

**Minutes of the Sixty-Second Meeting of
The Equal Opportunities Commission
held on 15 June 2006 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference 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.	
Dr. LO Wing-lok, J.P.	
Mr. Saeed UDDIN, MH	
Ms WONG Fung-ye, Margaret	
Mr. YIP Kin-man, Raymond	
Mr. Michael CHAN Yick-man	Secretary [Director, Planning & Administration]

Absent with apology

Mr. LIU Luk-por, Desmond
The Hon TAM Heung-man, Mandy

In attendance

Mr. Joseph LI Siu-kwai	Director, Operations
Mr. Herman POON Lik-hang	Chief Legal Counsel
Ms Mariana LAW Po-chu	Senior Corporate Communications Officer
Ms Esther Chan Pui-shan	Senior Policy & Research Officer
Ms Loretta Tang Siu-ting	Senior Equal Opportunities Officer (Administration)
Ms Kerrie TENG Yee-san	Accountants
Ms Yvonne LAU Siu-yung	Personal Assistant (Policy Co-ordination)

I. Introduction

1. The Chairperson (C/EOC) welcomed Members to the 62nd EOC meeting.
2. Apologies for absence were received from Mr. Desmond LIU and the Hon TAM Heung-man, Mandy.
3. C/EOC informed Members that a press conference had been scheduled after the meeting at 5:00 pm and Members were invited to join the conference.

II. Confirmation of Minutes

4. The Minutes of the 58th Meeting (Special Meeting) with amendments suggested by Members at the 61st Meeting being incorporated, the 60th Meeting (Special Meeting) and the 61st Meeting held respectively on 6 January 2006, 23 February 2006 and 16 March 2006 were confirmed without amendments.

III. Matters Arising

EOC Corporate Statement of Values, Strategies and Objectives

(Paragraphs 10-16 of the minutes of the 61st meeting held on 16 March 2006)

5. C/EOC informed Members that this would be discussed under Agenda Item 3.

IV. New Agenda Items

EOC Corporate Statement of Values, Strategies and Objectives – Revised Version

(EOC Paper No. 2A/2006; Agenda Item No. 3)

6. C/EOC informed Members that the revised version of EOC Corporate Statement incorporated suggestions made by Members at the last meeting. There being no further comments, the Statement as revised was endorsed by Members at the meeting. C/EOC informed Members that the Corporate Statement would be uploaded to the EOC website and included in EOC publications.

Equal Pay for Work of Equal Value (EPEV Study)

(EOC Paper No. 7/2006 and Supplementary information tabled at the meeting; Agenda Item No. 4)

7. C/EOC initiated the discussion by giving a brief background of the Study on EPEV. A feasibility study on EPEV to examine how the principle could be implemented in Hong Kong was first carried out in 1997. Though there had been an expectation of some community groups to entrench the principle of EPEV in the Hong Kong's labour market through legislation, the subsequent study in 2001 on certain selected jobs in the Civil Service (CS) and Hospital Authority (HA) revealed no systemic problem of pay inequity on the basis of gender.

8. The Chair of the Working Group on EPEV supplemented that the 1997 Feasibility Study Report recommended a suasive approach in implementing EPEV. The Study in 2001 (the 2001 Consultants' Report) had not been released as there was no consensus on the findings and recommendations by the Task Group members involved in the Study and the previous EOC Board. He urged Members to take an active role, to consider the way forward as recommended by the Working Group in EOC Paper No. 7/2006.

9. Members noted from the meeting paper and the supplementary information tabled at the meeting and were briefed by the Director (Planning & Administration) (DPA) on the following:

- (a) The main purpose of the study – to find out whether in Hong Kong there is any gender discrimination in determining job worth;
- (b) The basic concept of EPEV;
- (c) The power of EOC under SDO to deal with equal pay issues;

- (d) How the Study was carried out using the Canadian method of job evaluation; and
- (e) The result showed that while there were issues of pay anomalies, they were not gender based.

10. Members noted that some Task Group members did not agree with the Consultants on the methodology, analysis and certain recommendations in the Study. Regarding the jobs evaluated in the Study, some Task Group members had asked that the job titles be anonymized when the report was published to avoid undue concern. Some EOC Members opined that the job titles were critical in making the Report meaningful. It was agreed that the EOC would explain to the parties concerned on the need for including the job titles before releasing the Report. Separately, as good employers, the Government and HA should also look into the apparent pay anomalies identified (though not related to gender) to see if any rectifications were required.

11. Discussions ensued on the purpose, accuracy and usage of the wage line produced by the Consultants in the Report. The Chair of the Working Group on EPEV and C/EOC suggested Members to take a forward looking approach and not to focus too much on the technical issues related to the statistical presentation.

12. Some Members indicated reservation on the Consultants' recommendation to legislate EPEV as the findings did not support this recommendation and there had been no complaint on EPEV received by the EOC so far. Nevertheless, they agreed to promote the concept of EPEV through more public education, and to improve the existing

CoP on Employment under SDO to explain clearly the concept. Consideration should also be given to collaborate with education institutions to carry out baseline surveys on the understanding of EPEV in the community and how EPEV was practised in the employment sector, to facilitate the formulation of public education strategies.

13. Members also supported the Working Group's recommendation to address a seemingly more serious issue of "Equal Pay for Equal Work" through self-initiated investigation and other means. Director (Operations) (D(Ops)) provided samples of some current observations and reports in the media, e.g. in the construction and property management industries, female workers were paid less than male workers for the same or comparable jobs.

14. As EPEV was a very complex subject and in anticipation that the release of the Report would trigger much debate in the community, Members urged the Working Group and the Commission office of the need to carefully work out a communications strategy.

