

**Minutes of the Seventy-sixth Meeting of
The Equal Opportunities Commission
held on 19 March 2009 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference/Training 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.	
Miss LAM Kam-yi	
Dr. LAW Koon-chui, Agnes, J.P.	
Mr. LEE Luen-fai	
Mr. LIU Luk-por, Desmond	
Ms TAM Heung-man, Mandy	
Mr. Saeed UDDIN, M.H.	
Mr. YIP Kin-man, Raymond	
Mr. Michael CHAN Yick-man	Secretary [Director, Planning & Administration]

Absent with apologies

Mrs. KOO CHEUNG Man-kok, Christine
Dr. LO Wing-lok, J.P.
Ms WONG Fung-ye, Margaret

In attendance

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

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 76th Meeting.
2. Apologies for absence were received from Mrs. Christine KOO CHEUNG Man-kok, Dr. LO Wing-lok and Ms Margaret WONG Fung-yee due to clash of meetings/other engagements.
3. C/EOC informed the Meeting that a press release would be issued after the meeting to highlight major areas of work carried out since the last meeting and discussed at this meeting.

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

4. The Minutes of the 75th Meeting held on 18 December 2008 were confirmed without amendments.

III. Matters Arising
(Agenda Item No. 2)

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

(Para 5 and 6 of Minutes of the 75th Meeting)

5. D(Ops) provided a verbal update on the progress of the Formal Investigation on Accessibility in Certain Publicly Accessible Premises (Formal Investigation). He said that some management of facilities / estates had provided detailed responses to individual inspection reports with improvements made or planned while some had provided less elaborated responses. In general, a number of improvements had been carried out in respect of access for the wheelchair-bound and the visually-impaired in the past years, though more had to be done for the hearing-impaired. In addition, there were connection issues identified between facilities provided by different agencies.

6. D(Ops) continued that the preliminary draft report incorporating extracts of focus group discussions and a report on technical aspects would be ready by the end of March for the Working Group's consideration after sorting out some further details with agencies concerned. The Working Group would consider issues identified before the report was finalized for Members' advice.

(Mrs. CHONG WONG Chor-sar joined the Meeting at this juncture.)

7. In response to a linkage problem in a site raised by a Member, D(Ops) informed that the EOC had power to initiate an investigation on the site under the EOC's normal self-initiated investigation procedures, though the site named was not one of those included in the Formal Investigation.

Equal Pay for Work of Equal Value
(Para 7 of Minutes of the 75th Meeting)

8. DPA updated the Meeting that after about two years' continuous efforts, the Equal Pay for Work of Equal Value (EPEV) project was near completion. EPEV publications including an easy read guide, a main guide for employers and 3 supplementary booklets had been developed and tabled for Members' reference and retention. The same had been uploaded to EOC's website and hardcopies would be sent to stakeholders shortly. External communication/training sessions for human resources practitioners were planned in the latter half of March 2009. Meetings were also in progress with management consultants and professional institutions including the Institute of Human Resource Management to brief them of EOC's work in this area so that they could provide support and advice to employers who might need help on this subject. C/EOC encouraged Members to help promote the guides tabled in their workplace. In case more guide books were needed, Members were welcome to contact the office for arrangement.

(Ms Carmen CHAN joined the Meeting at this juncture.)

Update on Public Consultation on Code of Practice on Employment under the Race Discrimination Legislation
(Para 20 of Minutes of the 75th Meeting)

9. C/EOC updated Members on the latest progress of the public consultation on the Code of Practice on Employment (the Code) under the Race Discrimination Legislation (RDO). He said that the consultation had reached the final stage with more than 50 consultation and briefing sessions held and around 5000 members of the public participated. There were both verbal and written suggestions received. The Code would be fine-tuned where appropriate based on suggestions

received for Members' endorsement in a Special Meeting likely to be held in April 2009 before submission to the Legislative Council for negative vetting. It was hoped that the Code would be ready for gazettal in May or June 2009 and would become effective when the RDO commenced full operation expected to be around mid-2009.

