

**Minutes of the Sixty-Sixth Meeting (Special Meeting) of
The Equal Opportunities Commission
held on 4 June 2007 (Monday) at 3:45 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Mr. Raymond TANG Yee-bong	Chairperson
Ms CHAN Ka-mun, Carmen, J.P.	
Prof. Randy CHIU	
Mrs. CHONG WONG Chor-sar, M.H., J.P.	
Mr. LEE Luen-fai	
The Hon TAM Heung-man, Mandy	
Mr. Saeed UDDIN, M.H.	
Ms WONG Fung-yee, Margaret	
Mr. YIP Kin-man, Raymond	
Mr. Michael CHAN Yick-man	Secretary [Director, Planning & Administration]

Absent with apologies

Ms CHAN Man-ki, Maggie
Dr. CHENG Kwok-kit, Edwin
Ms CHOI Wai-kam, Virginia
Mrs. KOO CHEUNG Man-kok, Christine
Miss LAM Kam-yi
Dr. LAW Koon-chui, Agnes, J.P.
Mr. LIU Luk-por, Desmond
Dr. LO Wing-lok, J.P.

In attendance

Mr. Joseph LI Siu-kwai	Director, Operations
Mr. Herman POON Lik-hang	Chief Legal Counsel
Dr. Ferrick CHU	Head, Policy and Support
Miss Gloria YU	Senior Equal Opportunities Officer, Administration & Personnel

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members), in particular two new Members to this Special EOC Meeting, which was convened upon receipt of a request for discussion from a Member, regarding a paper circulated to Members on 21 May 2007 on “Advanced Training Seminar on the Legislation on Promotion of Equal Employment Opportunities in Nanchang, Jiangxi on 8-12 June 2007”, and seeking a decision via paper circulation.

2. Apologies for absence were received from Ms Maggie CHAN, Dr. Edwin CHENG, Ms Virginia CHOI, Mrs. Christine KOO, Ms LAM Kam-yi, Dr. Agnes LAW, Mr. Desmond LIU and Dr. LO Wing-lok due to clash of meetings / other out of town engagements.

II. Discussions

Advanced Training Seminar on the Legislation on Promotion of Equal Employment Opportunities in Nanchang, Jiangxi on 8-12 June 2007

3. C/EOC informed that prior to the meeting, the EOC Office had received a total of 15 returns from Members approving C/EOC and an EOC staff member, Ms Florence CHAN, to attend the “Advanced Training Seminar on the Legislation on Promotion of Equal Employment Opportunities in Nanchang, Jiangxi” to be held from 8 to 12 June 2007. On the other hand, there was 1 request received from a Member for discussion of the matter, hence, this Special Meeting was convened. He invited the Member who had requested for discussion of the matter to speak on the subject.

4. The Member confirmed that she did not object to C/EOC’s and the staff member’s participation in the above-mentioned training seminar. However, as there were some new developments on the Race Discrimination Bill during the current legislative process, she requested for discussion of the matter and she could also update Members with the new developments and asked if C/EOC and the staff member would cover race discrimination in their sharing at the training seminar.

5. The same Member added that legislators were very concerned with the many exceptions in the Race Bill such as exclusion of Mainlanders from the protection, exception for language, sunset clause for small and medium sized enterprises (SMEs) and other regulatory inconsistencies. There was now a possibility that the examination of the Bill might be suspended and eventually the Bill might not be passed. She was therefore concerned that any sharing of the Race Bill at the training seminar might give a wrong message and she would like to know the main theme of the seminar.

6. C/EOC clarified that the main theme of the training seminar was

on “Legislating against Discrimination in Employment”. In August 2005, the Discrimination (Employment & Occupation) Convention (ILO No. 111) was ratified by the National People’s Congress. Combating discrimination in employment would now be an important legislative task in China. Accordingly, EOC’s participation would focus on the basic concepts of anti-discrimination and EOC’s experience in enforcing the 3 existing anti-discrimination legislation with emphasis on the employment related areas. For race discrimination, since the Race Discrimination Bill was still in the legislative process in Hong Kong, it would not be covered.

7. With C/EOC’s clarification, Members have no further views and the decision to participate in the seminar was approved in accordance with the votes received via paper circulation.

Existing Procedures of Seeking Members’ Approval via Paper Circulation

8. Discussions ensued on the existing procedures of seeking Members’ decision on matters via paper circulation.

9. A Member expressed some concerns on the policy of seeking advice from Members via paper circulation. She opined that where practicable, decision should be made at a meeting whereby the subject matter could be fully discussed if required. A number of Members appreciated the option for Members to request for discussion of the subject matter in a meeting before a decision was made under the existing paper circulation practice.

10. Another Member opined that for matters of a relatively simple

nature, it would be efficient to seek Members' approval via paper circulation, and for matters of a relatively complex nature, they could be discussed at meetings. C/EOC responded that administratively it might be difficult at times to delineate matters into simple or complex nature.

11. It was also confirmed that generally speaking, advice sought via paper circulation would be matters of a more routine nature, or matters which Members were conversant with and there was an urgency for a decision to be made.

12. To ensure that all Members were conversant with the procedures for meetings as detailed in EOC Paper No. 9/2005 discussed at the 51st EOC Meeting held on 2 June 2005, DPA informed that the EOC Office was in the process of producing a booklet on "Procedures for Meeting and Related Matters" to be issued to Members with an aim to facilitate their understanding and ease of reference.

13. C/EOC said that as the meeting procedures had been adopted for some years, there could always be room for improvement. He suggested Members to give more thoughts to this matter, particularly on any refinements required, and to provide suggestions in a separate meeting.

Expressing EOC's or Members' Views on Race Discrimination Bill

14. A Member took the opportunity to enquire if Members could express their views on the Race Discrimination Bill when being approached by the media, and what was EOC's position on the Bill.

15. C/EOC responded that it was understandable for the public to

pose an expectation on EOC as well as EOC Members to express views on issues related to discrimination. In fact, the EOC has been an advocate on many anti-discrimination issues of public concern which were outside its jurisdiction. The EOC Office, had an internal division of labour and specific personnel would participate in appropriate discussions and forums in expressing EOC's views. On race discrimination, as the Race Discrimination Bill had entered into the legislative process, to ensure that EOC's impartial regulatory role would not be hampered when the Bill was enacted into law, EOC had expressed its views on the Bill on very limited occasions, principally to the legislature only at present. He added that in order to update Members on the latest development and EOC's preparation for the Race Bill, a paper was being prepared for Members' attention in the coming EOC Meeting.

III. Close of Meeting

16. There being no other business, the meeting was adjourned at 4:35 p.m.

17. The next meeting would be a regular EOC meeting scheduled to be held on 14 June 2007 (Thursday) at 2:30 p.m.