

**Minutes of the One Hundred and Twelfth Meeting of
The Equal Opportunities Commission
held on 17 December 2015 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

Dr. CHOW Yat-ngok, York	Chairperson
Mr. CHAN Chi-kin, Ivan	
Ms CHIU Lai-kuen, Susanna, M.H.	(via telephone-conferencing)
Mr. CHOW Ho-ding, Holden	
Dr. KOONG May-kay, Maggie, B.B.S.	
Dr. Trisha LEAHY, B.B.S.	
Prof. Hon LEE Kok-long, Joseph, S.B.S., J.P.	
Ms LEUNG Chung-yan, Juan	
Ms Shirley LOO, M.H., J.P.	
Mr. Amirali Bakirali NASIR, M.H., J.P.	
Mr. Zaman Minhas QAMAR	
Ms Su-Mei THOMPSON	
Dr. TSANG Kit-man, Sandra, J.P.	
Mr. YIP Siu-hong, Nelson, M.H.	
Mr. Michael CHAN Yick-man	Secretary Chief Operations Officer [COO]

Absent with apologies

Prof. CHOI Yuk-ping, Susanne
Ms Elizabeth LAW, M.H., J.P.
Miss YU Chui-yee, M.H.

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]
Ms Shana WONG Shan-nar	Head, Corporate Communications [HCC]
Mr Peter READING	Legal Counsel [LC4]
Miss Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Miss Kerrie TENG Yee-san	Accountant [ACCT]

Mr Robert LI	}	Consumer Search HK Ltd.	}	For Agenda Item No. 8 only
Miss Peggy WONG				
Prof. SUEN Yiu-tung	}	Gender Research Centre, The Chinese University of Hong Kong	}	For Agenda Item No. 5 only
Prof. Angela WONG Wai-ching				
Ms Eliz WONG Miu-yin				

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 112th Meeting. He also welcomed Mr Robert LI and Miss Peggy WONG, representatives of Consumer Search Hong Kong Limited (CSG), the external consultant engaged by the EOC to conduct the Service User Satisfaction Survey 2015 to the Meeting. He said that Prof SUEN Yiu-tung, Prof WONG Wai-ching, Angela and Ms WONG Wai-ching, Eliz, representatives from the Gender Research Centre of The Chinese University Hong Kong who were engaged to conduct the Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status would join the meeting when Agenda Item 5 was to be considered. Apologies for absence were received from Prof Susanne CHOI, Ms Elizabeth LAW and Miss YU Chui-yea due to out of town business. Ms Susanna CHIU would join the meeting at a later time by telephone-conferencing.

2. C/EOC said that there were no special items that should immediately be reported after the meeting. As such, a press briefing would not be held after the meeting but a press release would continue to be issued.

3. C/EOC proposed and Members agreed to consider Agenda Item 8 on “Findings of the 2015 Service User Satisfaction Survey relating to EOC’s Complaints Handling Mechanism” first so that representatives from CSG could leave the meeting when discussion on this item was finished. Representatives from the Gender Research Centre of The Chinese University Hong Kong would be invited to join the meeting when Agenda Item 5 was considered.

II. Findings of the 2015 Service User Satisfaction Survey relating to EOC's Complaints Handling Mechanism

(EOC Paper No. 31/2015; Powerpoint Presentation materials prepared by CSG tabled)

4. EOC Paper No. 31/2015 presented the key findings of the questionnaire phase of the Service User Satisfaction Survey on EOC's complaint handling and enquiry service conducted for the period from 1 August 2014 to 31 July 2015 (SUS-2015).

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

5. Mr Robert LI presented to Members the major highlights of SUS-2015 including the survey objectives, methodology and enumeration results of the questionnaire phase.

6. Members noted that in general, there was an improvement in all ratings on the survey items on enquiry service when compared with the 2013 and 2014 survey results. On complaint service, a general decrease in all ratings by complainants and a mild decrease in the ratings by respondents were observed when compared with the 2014 survey results. In order to have a more in-depth understanding of service users' views towards the EOC's service and for possible service enhancements, a qualitative phase of the SUS-2015 would be conducted in the first quarter of 2016. In this qualitative phase, at least 24 in-depth interviews would be conducted by either Mr Robert LI or Ms Peggy WONG. Both Mr LI and Ms WONG had experience in leading the past 3 years' surveys for the EOC. Findings of the qualitative phase of SUS-2015 would be presented to Members in the next EOC Meeting.

