

**Minutes of the One Hundred and First (Special) Meeting of
The Equal Opportunities Commission
held on 18 April 2013 (Thursday) at 4:30 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

Dr. CHOW Yat-ngok, York	Chairperson
Ms CHAN Ka-mun, Carmen, J.P.	
Ms CHOI Hing-shi, M.H.	
Dr. KOONG May-kay, Maggie	
Mr. LEE Luen-fai	
Mr. LUI Tim-leung, Tim, B.B.S., J.P.	
Mr. Amirali Bakirali NASIR, J.P.	
Ms NG Wing-mui, Winnie	
Mr. Zaman Minhas QAMAR	
Dr. TSANG Kit-man, Sandra	
Dr. TSE Wing-ling, John, M.H.	
Ms WONG Ka-ling, Garling	
Mr. YIP Siu-hong, Nelson, M.H.	
Mr. Michael CHAN Yick-man	Secretary Director, Planning & Administration [DPA]

Absent with apologies

Ms CHAN Man-ki, Maggie, M.H.
Ms CHIU Lai-kuen, Susanna
The Hon TSE Wai-chun, Paul

In attendance

Mr. Joseph LI Siu-kwai	Director, Operations [D(Ops)]
Mr. Herman POON Lik-hang	Chief Legal Counsel [CLC]
Mr. Kelvin MAK Kwong-yuen	Senior Policy and Research Officer [SPRO2]
Ms Shana WONG Shan-nar	Head, Corporate Communications & Training [HCCT]
Mr. Peter Charles READING	Legal Counsel [LC4]
Miss Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Ms Hallie CHAN Ying-heii	Senior Equal Opportunities Officer (HR Development & Projects) [SEOO(HRDP)]

I. Introduction

1. The new Chairperson (C/EOC), Dr. York CHOW, who attended the meeting for the first time, introduced himself and welcomed all Commission Members (Members) to the 101st (Special) Meeting. Apologies for absence were received from Ms CHAN Man-ki, Maggie, Ms CHIU Lai-kuen, Susanna and The Hon TSE Wai-chun, Paul, due to clash of meeting schedules/other business engagements.

2. C/EOC said that the purpose of this Special Meeting was to provide Members with more details on the Review of Discrimination Ordinances currently underway, what the EOC intended to do and obtain Members' views on this subject and to formulate an EOC position. He added that he had been meeting with different stakeholder groups since his appointment as Chairperson and he would continue to meet stakeholders and EOC Members to seek advice to advance EOC's work, and to develop a three year strategic plan in the next two months.

(Dr. John TSE joined the meeting at this juncture.)

II. Review of Discrimination Ordinances

(EOC Paper No. 6/2013; Agenda Item No. 1)

3. C/EOC invited LC4 to provide a briefing on EOC Paper No. 6/2013 to Members.

(Dr. Sandra TSANG and Mr Nelson YIP joined the meeting at this juncture.)

4. LC4 explained in detail the justifications for the discrimination law review, the key proposals, the scope, content and stages of the review project and the strategic approach to obtain stakeholders' buy-in to the proposals. The overall objectives were to simplify, modernize and consolidate the existing ordinances into a single ordinance and to propose protection on new areas. He

added that discrimination laws needed to reflect Hong Kong needs and keep abreast of international trends. It was also important to ensure consistency in the protected attributes in the existing legislation and to look at new areas such as sexual orientation and gender identity. A survey of LGBT themselves in 2010 reflected high and concerning figures of discrimination. He further stated that the EOC had conducted a review of the SDO and DDO in 1999 but did not look into FSDO and the new race law which was not enacted then. While Government had agreed to most of EOC's recommendations in the review, it had not implement them so far.

5. C/EOC said that there was a draft position statement on this subject at Annex 3 to the said EOC Paper for Members' consideration. As this was a very comprehensive review, the expected timeline for submission to the Government on EOC's proposals could be later than the second quarter of 2014 as stated in the EOC paper. Members were asked to provide their advice and join the internal working group to take the matter forward.

