

**Minutes of the One Hundred and Twentieth Meeting of
The Equal Opportunities Commission
held on 21 December 2017 (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]
Prof Cecilia CHAN Lai-wan, JP	
Dr Andy CHIU Man-chung	
Prof Susanne CHOI Yuk-ping	
The Hon Holden CHOW Ho-ding	
Mr Mohan DATWANI	
Miss Maisy HO Chiu-ha, BBS	
Dr Maggie KOONG May-kay, BBS, JP	
Ms Elizabeth LAW, MH, JP	
Dr Trisha LEAHY, BBS	
Prof Hon Joseph LEE Kok-long, SBS, JP	
Ms Juan LEUNG Chung-yan	
Ms Shirley LOO, MH, JP	
Mr Henry SHIE Wai-hung	
Dr Rizwan ULLAH	
Mr Michael CHAN Yick-man	Secretary Chief Operations Officer [COO]

Absent with apologies

Miss YU Chui-yee, MH

In attendance

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 John LEUNG Chi-fai	Chief Project Manager [CPM]	
Miss LAM Siu-wai	Chief Equal Opportunities Officer (Complaint Services) [CA]	} For Agenda Item 7 only
Miss Kitty LAM Kit-yee	Senior Policy, Research and Training Officer [SPRTO1]	} For Agenda Item 6 only

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]	
Miss Kerrie TENG Yee-san	Senior Accounting Manager [SMA]	
Ms Hollis LING Yin-har	Equal Opportunities Officer, Administration & Personnel [EAP]	
Mr Robert LI	Consumer Search HK Ltd	} For Agenda Item 3 only
Ms Peggy WONG	Consumer Search HK Ltd	
Ms Janette WONG	Consumer Search HK Ltd	

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) and the representatives (Mr Robert LI, Miss Peggy WONG and Miss Janette WONG) of Consumer Search Hong Kong Limited (CSG), the external consultant engaged by the EOC to conduct the Service User Satisfaction Survey 2017 to the 120th Meeting. Ms Shirley LOO and Prof Hon Joseph LEE had advised that they would join the meeting at a later time. Apologies for absence were received from Miss YU Chui-yee who had another engagement, and Director (Complaint Services) (DCS) who was on sick leave. Members noted that Chief Operations Officer (COO) would act on DCS' behalf.

2. C/EOC said that there were no important items for announcing to the media, hence no press briefing would be held after the meeting.

3. C/EOC proposed and Members agreed to first consider Agenda Item 3 on “Findings of the Service User Satisfaction Survey on EOC Complaints Handling Mechanism 2017” so that representatives from CSG could leave the meeting when discussion on this item was finished.

(Miss Maisy HO joined the meeting at this juncture.)

New Agenda Items

II. Findings of the Service User Satisfaction Survey on EOC Complaint Handling Mechanism 2017

(EOC Paper No. 21/2017; powerpoint presentation materials prepared by CSG tabled; Agenda Item No. 3)

4. EOC Paper No. 21/2017 presented the key findings of the Service User Satisfaction Survey on EOC's complaint handling and enquiry services conducted for the period from 1 August 2016 to 31 July 2017 (SUS-2017). Members noted that annual surveys had been conducted from 2012 to 2015 to help keep track of the trend of the satisfaction level of the users of EOC's complaint handling and enquiry services. From 2016 onwards, it was considered more cost-effective to conduct the survey on a biennial basis. The SUS-2017 gauging users' feedback was hence conducted recently. In pursuance of EOC's established procurement procedures, CSG was selected and engaged for conducting the survey.

(Mr Henry SHIE, and the Hon Holden CHOW joined the meeting at this juncture.)

5. Mr Robert LI presented to Members the major highlights of SUS-2017, including the survey objectives, methodology and the key findings, such as the critical factors affecting the overall satisfactory ratings of the users of EOC's complaint handling and enquiry services, including Complainants, Respondents and Enquirers.

6. Members noted that there was a general improvement in the ratings of all survey items in SUS-2017, including the overall satisfaction by Complainants, Respondents and Enquirers as compared with the last two surveys conducted in 2014 and 2015. Members also noted that the survey respondents had been asked open-ended questions about the areas that the EOC could be commended on as well as the areas that the EOC could further improve on. Their feedback was summarized in EOC Paper No. 21/2017 and presented to Members at the meeting.