7. In response to a question raised by C/EOC, Mr Robert LI said that all the survey respondents were asked to indicate the extent of their agreement with each of the survey item in the form of a statement using a scale of 0 to 10, with a higher rating indicating a higher agreement. However, there was no specific passing mark in the ratings given by the survey respondents.

8. DCS said that she welcomed the findings of the SUS-2015 which helped to better understand service users' needs and served as a good indicator on areas that EOC's complaint service could be further improved. The Complaint Services Division was also currently streamlining the procedures to handle cases with a view to shortening the turnaround time without compromising service quality. She looked forward to receiving the findings of the qualitative phase for possible further service enhancements.

(Mr A B NASIR joined the meeting at this juncture.)

9. Dr Sandra TSANG appreciated the clear presentation of the service user satisfaction ratings using radar graphs. Nevertheless, she suggested that a common scale could be used for the graphs to facilitate comparisons without exaggerating the insignificant differences. Mr Robert LI agreed.

10. Ms Shirley LOO commented that it was not easy to satisfied both complainants and respondents. In response to questions that she raised on the mean satisfaction calculation and by her and Prof Hon Joseph LEE related to the in-depth interviews, Mr Robert LI said that in calculating the mean satisfaction ratings, the outliers (i.e. the highest and lowest scores) were not excluded to ensure consistency with previous years' surveys. The in-depth interviews in the qualitative phase would be conducted by executive staff who were very familiar with the survey (i.e. Mr LI himself and Ms Peggy WONG). Participants of the in-depth interviews would be selected using a random selection approach with priority given to those who had given above- and below- average overall satisfaction rating. Other factors, such as type of service user (i.e. complainant/respondent/enquirer) and the ordinance(s) that the survey respondents were involved would also be taken into consideration as deemed appropriate to ensure that the sample composition could reflect a fair representation of participants of diverse backgrounds. To minimize any possible emotional biases due to the case outcomes, those who were particularly dissatisfied with their case outcome would be excluded.

11. Mr Nelson YIP asked about the representativeness of the overall mean

satisfaction ratings by ordinance as indicated on slide 9 of the presentation materials. Mr Robert LI explained that despite small sample bases for Race Discrimination Ordinance and Family Status Discrimination Ordinance for complainants and respondents, the proportion of enumerated cases of each ordinance among each type of service user (i.e. complainants/respondents/enquirers) were generally consistent with the proportion of the corresponding effective universe.

12. In response to a question raised by Dr Sandra TSANG on the proportion of questionnaire survey respondents who had expressed an interest to participate in the in-depth interview in the qualitative phase, Mr Robert Li replied that 51% complainants, 35% respondents and 48% enquirers were willing to participate. After excluding those service users who were particularly dissatisfied with their case outcomes, around 20% complainants and respondents were respectively eligible for further selection.

13. In response to a question raised by Dr Maggie KOONG, DCS said it made sense that in a complaint case, when the complainant was satisfied, the respondent would not be and vice versa. Though the number of in-depth interviews to be conducted in the qualitative phase of SUS-2015 was small, she was looking forward to the findings to better understand the reasons behind service users' satisfaction or dissatisfaction in EOC's complaint handling service for making improvements as far as possible.

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

14. C/EOC thanked Members' views and suggestions expressed and thanked Mr. Robert LI and Miss Peggy WONG for their attendance. He said that the user satisfaction survey was a good tool to help EOC keep track of the trend of the feedback from users with a view to improving its services. It was worth continuing to conduct the survey annually. For SUS-2015, it should be noted that it surveyed on the feedback from service users of our complaint handling and enquiry services for the period from 1 August 2014 to 31 July 2015, which was a challenging period for the Complaint Services Division, as some of the major work carried out during this period was quite controversial. Though

there was a drop in ratings in complaint handling service, he was glad that the ratings in enquiry service had increased. Handling complaints required considerable tact and empathy and staff handling complaint should be flexible in their approach, be able to gain trust and communicate well with the parties to a complaint in order to manage their expectation. When the findings of the qualitative phase of SUS-2015 were ready, Members' views and suggestions would be sought again.