IV. New Agenda Items

Report on "Thematic Household Survey on Racial Acceptance" (EOC Paper No. 1/2009; Agenda Item No. 3)

10. HPR reported to Members on the progress of the "Thematic Household survey on Racial Acceptance", which was a part of the Census and Statistics Department's Thematic Household Survey Scheme. The survey findings had been presented at the 54th Public Education and Research Committee (PERC) Meeting on 22 January 2009. The survey report attached at Annex B to EOC Paper No. 1/2009 had incorporated comments made by PERC Members and endorsed by the PERC via circulation in February 2009.

11. Members endorsed the release of the survey findings as per details contained in EOC Paper No. 1/2009.

Seminar on "Gender Equality and Gender Respect – media and societal culture, where do we go from here" (EOC Paper No. 2/2009; Agenda Item No. 4)

12. HPR briefed Members that EOC Paper No. 2/2009 aimed to report the progress of the seminar "Gender Equality and Gender Respect – media and societal culture, where do we go from here?". The seminar would be co-organized with the Women's Commission (WoC), with the Committee on the Promotion of Civic Education as a supporting

organization.

13. The seminar was a follow-up of EOC's recent Survey Report on the project titled 'Study on Public Perception of Portrayal of Female Gender in the Hong Kong Media' as discussed at the 74th EOC Meeting. Renowned speakers have been invited to share with participants on mainstreaming gender equality and gender respect, media and social culture at the seminar. Members were cordially invited to attend. HPR explained that since the venue of the seminar booked by the WoC was a government facility, no rental expense would be incurred. Budget for this seminar was to be capped at \$34,000 to be shared equally by the EOC and WoC. Members' comments and endorsement on the budget of the seminar were requested.

14. Members in general considered the venue and the budget acceptable and endorsed EOC Paper No. 2/2009.

Review of Work of EOC in 2008

(EOC Paper No. 3/2009; Agenda Item No. 5)

15. EOC Paper No. 3/2009 provided a statistical presentation of the work of the EOC, as well as work / project progress in 2008 and the status regarding legal assistance court actions since the second half of 2008. C/EOC invited questions from Members on the work and progress contained in the paper.

16. Members posed a question related to the written submission and verbal representation to the Panel on Security as reported on page 3 of Annex 2 of the paper, in relation to allegations on some police officers who deliberately took advantage of sex workers in undercover operation and raised concerns on whether any guidelines existed on police's

actions in respect of sexual harassment and race discrimination issues. HPR explained that he had been invited to provide advice on guidelines and briefings to the police in respect of discrimination issues from time to time since 1996. Recently, in view of the amendment to the Sex Discrimination Ordinance and the enactment of the Race Discrimination Ordinance, he had been invited again to conduct a related briefing to police officers. From his understanding, there were related guidelines issued by the Police Headquarters on which the EOC had provided comments before. In view of Members' concerns, he would contact the police to see if there was a need to help them review their existing guidelines and ensure appropriate training / refresher training on issues related to discrimination was provided to frontline and new recruited police officers accordingly.

17. In response to a question raised by a Member on the progress of a legal assistance case, CLC replied that the EOC was seeking legal advice on the case.

18. Members noted EOC Paper No. 3/2009.

EOC's Thematic Work Plan for 2009/2010
(EOC Paper No. 4/2009; Agenda Item No. 6)

19. DPA briefed Members that EOC Paper No. 4/2009 provided information on EOC's work plan for 2009/10. The work plan provided information on areas which EOC would accord priority and give special attention, in addition to other regular work and invited Members to give their views and comments.

20. In response to a question raised by a Member on the update regarding Government's proposal made in January 2006 in respect of the

Chairperson's post and the appointment of a Chief Executive Officer as a statutory appointee as mentioned in page 18 of the Appendix to EOC Paper No. 4/2009, C/EOC said that in view of Government's present stance on this subject, which was, in due course, to examine the matter taking into account actual operational experience and the views earlier expressed by the Legislative Council Members, the Working Group would now focus its work on the other 2 terms of reference, which were mainly related to the review of the organizational structure in general and manpower support of the EOC.

