

**Minutes of the One Hundred and Fifteenth Meeting of
The Equal Opportunities Commission
held on 15 September 2016 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Professor Alfred CHAN Cheung-ming, SBS, JP Chairperson [C/EOC]
Ms Susanna CHIU Lai-kuen, MH
Mr Holden CHOW Ho-ding
Dr Maggie KOONG May-kay, BBS
Ms Elizabeth LAW, MH, JP
Dr Trisha LEAHY, BBS
Professor Hon Joseph LEE Kok-long, SBS, JP
Ms Juan LEUNG Chung-yan
Ms Shirley LOO, MH, JP
Ms Su-Mei THOMPSON
Dr Sandra TSANG Kit-man, JP
Mr Nelson YIP Siu-hong, MH
Mr Michael CHAN Yick-man Secretary
 Chief Operations Officer [COO]

Absent with apologies

Mr CHAN Chi-kin, Ivan
Professor Susanne CHOI Yuk-ping
Mr Amirali Bakirali NASIR, MH, JP
Mr Zaman Minhas QAMAR
Miss YU Chui-yee, MH

In attendance

Ms Agnes MAN Ngar-yin Director, Complaint Services [DCS]
Mr Ivan LUK Chi-cheung Chief Legal Counsel [CLC]
Dr Ferrick CHU Chung-man Director, Policy, Research and Training
 [DPRT]
Mr Oska LI Kam-hung Head, Corporate Planning and Services
 [HCPS]
Ms Shana WONG Shan-nar Head, Corporate Communications [HCC]

Mr Peter READING	Legal Counsel [LC4]
Mr Raymond HO Wing-keung	Senior Equal Opportunities Officer (Ethnic Minorities Unit) [SEOO(EMU)]
Miss Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Ms Kerrie TENG Yee-san	Senior Accounting Manager [SMA]

I. Introduction

1. The Chairperson (C/EOC) welcomed Commission Members (Members) to the 115th Meeting. Apologies for absence were received from Mr Ivan CHAN, Professor Susanne CHOI, Mr A B NASIR, Mr Z M QAMAR and Miss C Y YU due to out of town business/other engagements.
2. Members congratulated Professor Hon Joseph LEE for being re-elected as LegCo Member and Mr Holden CHOW for being elected as LegCo Member. Members also welcomed Mr Oska LI (HCPS) to his first Board Meeting.

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

Confirmation of Minutes of the 114th EOC Meeting held on 16 June 2016

3. The draft minutes of the 114th EOC Meeting held on 16 June 2016 were issued to Members on 15 July 2016. There were no amendments proposed. The minutes were confirmed without amendments.

Confirmation of Minutes of the revised web versions of the 104th and 110th EOC Meetings held on 19 December 2013 and 18 June 2015 respectively

(Revised web versions of the minutes of the 104th and 110th EOC Meetings tabled)

4. Members noted that in relation to the “Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation & Gender Identity”, paragraph 32 of the minutes of the 104th EOC Meeting had been amended

following discussions at the 110th EOC Meeting held on 18 June 2015. Pursuant to a citizen's complaint with The Ombudsman, recommendations from The Ombudsman on the handling of the minutes of the 104th and 110th EOC Meetings were discussed at the last (114th) EOC Meeting. Members at the last meeting agreed to proceed with The Ombudsman's recommendations. The revised web versions of the 104th and 110th EOC Meetings were tabled for Members' attention. Members approved the revised web versions of the 104th and 110th EOC Meetings as tabled which would be taken as official record for uploading onto the EOC website.

III. Matters Arising (Agenda Item No. 2)

5. Members noted that matters arising from the last meeting requiring attention had been placed under the new agenda for this meeting for consideration.

IV. New Agenda Items

Report on the Strategic Retreat held on 27 August 2016

(EOC Paper No. 16/2016; Agenda Item No. 3)

6. C/EOC thanked Members for their support of and participation in the Strategic Retreat at the Hong Kong Sports Institute and Dr Trisha LEAHY for facilitating venue and catering arrangements.