(Mr Robert LI and Miss Peggy WONG left the meeting at this juncture.)

III. Confirmation of Minutes

15. The draft minutes of the 111th EOC Meeting issued to Members on 13 October 2015 were confirmed without amendments.

IV. Matters Arising

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

(Mr Holden CHOW joined the meeting at this juncture.)

V. New Agenda Items

Progress on The Discrimination Law Review

(EOC Paper No. 27/2015)

17. The latest progress of the Discrimination Law Review (DLR) was detailed in EOC Paper No. 27/2015. C/EOC thanked Members who had attended the near to 4-hour sharing held on 17 November 2015 in which the responses received, the planned priorities and structure of the submissions to the Government related to the DLR were discussed.

18. CLC briefed Members on the latest progress on the DLR. He said that the EOC DLR Taskforce and senior management had agreed on the proposed priorities for and the structure of the submissions to the Government. EOC staff was now in the process of drafting the submissions. Members present at the sharing held on 17 November 2015 had provided very useful comments and views which were being taken into account in the drafting of the documents. When the draft documents were ready, they would also be reviewed by the Taskforce and senior management before presenting to Members for comments. It was planned that a special meeting be held with Members to discuss and approve the draft report on responses and the submissions to Government in January 2016. It was estimated that the report on responses received and submissions to the Government would be published by March 2016.

19. Members noted EOC Paper No. 27/2015.

(Prof SUEN Yiu-tung, Prof Angela WONG and Ms Eliz WONG joined the meeting at this juncture.)

Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status – Presentation of major findings (EOC Paper No. 28/2015; Powerpoint Presentation Materials prepared by the Research Team tabled)

20. EOC Paper No. 28/2015 provided some background information on the Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status (“the Study”) which included the objectives of the Study, the research team of the Study and the research methods used in the Study. The research team of the Study – the Gender Research Centre of the Hong Kong Institute of Asia Pacific Studies at The Chinese University of Hong Kong, had completed the data analysis. An English research report and executive summary were also prepared and sent to Members via email by the Secretary to the Policy, Research and Training Committee to all EOC Board Members on 11 December 2015 for Members’ attention. Representatives from the research team, Prof SUEN Yiu-tung, Prof

Angela WONG Wai-ching and Ms Eliz WONG who were invited to the meeting to present the major findings of the Study to Members were welcomed by C/EOC.

21. Prof SUEN Yiu-tung highlighted to Members the major findings of the Study which included i) the views from Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) people on their experiences of discrimination in the areas of employment, education, provision of goods and services, disposal and management of premises and government functions, and their views on legislation, ii) the views from the Hong Kong public towards legislating against discrimination on the grounds of sexual orientation, gender identity and intersex status, iii) the comparative legal review of different jurisdictions and iv) the conclusions and recommendations.

22. Members noted that there were 3 major recommendations in the Study report. Firstly, the Hong Kong Government is recommended to consider conducting a public consultation on introducing anti-discrimination legislation on grounds of sexual orientation, gender identity and intersex status. Given the evidence of widespread discrimination against LGBTI people, the consultation should focus on what should be the scope and content of the legislation, rather than whether there should be legislation. Apart from considering the protected characteristics to cover, appropriate exemptions should also be considered. Secondly, the Government was recommended to give further consideration to explore claims about possible discrimination on the grounds of religion or belief. Thirdly, forums, workshops and training sessions were recommended to be developed to increase dialogue and better understanding between different groups in society on issue relating to LGBTI equality.

23. C/EOC said that the title of the Study was amended from “Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status” to “Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status” was to better reflect the wide scope of the Study. Subject to Members’ advice, it was hoped that the Study report could be released to the public in late January 2016.