21. Members noted EOC Paper No. 4/2009.

Budgeting and Planning for the 7th Series of TV Docu-Drama
(EOC Paper No. 5/2009; Agenda Item No. 7)

22. HCCT outlined the pertinent information as contained in EOC Paper No. 5/2009, which was to seek Members' approval on the production of a new series of TV docu-drama titled "A mission for equal opportunities" in 2010/11.

23. In response to a question raised by a Member, ACCT replied that upon Members' approval, commitment of \$1.2M would be set aside for this purpose in the 2008/09 financial year. Members also noted that in the planned series, the costs would cover the production of 6 episodes of half an hour programme for TV broadcast, duplication of 2,000 copies of the episodes in DVD format for free distribution after broadcast on TV, and promotional activities of the programme. As with past practice, a copy of the DVD would be sent to Members for their viewing.

24. Members endorsed the production of a new docu-drama series for 2010/2011 and approved the budget of \$1.2m for this purpose as per

details contained in EOC Paper No. 5/2009.

Reports of the Legal & Complaints Committee, Community Participation & Publicity Committee, Public Education & Research Committee and Administration & Finance Committee
(EOC Paper No. 6/2009; Agenda Item No. 8)

25. EOC Paper No. 6/2009 contained information on the work of the respective EOC Committees. On the work of the Administration and Finance Committee (A&FC), DPA highlighted to the Meeting the decision of the A&FC at its 50th Meeting held on 4 March 2009, of not to pursue at this juncture on changing to Open-ended Employment Contracts for staff. Details of the considerations of the A&FC were listed in paragraphs 5 – 8 of Appendix 4 to the paper. ACCT also went through with Members the Draft Annual Budget of the Commission for 2009/10 with details as contained at Annex I of Appendix 4.

26. Members noted that there was an estimated deficit of \$3.26M from additional staffing requirement for the Race Discrimination Ordinance (RDO) in 2009/10. DPA supplemented that the Government had recently informed the EOC verbally that additional recurrent resources would be provided for the EOC to recruit the required additional staff for implementation of the RDO in 2009/10. The EOC office would follow up with the Government for a written confirmation in this respect. Some Members suggested that the office should proceed to recruit the required staff according to EOC's original bid as soon as possible in view of the lead time required for recruitment. Moreover, the Administration and Finance Committee should be informed if more were required but there was insufficient funding. The office would follow up on this matter accordingly.

27. Members noted EOC Paper No. 6/2009.

Any Other Business
(Agenda Item No. 9)

Update on the “Value for Money” Audit carried out by the Audit Commission

28. C/EOC said that the “Value for Money” Audit on EOC by the Audit Commission as reported to Members in the 74th Meeting had been completed. The Audit Commission had provided a draft report to him and invited EOC’s responses. In view of the confidential requirements on the handling of the audit report and the pressing time schedule provided by the Audit Commission, he and the office had provided initial responses for consideration of the Audit Commission.

29. Members deliberated on the subject and it was decided that a Special Meeting should be convened on 26 March 2009 (Thursday) from 1:00pm to 3:00pm for Members to have sight of the draft report and the initial responses submitted to the Audit Commission so that they could also provide their views and responses on matters warranted for the Audit Commission to consider.

[Post-meeting note: A Special Meeting was convened on 26 March 2009 accordingly at the EOC office. Views and comments from Members on the audit report were provided to the Audit Commission for consideration.]

Terms of Reference (TOR) of the LCC
(EOC Paper No. 7/2009 tabled)

30. CLC introduced EOC Paper No. 7/2009 on “Terms of Reference (TOR) of the Legal and Complaints Committee (LCC)” to Members, proposing an amendment of the TOR of the LCC. He added that the amendment proposed would more fully reflect the LCC’s function.

31. Members endorsed the proposed amendment as detailed in EOC Paper No. 7/2009.

32. There being no other business, the meeting was adjourned at 4:50pm.

V. Date of Next Meeting

33. The next regular EOC Meeting would be held on 18 June 2009 (Thursday) at 2:30pm.