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**Minutes of the Sixty-Seventh Meeting of
the Equal Opportunities Commission
held on 14 June 2007 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Mr. Raymond TANG Yee-bong

Chairperson

Ms CHAN Ka-mun, Carmen, J.P.

Ms CHAN Man-ki, Maggie

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

Mr. LEE Luen-fai

Dr. LO Wing-lok, J.P.

Mr. Saeed UDDIN, M.H.

Ms WONG Fung-ye, Margaret

Mr. YIP Kin-man, Raymond

Mr. Michael CHAN Yick-man

Secretary

[Director, Planning &
Administration]

Absent with apology

Miss LAM Kam-yi

Dr. LAW Koon-chui, Agnes, J.P.

Mr. LIU Luk-por, Desmond

The Hon TAM Heung-man, Mandy

In attendance

Mr. Joseph LI Siu-kwai	Director, Operations [D(Ops)]
Mr. Herman POON Lik-hang	Chief Legal Counsel [CLC]
Ms Esther CHAN	Acting Head, Policy and Support [Ag. HPR]
Ms Mariana LAW	Acting Head, Corporate Communications and Training [Ag. HCCT]
Ms Shana WONG	Senior Corporate Communications Officer [SCCO2]
Ms Kerrie TENG	Accountant [ACCT]
Miss Gloria YU	Senior Equal Opportunities Officer, Administration & Personnel

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members), in particular the 3 new Members who attended their first regular EOC Meeting. He also clarified that this meeting had become the 67th EOC meeting as a special meeting was held on 4 June 2007 (66th Meeting).

2. Apologies for absence were received from Miss LAM Kam-yi, Dr LAW Koon-chui, Agnes, J.P., Mr LIU Luk-por, Desmond and The Hon TAM Heung-man, Mandy due to clash of meetings / out of town commitments.

3. C/EOC informed Members that a press conference had been scheduled after the meeting at 5:15 pm and invited Members to join if they wished.

II. Confirmation of Minutes

(Agenda Item No. 1)

4. The Minutes of the 65th Meeting held on 15 March 2007 were confirmed without amendments.

III. Matters Arising

(Agenda Item No. 2)

Policy Guidelines on EOC's Financial Support to Collaborated Projects outside the Community Participation Funding Programme

(Paragraphs 6-11 of minutes of the 65th meeting held on 15 March 2007)

5. C/EOC informed Members that this would be discussed under the new agenda item in EOC Paper No. 11/2007 (agenda item 3).

IV. New Agenda Items

Policy Guidelines on Partnership Projects

(EOC Paper No. 11/2007, Agenda Item No. 3)

6. C/EOC informed that taking into account comments and concerns raised by Members at the 65th Meeting and after the meeting, revised policy guidelines on partnership projects had been developed for Members' consideration in EOC Paper No. 11/2007. He then briefed Members on the contents of the paper and invited comments from Members.

(Prof. Randy CHIU and Mr LEE Luen-fai joined the meeting at this juncture.)

7. Members in general considered the criteria and guidelines as set out in the paper agreeable and could facilitate future consideration of

partnership projects outside the Community Participation Funding Programme. Several Members were of the view that further elaborations were necessary to ensure that the procedures in considering partnership projects were fair, open and transparent. C/EOC summarized Members' views as follows:

- i). it would be preferable to provide a budget for partnership projects at the start of the financial year based on EOC's financial position. In addition, consideration should also be given to the availability of human resources within the EOC office for carrying out the projects in deciding whether the projects were pursuable. Normally speaking, one to two major projects could be considered each year;

- ii). when an estimated budget was decided, it would be announced to the public on EOC's website (with appropriate non-committal qualifications) so that interested parties could send in proposals for consideration;

- iii). in considering partnership project applications, all interested parties submitting proposals, be they EOC Members or members of the general public, would be treated equally; and

- iv). the budget estimate for partnership projects would be reviewed and adjusted as necessary in the middle of the financial year when the EOC had a better picture of projected spending and funds available in the second half of the year. Assessment of funding availability would have to take into account the need to retain a "buffer" for unanticipated expenditures that might arise

during the remaining period of the current financial year.

8. C/EOC requested the Secretary to revise the paper again taking into account the above-mentioned points. When the revised paper was ready, it would be discussed again in another meeting.

Endorsement of new EOC Committees Membership

(EOC Paper No. 12/2007; Agenda Item No. 4)

9. The Secretary briefed Members that upon the recent appointment of new EOC Members and the start of the new term of office for existing Members, their interest in joining or to continue with their participation in the 4 EOC's committees had been sought. The latest update on Members' interest in participating in the respective committees was tabled at the meeting as per Revised Appendix I to EOC Paper 12/2007.

10. The EOC Board noted and endorsed the new committee membership and the increased maximum total number of members under the terms of reference of the Administration and Finance Committee as stated in EOC Paper 12/2007 and its Revised Appendix I.

(SCOO2 left the meeting at this juncture.)

Progress on Race Discrimination Bill Preparation

(EOC Paper No. 17/2007; Agenda Item No. 5)

11. CLC outlined EOC's work plan in preparation for the enactment of the Race Discrimination Bill (RDB) to Members. Members noted that the EOC Office had arranged for training and study programmes for staff to understand the new legislation and racial issues and arranging trainers from the Human Rights and Equal Opportunities Commission in

Australia to provide training to staff on the implementation of the race discrimination legislation. Concerns and views of the ethnic minority groups related to racial discrimination had been captured through discussions and forums. Preparation work on the drafting of the code of practice on employment was underway making reference also to overseas codes and case laws, and the final contents would depend on the contents of the RDB when it was enacted. The EOC Office had also been following the proceedings of the RDB Bills Committee closely and attended the hearing of the Bills Committee and provided views and concerns mainly from the perspective of regulatory efficiency. Issues on the RDB raised by the Bills Committee with the Administration were provided in the paper. Visits to Employer Groups and Consulates were continuing and a draft EOC internal language policy had also been developed and a baseline survey to gauge the attitudes of the general public towards ethnic minorities would be conducted in due course.

