

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 92nd Meeting.

2. C/EOC informed the meeting that apologies for absence were received from Ms CHAN Man-ki, Maggie, Mr. LEE Luen-fai, Mr. LUI Tim-leung, Tim, Mr. Amirali Bakirali NASIR, and Mr. YIP Siu-hong, Nelson, due to clash of meeting schedules/other business engagements. Ms CHIU Lai-kuen, Susanna was out of town but she would join the meeting later by telephone conferencing.

3. C/EOC said that a press briefing would be held after the meeting in accordance with the usual practice.

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

4. The Minutes of the 90th Meeting held on 16 June 2011 and 91st (Special) Meeting held on 19 August 2011 were issued to Members on 12 July 2011 and 7 September 2011 respectively. They were confirmed without amendment.

III. Matters Arising (Agenda Item No. 2)

5. There were no matters arising from the minutes of previous meetings requiring immediate attention except the Progress on the Follow-up Actions of the Report on Formal Investigation on Accessibility in Certain Publicly Accessible Premises which was reported in EOC Paper No. 18/2011 under the New Agenda Item.

IV. New Agenda Items

Progress Report on the Follow-up Actions on the Formal Investigation on Accessibility (EOC Paper No. 18/2011; Agenda Item No. 3)

6. D(Ops) briefed the Meeting on the salient points contained in EOC Paper No. 18/2011. The presentation of the latest progress had also been modified in response to Members' suggestion at the 90th Meeting. Members noted that the adoption of our recommendation on assigning designated persons to co-ordinate and conduct regular access audits in individual departments of the Government was a significant step forward. It also facilitated the handling of access complaints received by the EOC.

7. In general, the progress of the follow-up actions on the technical and policy recommendations made in the Formal Investigation Report was satisfactory though there were still a few problems. Members noted that the Government had yet to commit to adopting universal design for its new premises and development projects, although it was accepted as a guiding principle. There was also no concrete commitment seen in developing strategies to deal with accessibility problems in divested properties, such as estates under the Tenants Purchase Scheme. Deficiencies in the public transport system had also not been systematically addressed. These outstanding issues could be policy areas to be followed up by the Working Group under the Policy and Research Committee (PARC) which looked into accessibility-at-large.

(Ms Susanna CHIU joined the meeting by telephone-conferencing at this juncture.)

8. C/EOC said that the Working Group under PARC would make an appointment with officials of the Transport and Housing Bureau to follow up on EOC's recommendations especially for those related to the transport system. Members would be provided with updated progress regularly.

(The Hon Frederick FUNG joined the meeting at this juncture.)

Review on Adjudication of Equal Opportunities Claims by the District Court (EOC Paper No. 23/2011; Agenda Item No. 4)

9. C/EOC briefed Members on the background of EOC Paper No. 23/2011, which addressed the Judiciary's review paper "Review on Adjudication on Equal Opportunities Claims by the District Court". Members noted that the Judiciary recognized that anti-discrimination statutes were social legislation with a view to protecting civil rights and that equal opportunities claims should be adjudicated in a speedy and inexpensive manner. To this end and in response to the EOC's recommendations in March 2009 on the establishment of an Equal Opportunities Tribunal (EOT), the Judiciary has proposed a number of recommendations in the above-mentioned review paper for seeking views from the public from 1 September 2011 until 31 October 2011. A summary of the Judiciary's 7 recommendations was in page 40 – 41 (page 35 – 36 for the Chinese version) of the Annex to the EOC Paper.

10. Members noted that subsequent to EOC's recommendations submitted to the Government in March 2009 on the establishment of an EOT, the Civil Justice Reform (CJR) had been implemented. The Judiciary took the view that a major area of concern identified by the EOC, the passive role played by the Court, had been addressed to a large extent. It did not support the establishment of an EOT though it had accepted that there was room for further improvement even in the light of the implementation of CJR. In fact, the Judiciary's current recommendations for reform were similar to the features of the EOT recommended by the EOC. The principal recommendation was to replace technical pleadings with informal claim forms. A working group of judges was proposed to take forward this matter. The EOC would participate in the Judiciary's current review consultation by putting forward the views we had collected in our earlier stakeholders consultation, including those made in favour of setting up a separate EOT, for due consideration.