7. C/EOC highlighted salient points of EOC Paper No. 16/2016 including the following key themes that emerged as the Commission's future strategic priority areas: (a) Pursue with the Government on the EOC's Discrimination Law Review (DLR); (b) Education & Employment Opportunities and Access to Public Services for Ethnic Minorities (EMs); (c) Integrated Education for Students with Special Education Needs (SEN); (d) Fostering a Friendly Environment Free from Discrimination for Identified Groups; and (e) Delivering Better Service. These strategic areas would form the basis of developing the EOC's next Strategic Plan.

8. C/EOC added that the EOC would follow up with the Government on taking forward the recommendations in the DLR and would propose setting up a task force comprising the Constitutional and Mainland Affairs Bureau (CMAB) and the EOC on the subject. He also hoped that the Government would initiate a comprehensive community-wide consultation as soon as possible to gauge public opinion for a legislative framework to protect LGBTI rights. In respect of education, employment and access to services for EMs, the EOC would continue to monitor the effectiveness of the Government's framework for learning Chinese as a second language and to provide suggestions for improvement. The EOC also hoped to partner with different stakeholders including employers and academic institutions on enhanced employment opportunities and bridging the Chinese proficiency requirement. The EOC would also advocate for intensified interpretation support where needed and equal access to services including banking services, housing rental services and hospital services. Integrated education for SEN students would remain the EOC's major concern and would work with different stakeholders to promote better support for SEN students, including removing the obstacles in pursuing higher education. The EOC would also work on fostering a friendly environment free from discrimination for identified groups such as efforts to reintegrate persons with mental illness into society and to propose to the Government to review policies for people with mental illness. The EOC would also work on promoting fair employment practices for all employees with different characteristics including researching information on age and disabilities and its impact on continued employment, findings of which would be used to promote public awareness and public education, and for the Government to consider policy improvement where appropriate. The EOC would also strive to provide better services on a continuous basis in order to achieve its strategic priorities through capacity building and in forging close alliances with its strategic partners.

9. Dr Maggie KOONG enquired whether performance indicators would apply to strategic areas and be available to the public. C/EOC responded that he would give consideration on whether the Strategic Plan, which would include high-level actions, appropriate key deliverables and indicators for monitoring the outcome of the deliverables, would be made available for the public. Dr

Sandra TSANG observed that the 2013 Strategic Retreat had facilitated a more in-depth discussion/exchange. She hoped that the design of future Retreats would draw on the corresponding features of the 2013 Retreat for reference.

(Mr Nelson YIP joined the meeting at this juncture.)

10. Members endorsed the proposed future strategic areas as set out in EOC Paper No. 16/2016.

EOC's 20th Anniversary Program

(EOC Paper No. 17/2016; Agenda Item No. 4)

11. HCC outlined to Members the key activities programs to commemorate the EOC's 20th Anniversary as contained in EOC Paper No. 17/2016. Members noted that apart from the Anniversary Logo and Webpage, a series of activities culminating in the Anniversary Reception was underway, including production of a commemorative video and publication; a multimedia competition and a slogan competition. HCC thanked Members for their support/input including judging the competition entries.

(Ms Susanna CHIU joined the meeting at this juncture.)

12. For the Anniversary Reception tentatively scheduled for 18 November 2016 (Friday), the Auditorium of the Boys' & Girls' Clubs Association of Hong Kong had been reserved. The Community Participation and Publicity Committee recommended inviting the Chief Secretary for Administration (CS) as the officiating Guest of Honor. HCC informed Members that former/current EOC Chairpersons and Board Members as well as community stakeholders would be invited to share their experience/insight collaborating with the EOC.

13. Members had concerns whether the tentative venue and suggested program for the Reception were appropriate for the EOC's 20th Anniversary celebration as a meaningful branding experience, projecting the EOC as a reputable public body serving the society. Members noted that in choosing a venue for the event, the EOC Office would take into account its accessibility,

security measures, and the need for prudent use of financial resources from the public's perspective.