7. In response to a question raised by Prof Cecilia CHAN, COO said that the Commission only handled complaints in pursuance of the confined fields under the four Discrimination Ordinances. There were complaint cases falling outside EOC's jurisdiction or cases not pursuable in the absence of proven grounds to support discrimination claims. Even for cases with the grounds to support discrimination claims, the Commission could only encourage parties to proceed to conciliation. Notwithstanding when parties involved were willing to proceed to conciliation, it was not uncommon that the conciliation thus conducted turned out to be not successful eventually. Since many Complainants would expect the EOC to have an adjudicative power to decide on their cases, in circumstances when their cases would have to be discontinued, they might be of the view that EOC's services were unhelpful and should be rated on the lower end. As regards Respondents, many found the information and explanations provided by the EOC comprehensive. They were in general more receptive to EOC's investigation findings on complaint cases. Hence, Respondents in general were more likely to give a higher rating on EOC's services. Noting the critical factors affecting service users' satisfaction as presented in the survey findings, C/EOC said that they provided good directions to the process review on the provision of complaint and legal services for the public underway. Appropriate training should also be organized for EOC staff with a view to further enhancing the EOC's complaint handling and enquiry services.

8. In response to questions raised by Dr Rizwan ULLAH, Mr Robert LI said that the number of EM among the survey respondents was relatively small and explained that the figures related to RDO as presented in slide 9 were based on a very small number of observations (n=4) only, hence they should be interpreted with caution. The reasons for the dissatisfaction amongst EM users mainly stemmed from their high expectations on EOC's enforcement powers. COO supplemented that some EM service users expected EOC to have an adjudicative power. This was probably due to cultural differences. Hence, it would be particularly important to communicate the scope of EOC's services to them. Regarding the information being made available for EM service users, HCC said that leaflets introducing the EOC's services and the key points under the anti-discrimination ordinances were translated into eight EM languages. The

information was also available on the EOC's Website.

(Prof Susanne CHOI, and Mr Mohan DATWANI joined the meeting at this juncture.)

9. Dr Andy CHIU agreed that there were improvements in the satisfactory ratings. He would like to see the full survey report and to know what the EOC had done better to achieve the improved ratings and what more needed to be done for further improvement. Prof Susanne CHOI also noted there were improvements in the ratings. However, an overall rating of 5.85 (by Complainants) was considered not a pass mark if it were a rating given by university students to teachers. In response, Mr Robert LI said that in the SUS-2017, all survey respondents (Complainants, Respondents and Enquirers) 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, the higher the rating, the more they agree to the statement. There was no specific pass mark in such a rating scale and the ratings below 5 did not carry any negative connotation. From findings of the current and previous surveys, there was a consistent observation that the satisfaction ratings of Complainants and Respondents were highly correlated to their satisfaction level on Case Outcome. Those who had a lower rating on Case Outcome tended to give a lower overall satisfaction rating.

10. In response to a comment by Prof Susanne CHOI, C/EOC said that there was still room for improvement in the EOC's services. Taking note of the survey findings, the EOC Management would endeavour to further improve EOC's complaint handling and enquiry services, and more would also be done to enhance staff's competency. Dr Trisha LEAHY commented that EOC Paper No. 21/2017 was clearly written and provided a good summary for Members' information. She noted that paragraphs 22 and 24 of the paper presented two important figures, i.e. the percentage of survey respondents agreeing that their understanding of rights and responsibilities under the anti-discrimination law had been enhanced and the percentage of respondents that would recommend EOC's service to others. She echoed that more could be done to enhance staff competency such that by helping parties to complaints, i.e. Complainants and

Respondents, in going through the EOC's complaint handling process, both parties would have their understanding of their rights and responsibilities under the anti-discrimination law enhanced, though the outcomes of their complaints might not necessarily be satisfactory to both.

11. Dr Maggie KOONG remarked that the verbatim feedback provided by the survey respondents might have a much heavier bearing over the numeric ratings in the context of getting to know how they viewed the EOC's services. She wished to have sight of the full survey report to better understand their feedback. On the other hand, the Complaint Services Division should also consider the feedback and propose improvement actions accordingly. The Hon Holden CHOW observed that staff had fared relatively low on "Impartiality" amongst other survey items. He suggested that ways to improve service users' perception in this area should be mapped out. Prof Susanne CHOI echoed the Hon Holden CHOW's and Dr Maggie KOONG's views that the Complaint Services Division should consider ways to improve service users' perception on "staff's impartiality" in particular.

12. Dr Andy CHIU suggested seeking comparisons on findings of similar surveys conducted by other public bodies for a more comprehensive view on EOC's services. He further suggested that the findings of SUS-2017 be provided to the external consultant who was to review the EOC's complaint handling process for consideration. Mr Henry SHIE supported Dr CHIU's suggestion. He said that a higher level review on the complaint handling and enquiry services was more useful and meaningful.