11. Members discussed the Judiciary's review. Ms Susanna CHIU commented that the current proposed reform in the Judiciary's review could be viewed as an interim step moving towards the final goal of setting up of a separate EOT. In response to her question on cost comparison between the reformed system proposed by the Judiciary and the EOT as recommended by EOC, C/EOC said that there probably would not be a major difference. The Hon Paul TSE expressed understanding to the Judiciary's reluctance in setting up too many specialized tribunals. In order to consider the matter more comprehensively, he suggested collecting more relevant data in the areas of cost, timing and expertise involved between Judiciary's recommendations and the EOT as recommended by EOC for comparison. Dr. Sandra TSANG echoed the need of collecting more relevant data for a more informed decision. She further suggested the EOC Office to present the information collected and the corresponding views in simple table form for easy comparison.

12. Members considered the consultation offered a good opportunity for all stakeholders and the public to give views on how best to improve the adjudication process for equal opportunities claims. C/EOC said that the EOC Office would collect more information and views on the matter for Members' consideration before submitting a consolidated view to the Judiciary.

Annual EOC Forum (EOC Paper No. 19/2011; Agenda Item No. 5)

13. C/EOC briefed Members on the previous discussions, the subsequent development and the relevant considerations for holding an Annual EOC Forum as contained in EOC Paper No. 19/2011.

(Dr. Maggie KOONG joined the meeting at this juncture.)

14. Ms Susanna CHIU said that the annual forum should be similar to an Annual General Meeting of a public company for the EOC to provide more information to the public, share its management philosophies and initiatives

for future development and seek public response to them. It was to enhance EOC's transparency, corporate governance as well as EOC's corporate image. The Hon Frederick FUNG said that he was in support of holding a special open meeting annually or more frequently if necessary. Members could speak on their views and vision on the work of the EOC, including its operations, future work directions and resource allocations, etc.

15. Members deliberated on the subject and in general agreed that the EOC should hold such an event to enhance communication with the public, particularly when the EOC has reached its 15th year mark in 2011. However, more deliberations on the details were needed, like the mode, content and scale of the event, and whether such an event should be organized annually. Dr. Maggie KOONG suggested organizing a brain-storming session for Members before holding the event under consideration, to review EOC's past performance and map out its future strategic directions in the 3-5 years ahead. If required, external consultant could be employed to facilitate the process. Members supported the suggestion and decided that the details of the EOC's public event in question could be further discussed and finalized during the brain-storming session. The EOC Office would prepare a framework paper to Members in advance to facilitate their discussion.

(The Hon Paul TSE left the meeting at this juncture.)

Six Monthly Review of EOC's Work (January – June 2011)

(EOC Paper No. 20/2011; Agenda Item No. 6)

16. EOC Paper No. 20/2011 provided a statistical representation of the work of the Commission, as well as major work / project progress and court actions undertaken for the period 1 January to 30 June 2011.

17. Members noted that the number of public enquiries had increased considerably when compared with the same period last year. The EOC Office had used more advertisement platforms to promote the concept of equal opportunities and the values of the EOC, including using MTR

escalator's and station platform's advertising space, advertising on tram bodies and experimented on using Yahoo's homepage. Out-reaching efforts to enhance communication with ethnic minority communities had been strengthened with the employment of 3 part-time ethnic minority staff.

18. The Hon Frederick FUNG noted that there were only a few overseas seminars/conference that the EOC had participated in the last 18 months as listed in Annex I to EOC Paper No. 20/2011. He said that the EOC should not be deterred from attending worthwhile overseas sessions just because there were public criticisms on such spendings in the past. C/EOC said that the policy for attending overseas seminars/conferences had not changed. In fact, two Board Members had represented EOC to attend the International Forum on Women in Urban Development and Commemoration of the 15th Anniversary of the Fourth World Conference on Women in Beijing last September, and a few staff members had also gone to China to conduct training and promote EOC's work. The EOC would always give consideration to attend appropriate UN meetings and it was expected that there would be some important UN events on human rights in 2012 which we might consider attending. The Hon Frederick FUNG said that participating in overseas visits and conferences were important means for the EOC to share experience and best practices with its international counterparts as well as broaden the horizon of its Members and staff. The EOC should appropriately participate in these activities to help advance its work. Dr. John TSE added that the EOC could also invite suitable speakers/experts from overseas to conduct seminars/sharing sessions in Hong Kong on issues related to EOC's work. Ms Susanna CHIU suggested further discussion of this matter for arriving at a systematical approach to participation in local and overseas seminar/visits in the brain-storming session for Members as discussed earlier.

