

**Minutes of the One Hundred and Twenty-third Meeting of
The Equal Opportunities Commission
held on 27 September 2018 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Prof Alfred CHAN Cheung-ming, SBS, JP	Chairperson [C/EOC]
Mr Samuel CHAN Ka-yan, JP	
Prof Cecilia CHAN Lai-wan, JP	
Prof Andy CHIU Man-chung	
Prof Susanne CHOI Yuk-ping	
The Hon Holden CHOW Ho-ding	
Mr Mohan DATWANI	(via telephone-conferencing)
Miss Maisy HO Chiu-ha, BBS	
Ms Elizabeth LAW, MH, JP	
Dr Trisha LEAHY, BBS	
Ms Juan LEUNG Chung-yan	
Dr Sigmund LEUNG Sai-man, BBS, JP	
Ms Shirley LOO, BBS, MH, JP	
Dr Henry SHIE Wai-hung	
Dr Rizwan ULLAH	
Mr Michael CHAN Yick-man	Secretary Chief Operations Officer [COO]

Absent with apology

Prof Hon Joseph LEE Kok-long, SBS, JP
Miss YU Chui-ye, BBS, MH

In attendance

Mr Oska LI Kam-hung	Director, Corporate Planning and Services [DCPS]
Miss Kitty LAM Kit-ye	Ag Director, Policy, Research and Training [Ag DPRT]
Mr Allan MAN Sui-lun	Ag Chief Legal Counsel [Ag CLC]
Ms Shana WONG Shan-nar	Head, Corporate Communications [HCC]
Mr John LEUNG Chi-fai	Chief Project Manager [CPM] } For Agenda Item 3 only
Mr Raymond HO Wing-keung	Senior Equal Opportunities Officer (Ethnic Minorities Unit) } For Agenda Item 7 only

Miss Gloria YU Wai-ling

Senior Equal Opportunities Officer,
Administration & Personnel [SAP]

Ms Hollis LING Yin-har

Equal Opportunities Officer,
Administration & Personnel [EAP]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 123rd Meeting, particularly Mr Samuel CHAN, who was a new Member joining the Meeting for the first time. Due to other prior engagements, Mr CHAN would leave the meeting at around 4:00 pm. Apologies for absence were received from Prof Hon Joseph LEE and Miss YU Chui-ye who were out of town. Mr Mohan DATWANI would attend the meeting via telephone conference.

2. Members agreed to consider Agenda Item 7 first as SEOO(EMU) had to leave the meeting for another work commitment. Members also noted that a verbal report would be made on Agenda Item 3. EOC Paper No. 17/2018, which would contain the full report of the Review of EOC Governance, Management Structure and Complaint Handling Process, would be presented in the coming EOC Meeting in December 2018. To the extent possible, a longer timeslot would also be made available for the item for Members' discussion in that meeting.

3. C/EOC said that there were no special items for informing the media, hence no press briefing would be held after the meeting.

II. Confirmation of Minutes

Confirmation of Minutes of the 122nd Meeting held on 21 June 2018

4. Draft minutes of the 122nd EOC Meeting held on 21 June 2018 were issued to Members on 20 July 2018. No requests for amendments were received prior to this meeting. At the meeting, Prof Susanne CHOI indicated that the draft minutes needed amendments. C/EOC asked her to propose her amendments in writing after this meeting. Prof CHOI agreed.

5. The confirmation of the draft minutes of the 122nd EOC Meeting was deferred pending receipt and confirmation of Prof CHOI's proposed amendments by Members.

III. Matters Arising

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

IV. New Agenda Items

Half-Yearly Progress Report of the Ethnic Minorities Unit

(EOC Paper No. 21/2018)

7. Members noted that the half-yearly progress report of the Ethnic Minorities Unit (EMU) was contained in EOC Paper No. 21/2018. SEOO(EMU) highlighted the salient points about the policy, training and outreaching initiatives, as well as the future development focus set out therein for Members' information.