12. Members noted the progress made in preparation for the enactment of the RDB.

Report and Recommendations of the Working Group on the Desirability of Establishing an Equal Opportunities Tribunal
(EOC Paper No. 13/2007; Agenda Item No. 6)

13. CLC explained to Members the purpose of creating a specialized EO Tribunal (EOT), the background, the work as well as the adopted recommendations of the Working Group on the desirability of establishing an EOT as detailed in EOC paper No. 13/2007. He also highlighted that under the adopted recommendations, rules and procedures for taking the case to the Tribunal would be simplified, legal representation in the proposed EOT should be permissible and that

undergoing the complaint handling process conducted by the EOC would be a pre-requisite to commencement of proceedings in the proposed EOT. He invited Members to advise on the recommendations made by the Working Group as detailed in Annex B of the paper.

14. Members generally supported the recommendations aimed at facilitating aggrieved persons in initiating legal proceedings under the anti-discrimination legislation. A number of Members expressed concern over the need to go through the complaint handling process of the EOC before commencement of proceedings could be initiated in the proposed EOT, as this might be perceived as a restriction on the right to direct access to the adjudication process. At present, people could take discrimination cases to court without going through the EOC.

15. CLC said that details on taking the case to the EOC and undergoing the complaint handling process have yet to be worked out. C/EOC thanked Members' views and support on the subject and requested CLC to address Members' concern when working out the details and to refine and elaborate on the proposals for consideration by the EOC Board.

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

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

(EOC Paper No. 14/2007; Agenda Item No. 7)

16. D(Ops) provided an update to Members as detailed in EOC Paper No. 14/2007. Members noted that 60 sites have been selected for inspection by the Task Group and the criteria for selecting different

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housing estates, shopping centers and government buildings for the formal investigation. The access audit had commenced on 1 June 2007.

(Ms Virginia CHOI and Dr LO Wing-lok left the meeting at this juncture.)

17. In response to a query from a Member, D(Ops) confirmed that in this audit, there would not be a specific focus on the accessibility of schools. Taking the Member's advice at previous meetings, some public housing estates with schools within their boundary were included and access up to school boundaries would be inspected in the course of the audit. C/EOC thanked Members' advice and support on this investigation. Members would be regularly updated on the progress.

(Mr Raymond YIP 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. 15/2007; Agenda Item No. 8)

18. Members noted the information on the work of the respective committees as contained in EOC Paper No. 15/2007.

Six-monthly Report of EOC's Financial Position as at 31 March 2007

(EOC Paper No. 16/2007; Agenda Item No. 9)

19. ACCT explained to Members EOC's financial position as at fiscal year end of 31 March 2007 as detailed in EOC Paper No. 16/2007.

20. Members noted that as at the fiscal year end of 31 March 2007,

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the total recurrent expenditure of the EOC was \$68.02M and there was a surplus of \$2.12M transferred to the reserves. The surplus of \$2.12M for 2006/07 was very close to the original estimate at the beginning of the fiscal year. For capital expenditure items, there were 2 items being carried forward to 2007/08. They were the Sector Targeted Training Materials and the EPEV project. For both items, the balance of fund carried forward would be fully utilized in 2007/08.

21. Members also noted that the balance of reserves as at 31 March, 2007 which was below the permitted reserve ceiling.

22. Members noted EOC's financial position as detailed in EOC Paper No. 16/2007.

Any Other Business
(Agenda Item 10)

Update of the Research Projects: (i) Survey on Public Perception of Portrayal of Female Gender in Hong Kong Media; (ii) EO Awareness Survey

23. Ag. HPR informed Members the progress of the two survey studies, namely, the "Study on Public Perception of Portrayal of Female Gender in the Hong Kong Media" (Media Survey) and "EO Awareness Survey 2007" (EO Awareness Survey). She said that the respective service contracts had been awarded to the selected service providers for conducting the surveys. A Pilot Study for the Media Survey had been completed and after refinements to the survey questionnaires, a Focus Group Study would be conducted before commencement of the main survey. For the EO Awareness Survey, survey questionnaires were

being drafted basing on a similar survey done in 2003. In this study, public's perception on EO as well as EOC users' views, such as EO Club members and participants attended the training offered by EOC, would be gathered.

24. Two Members Ms Margaret WONG and Mr. LEE Luen-fai expressed interest in joining the Working Group for the Media Survey. Their participation was welcomed and endorsed by the Convenor of the Working Group.

25. Members noted the progress of the surveys. Further updates would be provided to Members at an appropriate time.

IV. Date of Next Meeting

26. C/EOC advised that for ease of scheduling, future EOC Board meetings would be scheduled on the 3rd Thursday (as opposed to the Thursday of the 3rd week at present) of the month of March, June, September and December. As such, the next EOC meeting would be held on 20 September 2007 (Thursday) at 2:30 p.m. and the one following the next meeting would be held on 20 December 2007. Members noted the change.

27. There being no other business, the meeting was adjourned at 5:50 p.m. _____