14. Professor Hon Joseph LEE opined that the most important consideration was the Guest of Honor officiating the Reception that would reflect the significance of the event. He considered that the officiating Guest of Honor should not be at a level lower than the CS. HCC undertook to search for alternative venues and identify VIPs who could appropriately assume the role as the officiating Guest of Honor for the event.

15. Members noted the 20th Anniversary tentative program set out in EOC Paper No. 17/2016.

[Post-meeting note: Taking into consideration the suggestions and views from Members, the 20th Anniversary Reception has now been scheduled for 17 November 2016 (Thursday) and would be held at the Harborview, 4 Harbor Road, Wan Chai (opposite the HKCEC). Mr Jasper TSANG, GBM, GBS, JP, former President of the Legislative Council (2008-2016), has consented to be the event's Guest of Honor and to deliver an opening speech. Other guests to be invited included the Executive Council and Legislative Council Members, senior Government officials, Consuls-General, community partners, and representatives from NGOs and business organizations.]

Half-Yearly Progress Report of the Ethnic Minorities Unit

(EOC Paper No. 18/2016; Agenda Item No. 5)

16. SEOO(EMU) briefed Members on the half-yearly work progress of the EMU which focused on: (a) enhanced support for non-Chinese speaking students; (b) employment support for EMs; (c) barrier-free services (public/private) for EMs; and (d) public education to promote racial inclusion. In the next six months, the EMU would make specific policy recommendations on the above four focuses; conduct training sessions to schools to promote fair admission and inclusive learning environment; focus outreach efforts to encourage recruitment of EMs especially in the transport and healthcare sectors;

and engage the providers of those services frequently subscribed by EMs (e.g. banking and estate agency) for cultural sensitivity training.

17. Mr Holden CHOW shared the general sentiments of EM communities, particular their strong interest in employment opportunities in the disciplined forces. SEOO (EMU) informed Members that the Hong Kong Police Force and the Correctional Services Department had adopted alternative Chinese language proficiency tests for non-ethnic Chinese applicants (e.g. oral test; group interview). COO added that an increasing number of EMs had been hired as police officers in recent years.

18. Responding to Ms Juan LEUNG's question, SEOO (EMU) said the Labor Department launched in 2014 a pilot project "Employment Services Ambassador Program for Ethnic Minorities" under the Youth Employment and Training Program. The objective was to strengthen dedicated employment services for EMs.

19. Ms Susanna CHIU considered efforts to foster an environment conducive to entrepreneurship opportunities for EMs worthwhile. C/EOC said the EOC had been engaging chambers of commerce and various stakeholders to enhance developmental opportunities for EMs.

20. In response to Dr Maggie KOONG's enquiry, SEOO (EMU) advised that under the Education Bureau's "Learning Framework", all schools admitting 10 or more NCS students were provided with an additional funding ranging from \$0.8M to \$1.5M; while schools admitting less than 10 NCS students might have an additional funding on a need basis for organizing diversified modes of after-school support for learning Chinese.

21. Ms Su-Mei THOMPSON asked what the EOC's position might be in the event of a burkini ban (i.e. a number of French cities prohibited full-body swimsuits in the wake of terrorist attacks) in the HKSAR. CLC advised that such a ban might constitute indirect race discrimination, i.e. the same requirement or condition is applied equally on all people of different races, but the requirement or condition has a disparate impact (discriminatory effect) on a

particular race group which is not justifiable in the circumstances. LC4 supplemented that remedies might also be sought for contravention of Article 15 of the Hong Kong Bill of Rights Ordinance (Cap.383) on Freedom of Thought, Conscience and Religion.

22. Members noted the EMU's progress and future work focuses as set out in EOC Paper No. 18/2016.

Six Monthly Review of EOC's work (January – June 2016)

(EOC Paper No. 19/2016; Agenda Item No. 6)

23. C/EOC highlighted major work undertaken by the EOC during January to June 2016 as summarized in EOC Paper No. 19/2016.