8. As regards policy recommendation, Members noted that an independent report was submitted to the United Nations (UN) in July 2018 on the Third Report of the Hong Kong SAR under the UN Convention on the Elimination of All Form of Racial Discrimination. Prof Cecilia CHAN requested EMU to provide the relevant information to Members.

[Post-meeting note: Members were informed of the concluding report by the UN Committee on the Elimination of Racial Discrimination (CERD) together with the Government's initial response as well as the Commission's CERD submissions via email on 3 October 2018.]

9. In respect of Chinese learning of non-Chinese speaking (NCS) students, Members noted that feedback garnered from Chinese subject teachers, EM parents, NCS students and NGOs by the Working Group on Education for EMs reflected a pressing need for standardized teaching and learning materials. The Education Bureau (EDB) had been repeatedly requested to address this issue. In the recent meeting with the Bureau on 28 June 2018, the officials reported that they had been developing textbooks for two more levels under the Chinese Language Curriculum Second Language Learning Framework.

10. Members noted that The Racial Diversity and Inclusion Charter (the "Charter") for Employers was launched in August 2018, and some renowned corporations had given their consents to adopt it. Two signing ceremonies were expected to be organized for signatory companies and organizations. EMU would expand the promotion and publicity work of the Charter and also through media publicity and working with business chambers in Hong Kong.

11. Members were briefed on the EMU's major areas of focus in the second half of the year. Members noted that EMU would continue to monitor racial equality in the education system through the Working Group on Education for EMs, follow up on the initiative of the Working Group on Mainstreaming Employment Opportunities in Healthcare Industries for EMs, and develop an audio-visual kit and online training module for schools on prevention of racial discrimination and promotion of racial inclusion.

(Ms Elizabeth LAW and The Hon Holden CHOW joined the meeting at this juncture.)

12. Dr Rizwan ULLAH mentioned that some Pakistanis' bank accounts, in particular those for business purposes, were terminated by a major bank abruptly in the past few months, often without any prior notice and chance for appeal. EMU had stepped up to help the EM community by a meeting with the bank to express the community's concern in September 2018. It followed that some bank accounts at issue had been reinstated. Dr ULLAH showed appreciations of EMU's efforts on this given that banking services played an important part of EM's livelihood.

13. Mr Mohan DATWANI said that he had recently discussed in a research report about the difficulties in opening bank accounts for different business sectors in Hong Kong. He added that specific cases, if identified, should be referred to the Hong Kong Monetary Authority (HKMA) for follow up. The Hon Holden CHOW said that he had held a meeting with the HKMA on this. It was noted that some banks took a more stringent approach than the HKMA's instructions to obviate the potential risks involved.

14. Ms Elizabeth LAW shared with Members the experience relevant to the implementation of the anti-money laundering guidelines. She added that not only opening bank accounts would become more difficult, but also setting up new companies.

15. To further discuss systemic issues pertaining to the access of banking services by EMs, C/EOC advised that SEOO(EMU), in consultation with Dr Rizwan ULLAH, to start dialogues and establish a communication channel with the HKMA.

16. Members noted EOC Paper No. 21/2018.

(SEOO(EMU) left the meeting at this juncture.)

Amendments / Additions to the “Procedures for Meetings and Related Matters”

(EOC Paper No. 18/2018)

17. DCPS led Members through the background, proposed amendments to the existing Procedures of Meeting and additions of new sections in the booklet entitled *Procedures of Meeting and Related Matters* as contained in EOC Paper No. 18/2018. Members noted that the booklet had been provided to them in the orientation kit upon their appointment. The latest version (Third Issue) was published in March 2013.

18. Members were briefed on the rationale of the proposed amendments to “Order of Business” as set out in Paragraph 6.6(j) of the booklet, i.e. the Chairperson or presiding member of a meeting could exercise discretion to allow members to remain in attendance in the event that they were asked to be abstained from the discussion and decision making of an item in the meeting. Such discretion would nonetheless not be applicable to situations involving conflict of interest.

19. The two new sections to be included were “Membership and Convenership of Committees”, and “Co-opted Members in Committees”. Members noted that the relevant meeting procedures were approved in 2011 and had since been in practice in meetings.