15. After deliberations, Members agreed:

- (a) To release the 2 reports (the 1997 Feasibility Study Report and the 2001 Consultants' Report) together with a covering paper from the EOC giving EOC's views.
- (b) To ensure that views of the Civil Service Bureau (CSB) and the HA concerning the 2001 Consultant's Report were incorporated when releasing the Reports.
- (c) To arrange a press conference to release the Reports, to

meet with some relevant concern groups to provide them with more detailed briefing on the Reports, to provide up-dated information on the EPEV progress to the Home Affairs Bureau for their submission on this subject for the CEDAW hearing, and to provide the Reports to the Legislative Council at the time when the Reports were publicly released.

[Ms Christine Koo and Ms LAM Kam-yi left the meeting temporarily during discussion of this item]

[Ms Margaret Wong left the meeting after discussion of this item.]

Reports of the Legal & Complaints Committee, Community Participation & Publicity Committee, Public Education & Research Committee and Administration & Finance Committee
(EOC Paper No. 8/2006; Agenda Item No. 5, for Members' information)

16. The paper was noted by Members.

[Dr. LO Wing-lok and Ms Virginia Choi left the meeting temporarily.]

Interim Progress Report on the Feasibility of Establishing an Equal Opportunities Tribunal
(EOC Paper No. 9/2006; Agenda Item No. 6)

17. Members noted the interim progress on the study on the establishment of an Equal Opportunities Tribunal (EO Tribunal) as reported in EOC Paper No. 9/2006 and the formation of the new working group to continue with this study. C/EOC informed that one

of the main issues under consideration was whether there should be legal representation in the EO Tribunal. Some Working Group Members were concerned that the absence of legal representation would make it difficult to build up legal jurisprudence. A research was now being carried out by the EOC office on the procedures of overseas tribunals in anti-discrimination jurisdictions and the new Working Group would meet in July.

EOC's Guidelines / Principles on Assess to information

(EOC Paper No. 10/2006; Agenda Item No. 7)

18. C/EOC invited CLC to introduce the paper. In answer to Members' questions, C/EOC informed that the proposed guidelines were intended for internal adherence and they spelled out clearly the kind of information that could be released or refused. The policy was intended to deal with requests falling outside the scope of the Personal Data (Privacy) Ordinance, in respect of which the EOC already had a policy. Further, any person who believed the EOC had failed to apply any provision of the policy could bring it to the Ombudsman's attention.

19. The guidelines were endorsed by Members.

Six Monthly Report of EOC's Financial Position as at 31 March 2006

(EOC Paper No. 11/2006; Agenda Item No. 8)

20. C/EOC invited the Accountant to brief Members on the contents of the paper and Members noted EOC's financial position as reported in the paper.

Any Other Business

- (1) Monitoring Report of the Association for the Advancement of Feminism (AAF) and
- (2) Letter dated 4 May 2006 from the Amnesty International HK and Other Groups re: CEDAW

21. C/EOC briefed Members of the report provided by the AAF, an NGO, which commented on the work of the EOC and the EOC office's response to the main points raised. The information concerned was tabled for Members' information. AAF's letter had already been acknowledged by the EOC Office and a separate reply was also issued to Amnesty International HK and nine other organizations (including AAF) in response to their letter dated 4 May 2006 relating to the Convention on the Elimination of All Forms of Discrimination Against Women. Apart from giving specific replies to the points raised in the letter, the EOC office also took the opportunity to clarify its roles and its statutory remit. The letter from Amnesty International Hong Kong and EOC's reply were also tabled for Members' reference.

22. In response to a Member's suggestion to make more use of EOC's website to talk about its work, C/EOC informed that the revamped EOC website was very user-friendly and would include information on topical issues such as the debate on concessionary fares for disabled persons.

23. A Member asked whether the EOC would attend the UN CEDAW Hearing or just submit a report. C/EOC informed that the

Office was considering sending a representative to the CEDAW Hearing scheduled for the second week of August and Members' approval would be sought in due course.

(3) Two UN Meetings

24. C/EOC took the opportunity to inform Members that the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) had invited EOC to attend two workshops to be held from 17-21 July, 2006 in Bangkok, Thailand as a continuance of EOC's participation in regional efforts relating to the protection of rights of persons with disabilities. C/EOC drew Members' attention that EOC was well regarded in the Asia Pacific Region in terms of its statutory remit and experience. C/EOC said that it was important for EOC to attend and informed that the relevant information about the two workshops including EOC's contribution and benefits in attending and the budget involved would be provided to Members to give consideration to EOC's attendance.

[Dr. Lo Wing-lok left the meeting temporarily.]

(4) Family Friendly Working Hours in the EOC Office

25. C/EOC informed Members that starting July 1st, the EOC staff would be eligible for 3 Saturdays off and one Saturday on (as opposed to the current alternate Saturdays off) and working hours on normal weekdays would be extended to make up for working one Saturday less. Official hours for service to the public would be extended on

weekdays and existing service hours on Saturdays would be maintained. Members noted the new arrangements.

(5) Request to participate in another Buggery Case

26. C/EOC invited CLC to brief Members on the request. CLC informed Members that there was another buggery case immediately following the one that EOC would appear as amicus curiae in July and EOC had been invited to participate in this other case. The EOC office recommended not participating in the second case since this was similar to the earlier one. This was agreed by Members.

VI. Date of Next Meeting

27. The next EOC meeting would be held on 14 September 2006 (Thursday) at 2:30 p.m.

28. There being no other business, the meeting was adjourned at 5:10 p.m.