24. Members noted EOC Paper No. 19/2016.

Reports of the Legal & Complaints Committee, Community Participation & Publicity Committee, Policy, Research & Training Committee and Administration & Finance Committee

(EOC Paper No. 20/2016; Agenda Item No. 7)

25. Ms Susanna CHIU, Convener of the Administration & Finance Committee highlighted to Members the EOC's budgetary situation as discussed at the last Administration and Finance Committee (A&FC), including the latest development of the discussions between the CMAB on EOC's budget. As a cost-saving measure to ameliorate the effects of EOC's structural deficit, the A&FC has approved the proposal from the EOC office to adjust cash allowance for new recruits and existing staff on contract renewal.

26. On the subvention for the COO post being withheld, Members noted that the CMAB had still not made any firm undertaking on the release of the funding to the EOC; but agreed to review the issue after examining the effectiveness of the EOC's new organizational structure and the Government's financial position by the end of 2017.

27. C/EOC informed Members that office rental amounted to about 12% of

the EOC's recurrent expenditure. For prudent financial management, the EOC office would be prepared to relocate to another premises leasing at a more affordable rental upon the expiry of the existing leases in mid-December 2017. COO supplemented that the EOC would have to fund at least 50% of the required costs with its reserve to take forward the relocation exercise. The CMAB would support the EOC to bid a one-off funding from the Government for partially covering the required setting up and reinstatement costs. The CMAB would also be prepared to consider providing one-off funding for new initiative, programs of the EOC and urged the EOC to come up with value-adding proposals and bids.

28. Members noted EOC Paper No. 20/2016.

Chairperson's Quarterly Report

(EOC Paper No. 21/2016; Agenda Item No. 8)

29. C/EOC reported to Members his major work undertaken for the period from early June to September 2016 as detailed in EOC Paper No. 21/2016. He welcomed comments and advice from Members on his work.

30. Members noted EOC Paper No. 21/2016.

LGBTI Sporting Event in Hong Kong 2022

(EOC Paper No. 22/2016; Agenda Item No. 9)

31. LC4 briefed Members on the salient points of EOC Paper No. 22/2016 summarizing a request from Out in HK for the EOC to provide a letter of support for its bid for the Gay Games to be hosted in Hong Kong in 2022. The Games aimed to promote equality, respect and inclusion of LGBTI people as well as all other groups in society regardless of their sex, race, age and disability. Hong Kong was among 16 cities listed to host the 2022 Games which were estimated to generate about HK\$500M income, 15,000 visitors and 12,000 participants.

32. In response to Professor Hon Joseph LEE and Mr Holden CHOW's

question, COO said that there were no similar requests received by the EOC before. In response to questions raised by Ms Elizabeth LAW and Ms Susanna CHIU, LC4 said that Out in HK was a non-profit organization run by volunteers from different sectors seeking support for its bids from the Government and from the EOC. He undertook to verify its status (e.g. whether it was a registered charitable organization) and seek more pertinent information from it, such as the disposal of income derived from the 2022 Games and other statutory/non-statutory bodies' support for its bid, for Members' information.

33. Dr Trisha LEAHY said that it was unclear whether Out in HK had the capacity to secure the venues and support from government officials and sports associations/ referees/technical directors to ensure proper setup/standards for an international competitive sporting event such as the Gay Games. Nevertheless, this was beyond the EOC's remit, and at this stage Out in HK appeared to be only asking for a letter of support for their bid, which the EOC should in principle consider supporting.

34. Professor Hon Joseph LEE expressed that more information was required from Out in HK to clarify whether the EOC was requested to be its supporting organization or the EOC was asked to simply provide a letter of support. He said that support for the bid could be provided in principle if it was without financial/legal obligations. Mr Holden CHOW concurred in the light that the public had high expectations of the EOC's endeavors. Ms Susanna CHIU cautioned that the legal and financial implications should be sorted out before the EOC decided to get involved.

35. Members agreed to make a decision on the request for a letter of support for the bid, when more information was provided by EOC staff about Out in HK and the bid process.

V. Any Other Business

36. There being no other business, the meeting was adjourned at 5:20 p.m.

VI. Date of Next Meeting

37. The next regular EOC meeting had been scheduled for **15 December 2016 (Thursday) at 2:30 p.m.**

*Equal Opportunities Commission
October 2016*