20. Members approved the proposed amendments to Paragraph 6.6(j) under “Order of Business” of the Procedures of Meetings as presented in EOC Paper No. 18/2018, and that the two sections on “Membership and Convenership of Committees”, and “Co-opted Members in Committees” be included in the new edition of the Booklet. The updated version (Fourth Issue) would be published and distributed to Members for reference in October 2018.

Conference on Equality in the Asia Pacific 2018: Progress and Challenges – Post-event Review

(EOC Paper No. 19/2018 tabled)

21. HCC briefed Members on the post-event review of the Conference on Equality in Asia Pacific 2018: Progress and Challenges as summarised in EOC Paper No. 19/2018 tabled at the meeting.

22. Members noted that the Conference, co-organised by the EOC and the Asia Pacific Forum of National Human Rights Institutions (APF) was successfully held on 20 and 21 September 2018 at the Harbourview Hotel, Wanchai. A total of 281 people had attended the Conference, of which 57 were APF guests and members (key officials of National Human Rights Institutions (NHRIs) from 25 countries. Nonetheless, Government officials, including Permanent Secretary of Constitutional and Mainland Affairs Bureau (CMAB) and Commissioner for Rehabilitation, did not attend the Conference. The Conference received coverage from local, Macau and overseas media.

23. Members noted that the total expenditure of the Conference would be in the rough order of \$0.3M. On the survey questionnaire included in the info pack asking participants to provide their feedback, Members noted that there were 62 completed survey questionnaire received. The participants were asked to rate on various items, including overall arrangements, conference contents, speakers/panel members etc. Participants were also asked open-ended question for their views on the most beneficial aspect of the Conference. The ratings and the feedback provided were in general highly positive.

24. Prof Susanne CHOI thanked HCC for preparing the post-event review report. She was of the view that riding on the speakers' presentations and the relevant discussions during the conference, an account on how to improve Hong Kong's policies on equal opportunities as well as the four discrimination ordinances, and steer the follow-up actions should be provided. Prof Cecilia

CHAN commented that wheelchair users should be allotted seats in the front row so that they could have a better view of the stage. In response to Prof CHAN's another comment on the arrangement of sign language interpretation service, HCC said that there was no participant who had indicated having hearing impairment on registration. The sign language interpretation was nonetheless provided as practicable as possible in case such a need arose. HCC added that there were lots of positive and encouraging feedback on the Conference along with handful of suggestions for continuous improvement. Prof Cecilia CHAN added that the EOC could consider organising conferences specifically for each of the four discrimination ordinances so that participants could have more time for discussion.

25. C/EOC thanked for Members' valuable comments which the EOC would consider when organising conferences in the future for improvement.

Staffing Situation of the Complaint Services Division

(EOC Paper No. 20/2018)

(Dr Sigmund LEUNG joined the meeting at this juncture.)

26. Members noted EOC Paper No. 20/2018.

Six Monthly Review of EOC's work (January – June 2018)

(EOC Paper No. 22/2018)

27. Members noted EOC Paper No. 22/2018.

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

(EOC Paper No. 23/2018)

28. Conveners/divisional heads took turn to present the important matters

raised and decisions made at the meetings of the four EOC Committees during the period from June to August 2018.

29. Dr Trisha LEAHY, Convener of Legal & Complaints Committee (LCC), highlighted to Members the statistics on enquiries and complaints received, active court cases and legal assistance applications considered in the 144th and 145th LCC meetings. Members noted that LCC had received reports on the status of the two Court cases against the EOC, and the latest positions of briefed-out matters.

30. Dr LEAHY said that the legal expenses for the period from 1 April 2018 to 30 June 2018 were within the budget of 2018/19. She thanked EOC staff members for their efforts to contain cost. C/EOC expected that the number of cases to be brought to litigation would continue to rise. There would be a need to seek CMAB's additional subvention on legal fees.

(Mr Samuel CHAN left the meeting at this juncture.)

31. Ms Shirley LOO, Convener of Community Participation and Publicity Committee (CPPC), briefed Members on the major decisions made and important publicity work done in Q1 of 2018/19. Members noted that the EOC Board had endorsed the appointment of two new Co-opted Members of the CPPC.