19. Members noted EOC Paper No. 20/2011.

Reports of the Legal & Complaints Committee (LCC), Community Participation & Publicity Committee (CPPC), Policy and Research Committee (PARC) and Administration & Finance Committee (A&FC)
(EOC Paper No. 21/2011; Agenda Item No. 7)

20. EOC Paper No. 21/2011 contained information on the work of the respective EOC committees. C/EOC informed the Meeting that at the initiation of Ms Susanna CHIU, the Convener of A&FC, the EOC had entered a number of contests for awards recognizing excellence in various aspects of professional communications as well as good corporate governance. The contests that the EOC had participated included The Hong Kong Management Association 2011 Best Annual Reports Award, the Best Corporate Governance Disclosure Awards by the Hong Kong Institute of Certified Public Accountants and the Directors of The Year Award 2011 by The Hong Kong Institute of Directors. So far, the EOC's Annual Report 2010 had won two international awards, i.e. the International Mercury Award 2010/11 and the ARC Awards 2011, for its achievement in professional communications. These results were very encouraging.

21. For competing in the Directors of the Year Awards 2011 aimed to promote good corporate governance, C/EOC reported that the Convener and two Members of the A&FC, i.e. Ms Susanna CHIU, Ms Carmen CHAN and Mr. LEE Luen-fai, DPA and himself had attended an interview with the adjudicating Panel of the Hong Kong Institute of Directors on 6 September 2011. The result was awaited. In future, the EOC would endeavour to seek more recognition on various levels of its work with a view to building EOC's branding and image as we advocate for a pluralistic and inclusive society free of discrimination.

22. In response to comments made by The Hon Frederick FUNG on the format of the report of the work of the Administration and Finance Committee vide Appendix 4 to EOC Paper No. 21/2011, C/EOC accepted that the report style for all the committees should be consistent and that it should not be in the form of minutes of the respective committee meetings. As regards

whether the names of Members providing views at committee meetings should be recorded in their minutes, it would be left to the respective committee to decide.

23. Members noted EOC Paper No. 21/2011.

Procedure for electing Conveners and Deputy Conveners of EOC Committees (EOC Paper No. 22/2011; Agenda Item No. 8)

24. EOC Paper No. 22/2011 sought Members' consideration and endorsement to the proposed proceedings for electing conveners and deputy conveners of EOC committees. A proposed election procedure incorporating Members' advice given earlier during the course of the last election exercise was in the Annex to the said paper.

(Mr. Z M QAMAR left the meeting at this juncture.)

25. While the last elections were held at the respective committee meetings, it was the general view at this meeting that the elections should be held at one go at the first Board meeting after Members had been appointed as this would be more efficient and straight forward. Views differed as to whether the respective committee's agreement for the appointment was necessary if there was only one nomination for the post. Ms Carmen CHAN expressed that it was good governance to seek the agreement of the committee concerned in this case, as one nomination (including self nomination) was sufficient to be eligible for election, and we should continue with this procedure used in the last election. The Hon Frederick FUNG also suggested spelling out clearly the commencement and closing dates for nominations and the date of election, where practicable. The EOC Office would further refine the proposed election procedure taking into account views expressed. Members' advice would be sought again in due course.

V. Any Other Business

DDO Code of Practice on Employment and the Easy Read Guide

26. The revised Code of Practice on Employment under the Disability Discrimination Ordinance gazetted on 3rd June 2011 and the Easy Read Guide were tabled. Written in simple language and illustrated with lively drawings, Members noted that the Easy Read Guide which served as a roadmap to the Code and brought out the essence of the important legal concepts in the Disability Discrimination Ordinance as discussed in the Code would be published shortly for members of the public, especially employers and employees for easy reference.

27. There being no other business, the meeting was adjourned at 5:00pm.

VI. Date of Next Meeting

28. The next regular EOC meeting was scheduled for 15 December 2011 (Thursday) at 2:30 p.m.

Equal Opportunities Commission
September 2011