 or more years of service.

28. On the recommendation for EOC to maintain a network with similar statutory organizations in Hong Kong and the Mainland to share experiences and explore chances of collaboration (item 83), DPA reported that some Members and staff had participated in a study/networking trip to relevant government departments and NGOs in the Mainland in January 2007. The trip focused on getting an understanding on empowerment issues for women, protection of women’s rights, ethnic minority policies and the local government’s system and framework in accommodating the minority groups and maintaining social harmony. On the other hand, the EOC also provided briefings to its Mainland counterparts who went on study visits in Hong Kong to understand the relevant systems and legislation in Hong Kong. In addition, in the Seminar on Disability Discrimination Ordinance (DDO) to be held in January 2008 vide Agenda Item 5, guests from the Mainland would come and share their experiences in promoting the rights and well-being of persons of disabilities in China. More networking and sharing opportunities would be explored for both Members and staff as appropriate in the future.

29. DPA drew Members’ attention to item 51 relating to the developing of an EO index. He said that useful references would be made from other Hong Kong gender related development indices produced regularly by the United Nations and the findings of EOC’s thematic surveys, it was therefore considered that there was no immediate need for EOC to develop an EO index.

30. Regarding the 20 items on EOC's Work Plan for 2007/08, Members noted the major progress updates which had also been discussed and reported in various work group meetings and committees as detailed in Appendix II of the aforementioned Paper.

*(Ms Maggie CHAN left the meeting at this juncture.)*

31. A Member expressed that he was in support of the recommendation on the conversion to "open contract employment" for staff vide item 60 of Appendix I. He also raised some questions and made some suggestions on this particular item. In response to the questions raised, DPA confirmed that staff would not lose out on gratuity after the conversion, and they would continue to be eligible for such benefit normally at three year interval, same as the current arrangement. Additionally, the conversion would take place after a signed mutual agreement had been obtained or at the expiry of the current contract.

32. Members noted the paper. They also noted that all major recommendations of the 3 reports had either been implemented or given due consideration, some of which were implemented on an on-going basis. Further updates, if any, on the progress of implementation would be reported in the relevant EOC committees in the future.

*(Miss LAM Kam-yi left the meeting at this juncture.)*

**Report on Study Trip to Stockholm, Sweden, 3-7 September 2007**  
(EOC Paper No. 34/2007; Agenda Item No. 8)

33. CLC reported to Members the visit to Sweden undertaken by C/EOC and himself from 1 to 8 September 2007. He started by briefly

introducing to Members the nature and functions of 8 organizations that they had visited, namely the Handisam, the Parliamentary Ombudsman, the Swedish Disability Federation, the Disability Ombudsman, the Ombudsman against Discrimination on grounds of Sexual Orientation, the Ombudsman against Ethnic Discrimination, the Samhall and the Equal Opportunities Ombudsman. He then shared with Members the observations and reflections as detailed in EOC Paper No. 34/2007, particularly on the similarities and differences in the anti-discrimination laws and their implementation, and the complaint handling process between Hong Kong and Sweden.

34. It was pointed out that in Sweden, the concept of Equal Opportunities was not just a politically correct slogan, instead, Equality, whether in terms of gender, race, sexual orientation, or functional capacity (disability), appeared to be an accepted value, and significant resources were devoted by the Swedish society, without much internal dispute, to pursue its realization. Anti-discrimination legislation was only part of many measures Sweden has taken to realize Equality. Employers and other organizations had annual equality plans which survey the equality situation within their organizations and identify goals to be achieved and set out measures to do so. Hong Kong and the EOC had much to gain from looking at the Swedish society's commitment to Equality and the measures that have been adopted there, and at the policy development work undertaken by the Swedish discrimination ombudsmen.

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

35. A Member commented that the contents of the visit were rich,

many organizations were visited during this trip and that the report on the observations and reflections were provided in great detail. He added that when considering overseas visits in future, for reasons of economical use of resources, the minimum number of EOC delegates that would be involved should be one of the considerations, and after the visit, a report on the observations and reflections would be prepared for sharing. C/EOC expressed agreement and added that another consideration would be the knowledge gained from overseas visits should stay and be assimilated into the EOC, for this reason, it would be more beneficial for EOC staff who would be staying at EOC for a relatively longer time than the Chairperson to participate in these visits. Nevertheless, it would usually be the Chairperson that was being invited for visits and handling of these invitations received would need to follow established protocol. He concluded that in future, the number of delegates to represent EOC and the use of resources incurred would be appropriately considered with due regard to the protocol.

36. Members noted EOC Paper No. 34/2007.

**Six Monthly Review of EOC's Financial Position as at 30 September 2007**

(EOC Paper No. 35/2007; Agenda Item No. 9)

37. ACCT provided a report on EOC's financial position up to 30 September 2007 and projected year end position as at 31 March 2008 as detailed in EOC Paper No. 35/2007.

38. In response to a question raised by a Member concerning the need of a provision for implementing the recommendation as discussed under Agenda Item 7 on the conversion to "open contract employment",

ACCT replied that there would be no need of such a provision as there was no change in money terms for this recommendation. DPA supplemented that there would also not be any change in the principle for provision for long service payment for staff on temporary contracts.

39. Members noted the paper.

**Tentative EOC Meeting Schedule for 2008**

(EOC Paper No. 36/2007; Agenda Item No. 10)

40. Members noted the provisional meeting schedule for 2008 as contained in EOC Paper No. 36/2007.

**Any Other Business**

(Agenda Item 11)

**Disability Vilification Complaints against Sun Daily**

(EOC Paper No. 37/2007 tabled)

41. D(Ops) briefed Members on the contents of EOC Paper No. 37/2007 tabled at the meeting on the Disability Vilification Complaints against Sun Daily.

42. Members were assured that the Operations Division would continue to investigate complaints impartially and independently. As the complaint concerned the use of words by the Media, when the investigation proceeded to a more advanced stage, the Operations Division might need to seek policy guidance from the Legal and Complaints Committee (LCC) on how it should be handled, going forward.

43. C/EOC also brought to Members' attention a case reported by the Media recently concerning an interpretation of the law by our staff that led to rejecting the complaint lodged with the EOC. He informed that the case concerned had been further reviewed and investigation had commenced. D(Ops) would ensure a system to be in place to prevent similar incidents from happening, and CLC would also research and clarify on the jurisdiction of the 3 legislation for alleged acts of discrimination happened on board a flight, a train or a ship about to depart from or arrive at Hong Kong by carrier(s) registered overseas to give appropriate advice to the complaint handling staff.

44. There being no other business, the meeting was adjourned at 5:30p.m.

**V. Date of Next Meeting**

45. The next meeting would be held on 20 March 2008 (Thursday) at 2:30pm.

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