24. Members noted that from the telephone survey conducted by the research team of more than 1000 respondents, 55.7% of the respondents expressed that they were somewhat/completely agreed that there should be legislative protection against discrimination on the grounds of sexual orientation, gender identity and intersex status which was a significant increase from 28.7% recorded from a similar survey conducted in 2005. Moreover, it was noteworthy that respondents to our telephone survey aged 18-24 were in particular supportive of enacting legislation to protect LGBTI people from discrimination in Hong Kong. 91.8% of them agreed that overall, there should be legal protection against discrimination on the grounds of sexual orientation, gender identity and intersex status as a whole.

(Ms Su-Mei THOMPSON left the meeting at this juncture.)

25. Members posed questions to the research team, expressed their views and suggestions on the Study. Regarding the Study report, Members suggested there should be more discussions on the cultural differences affecting views of the public on this matter and preferably a small section be added on how the communities comprising mainly Chinese, like Taiwan, Hong Kong, Singapore and the Mainland accepting LGBTI people and recognizing the need to protect them against discrimination. More information related to reverse discrimination was also suggested to be presented in the Study report. The research team would consider the suggestions from Members.

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

26. C/EOC said that Members could provide further views and suggestions on the Study report after the meeting. Members' endorsement on the Study report would be sought via circulation.

(Prof SUEN Yiu-tung, Prof Angela WONG and Ms Eliz WONG left the meeting at this juncture.)

(EOC Paper No. 29/2015)

27. Members noted that the 4th EOC Forum was successfully held on 24 November 2015 and positive feedback from participants had been received. The EOC Office had conducted a post-event review and details were contained in EOC Paper No. 29/2015.

28. C/EOC said that the EOC was set up in 1996 and the next year would be its 20th anniversary. A special theme could be considered for the 2016 EOC Forum. Members noted EOC Paper No. 29/2015.

Reports of the Legal & Complaints Committee (LCC), Community Participation & Publicity Committee (CPPC), Policy, Research & Training Committee (PRTC) and Administration & Finance Committee (A&FC)

(EOC Paper No. 30/2015)

29. Members noted EOC Paper No. 30/2015.

Chairperson's Quarterly Report

(EOC Paper No. 32/2015)

30. EOC Paper No. 32/2015 presented to Members a summary of the Chairperson's work for the period from mid September to mid December 2015.

31. Members noted EOC Paper No. 32/2015.

Report of EOC's Financial Position as at 31 October 2015

(EOC Paper No. 33/2015)

32. ACCT highlighted to Members on the EOC's financial position as at 31 October 2015 as detailed in EOC Paper No. 33/2015.

33. Members noted that there would be a surplus of \$1.65M still available for use in 2015/16 and for committing programmes or services in the following years. The setting up cost of the additional office (\$0.46M) was covered by recurrent account and the approved reserve fund (\$0.97) was therefore released

to general reserve. After taking into account the estimated surplus transferred to the reserve (\$1.65M), the estimated balance of reserve as at 31 March 2016 was \$24.1M which would be \$2.8M below the estimated reserve ceiling. C/EOC said although there was and would be a balanced budget in the past and current financial years, there would be challenges in EOC's future budgets as the EOC was also required by the CMAB to deliver 2% savings, i.e. 1% in the coming year and another 1% in the year after, and at present there was no additional funding to the EOC for the increased rental in the existing office in Cityplaza 3 and the new office in Cityplaza 4.

34. Members noted EOC Paper No. 33/2015.

Tentative EOC Meeting Schedule for 2016

(EOC Paper No. 34/2015)

35. Members noted the tentative schedule of EOC Board meetings for 2016 as contained in EOC Paper No. 34/2015. The tentative schedules of EOC Committees meetings in 2016 were also listed in the Appendix to the paper for Members' reference.

VI. Any Other Business

EOC Annual Staff Gathering scheduled for 17 December 2015

36. C/EOC said the EOC's Annual Staff Gathering would be held in the evening after this meeting. He invited Members to join the Gathering to enjoy the evening with EOC staff if their schedules allowed.

37. There being no other business, the meeting was adjourned at 5:50 p.m..

VII. Date of Next Meeting

38. The next regular EOC meeting has been scheduled for **17 March 2016 (Thursday) at 2:30 p.m.**

RESTRICTED
(cleared for publication)

Equal Opportunities Commission
January 2016