32. In response to a question raised by Prof Susanne CHOI, C/EOC said that Constitutional and Mainland Affairs Bureau (CMAB) was still considering EOC's funding bid for launching the EO Award and he had yet to see any positive sign from the Bureau. To continue pursuing financial subvention from CMAB for this purpose, C/EOC would discuss with them again at their upcoming meeting. HCC supplemented that CMAB had subsequently enquired the feasibility of scaling down the award scheme. CMAB was informed of the Board's intention of launching the EO Award in a large scale. The proposal

was still under the CMAB's consideration.

33. Prof Susanne CHOI asked C/EOC the strategies to be deployed when lobbying CMAB's support on funding the EO Award proposal. C/EOC said that there might be a higher chance to gain support from CMAB if Members could discuss the matter with them directly. C/EOC would suggest CMAB arranging a meeting with Members accordingly.

34. Ag. DPRT briefed Members on the various initiatives of the Policy, Research and Training Committee (PRTC), in the areas of elimination of disability discrimination, anti-sexual harassment and research projects.

35. Prof Susanne CHOI supplemented that PRTC would strengthen its work on policy initiation, in light of the policy implications identified in various research projects. Prof CHOI suggested that Government officials be invited to attend PRTC's seminars, and EOC to take a more proactive role in conveying proposed policy initiatives to the Government.

36. On funding allocation to conduct a territory-wide survey regarding people's understanding and experience of sexual harassment in collaboration with the Census and Statistics Department, C/EOC said that he would bring up the matter with CMAB again. Prof Susanne CHOI reiterated that Members would give their full support to C/EOC in order to take forward the various initiatives. Prof Cecilia CHAN added that the EOC could solicit support to its work from different domains, such as the Legislative Council. The Hon Holden CHOW agreed and added that various channels of the Legislative Council were in support of EOC's work.

37. By referring to the recent news report about orientation camps of universities, Dr Henry SHIE enquired if student union representatives would be invited to attend anti-sexual harassment seminars. The Hon Holden CHOW opined that if students' awareness on preventing sexual harassment would be

enhanced, they would be more aware of their responsibility for any unlawful acts of sexual nature during the orientation camp. Dr Trisha LEAHY said that such awareness should be instilled into students earlier, say in secondary schools. She suggested strengthening anti-sexual harassment training for secondary students.

(Dr Rizwan ULLAH, Dr Sigmund LEUNG and Prof Susanne CHOI left the meeting at this juncture.)

38. Ag. DPRT responded that enhancing sex education in secondary schools would also be useful. Taking the opportunity of the sex education review by EDB, the EOC had submitted recommendations for their consideration. Members took some time to discuss how sex education was conducive to helping youngsters be free from sexual harassment. Dr Trisha LEAHY, Ms Juan LEUNG and The Hon Holden CHOW reiterated that victim-blaming messages must not be instilled in sex education. Ms Shirley LOO said that youngsters should learn how to protect themselves.

(Prof Andy CHIU and The Hon Holden CHOW left the meeting at this juncture.)

39. Dr Henry SHIE, Deputy Convener of Administration and Finance Committee highlighted the important matters discussed and decisions made at the 87th (Special) and 88th Meeting of Administration & Finance Committee (A&FC).

40. Members also noted that A&FC had received draft Audited Accounts for the Year Ended 31 March 2018.

(Ms Elizabeth LAW left the meeting at this juncture.)

Chairperson's Quarterly Report

(EOC Paper No. 24/2018)

41. C/EOC highlighted to Members the important work done for the period during June to August 2018 as summarized in EOC Paper No. 24/2018.

42. Members noted EOC Paper No. 24/2018.

(Dr Trisha LEAHY and Ms Juan LEUNG left the meeting at this juncture.)

V. Any Other Business

43. There being no other business, the meeting was adjourned at 5:10 p.m.

VI. Date of Next Meeting

44. The next regular EOC meeting was scheduled for **20 December 2018 (Thursday) at 2:30 p.m.**

*Equal Opportunities Commission
October 2018*