6. Ms Winnie NG supported the review which was in line with EOC's vision of creating a pluralistic and inclusive society free of discrimination. She supported the principles for the amendments to the existing legislation and the addition of more protected groups like people with different sexual orientation and gender identity...etc. On legislation for sexual orientation, she noted that there were very diverse views in the society and more work on public education and consultation to promote understanding would be required. She indicated an interest to join the working group.

(Ms Winnie NG left the meeting at this juncture.)

7. Ms Carmen CHAN supported the rationale and principles in the review and thanked LC4 for the effort in drafting the consultation document. Having studied the document, she suggested adding more real life examples of discrimination in the document to facilitate understanding of the proposals. Additionally, she posed a number of questions on various parts in the draft document which LC4 and CLC would respond separately in view of the time constraint in the meeting.

(Ms Garling WONG, Mr. ZM QAMAR and Mr. AB NASIR left the meeting at this juncture.)

8. Dr. John TSE expressed concern that the scope of the review was too wide covering both existing legislation and new groups. He said that consolidating the four existing pieces of anti-discrimination legislation would be very complex and it would not be easy for the public to comprehend. The existing legislation, in its present form, was already difficult for a lay person to understand. He suggested adopting a more pragmatic approach focusing on priority areas such as enactment of legislation for sexual orientation only.

9. Mr. LEE Luen-fai shared the same view as Dr. TSE's. He opined that it would be easier for the public to understand four separate ordinances focusing on different groups than combining them into one. Mr. LEE also suggested that the EOC should consider strategies to enlist support from the public to the proposals.

10. Mr. Tim LUI suggested allowing more time for Members to consider and deliberate on the subject before deciding on an EOC position. Dr. Sandra TSANG supported the urgency to engineer a review and appreciated the ground work done. But she has reservations regarding the plan to conduct consultation on the revision of the four ordinances at the same time. She preferred that the EOC prepared working papers on the details of the proposed logistics of the review for the committee members' more thorough deliberations and discussions in future or special meetings to plan such review. Dr. Maggie KOONG, Ms CHOI Hing-shi and Mr. Nelson YIP supported the direction of the review. However, in view of the complexity of the matter and that there were considerable details that needed to be carefully deliberated in the consultation document, they asked for more time to consider the matter and to map out the appropriate strategies.

(Dr. John TSE left the meeting at this juncture.)

11. C/EOC thanked Members for the views expressed and remarked that the exercise was indeed not an easy task. The biggest challenge lay in getting the public to understand what the changes meant and getting their support on the proposals. He welcomed more discussions and debates on the matter to help refine the proposals. He emphasized that quality of work was more important than time, and it would be important for the EOC to make good use of perhaps the only one chance to educate and impress the public on the EO values and concepts. The EOC Office would summarize the various options on the scope and approach of the review and to seek Members' advice again in the next meeting.

III. Any Other Business

Advocating Equal Opportunities for Ethnic Minorities and Persons with a Disability

12. C/EOC said his other work priorities were to advocate equal opportunities for EMs and persons with a disability, in particular on i) equal education and employment opportunities and ii) support for students with special education needs and to urge the Government to effect policy change. As stated in paragraph two above, he would meet Members individually to solicit their views and advice on different work areas in the coming weeks.

EOC Annual Forum 2013

13. Members noted that that the EOC Annual Forum 2013 has been tentatively scheduled for Friday, 27 September 2013. The venue and further details for the forum were to be decided and worked out in due course. Members were requested to take note of the date of the forum.

14. There being no other business, the meeting was adjourned at 6:40 p.m.

IV. Date of Next Meeting

15. The next regular EOC meeting has been scheduled for 20 June 2013

RESTRICTED
(cleared for publication)

(Thursday) at 2:30 p.m.

Equal Opportunities Commission
May 2013