13. In response to a question raised by Mr Mohan DATWANI regarding the low overall satisfaction rating by Complainants which did not correlate to the general higher ratings given by them in all other survey items related to staff and physical factors, Mr Robert LI said that stepwise linear regressions were conducted in order to help find out the most critical factors affecting the satisfaction level of Complainants and Respondents. In addition to the nine staff and physical related factors presented, satisfaction with the investigation and conciliation processes as well as case outcome were included in the

computations. The findings showed that “Satisfaction with Investigation Process” was the most critical factor in regard to the overall mean satisfaction ratings of Complainants as well as Respondents.

14. Ms Shirley LOO commented that due to EOC’s service nature, it was always difficult to please the disputing parties in every complaint case. She noted that as reported in the paper, there were quite a number of commendable areas related to staff factors highlighted by survey respondents. She viewed that staff members had done quite well already. Mr Henry SHIE agreed with Ms LOO and said it was indeed a hard job for staff. He added that upholding impartiality was important. Although ratings given by Complainants were relatively lower than Respondents, staff should continue to handle complaints without siding with Complainants rather than aiming to get better ratings in the survey.

15. Miss Maisy HO, Ms Elizabeth LAW, The Hon Holden CHOW, Prof Susanne CHOI, Prof Cecilia CHAN, Dr Rizwan ULLAH provided further views and comments on the SUS-2017. Given the special nature of EOC’s service, Prof Susanne CHOI said that the research to gauge service user’s satisfaction level was not appropriate. She suggested when considering future surveys, it should be focused on gauging public's trust on EOC as an institution and its ability to achieve its goals of promoting and upholding equality of opportunities in Hong Kong. On public’s perception about the work of EOC, Members noted that the Commission had been conducting surveys (named EO Awareness Surveys) from time to time to gauge the public perception towards the concept of equal opportunities and EOC’s role, public awareness and perception of the EOC’s work against discrimination under its mandate, as well as the perception of the general public and the users on the effectiveness of the EOC services including programmes on promotion, public education, training and consultancy, and specific programmes such as EO Club, TV docu-drama series, etc. The results of the recent EO Awareness Survey conducted in 2015 showed that the general public viewed the Commission in a positive light, in particular those who had used EOC’s services before. Regarding SUS-2017, Members noted that same as the previous surveys, the survey findings were for internal reference. On how to better report the results based on a small number of observations to

avoid misinterpretation, CSG undertook to consider refining the presentation and endeavour to provide the full survey report, which would contain the profiles of survey respondents, results of the SUS-2014 and SUS-2015 for Members' reference as soon as possible.

16. C/EOC thanked for Members' valuable opinions and suggestions for EOC's continuous improvements. He also thanked Mr Robert LI, Miss Peggy WONG, and Miss Janette WONG for their attendance.

(The Hon Holden CHOW, Mr Robert LI, Miss Peggy WONG, and Miss Janette WONG left the meeting at this juncture.)

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

Confirmation of Minutes of the 119th EOC Meeting held on 21 September 2017

17. The draft minutes of the 119th EOC Meeting on 21 September 2017 were issued to Members on 20 October 2017. No requests for amendments were received prior to this meeting. At the meeting, Prof Susanne CHOI and Ms Elizabeth LAW proposed amendments to paragraphs 21 and 37 respectively of the draft minutes, and the Meeting considered it appropriate that a post-meeting note be inserted under paragraph 21. The proposed changes to the draft minutes of the 119th EOC Meeting in bold and italic were as follows:

Para. 21 ... equal opportunities values and good practices. ***Prof Susanne CHOI said that a timeline and roadmap for the award scheme should be set out. This suggestion was endorsed by all board members.*** C/EOC said that the EOC Office.....

[Post-meeting note: After the meeting, C/EOC consulted with the four Conveners via email about developing an EO Award specifically for EM services as a trial. Conveners supported the proposal and regarded it a good way to start and it could be scaled up at a later time. In respect of an EO

Award specifically for anti-sexual harassment in corporations (especially SMEs), DPRT consulted with Prof Susanne CHOI and Mr Mohan DATWANI via email and Prof CHOI supported the initiative. PRTC Members noted at its 38th Meeting that the proposal would be presented at the 120th EOC Meeting for endorsement.]

Para. 37 ... and the difficulties in the implementation. Ms Elizabeth LAW expressed her strong support to the proposal.

18. The confirmation of the draft minutes of the 119th EOC Meeting was deferred pending Members' endorsement of the above proposed amendments.

IV. Matters Arising (Agenda Item No. 2)

19. 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.

V. New Agenda Items

Terms of Reference of the Legal and Complaints Committee

(Confidential EOC Paper No. 22/2017; Agenda Item No. 4)

20. CLC led Members through EOC Paper No. 22/2017. Members noted that for the purpose of simplifying the Terms of Reference (ToR) of the Legal and Complaints Committee (LCC) to the extent that it could be readily understood by the general public and all committee members, the Legal Service Division had reviewed the existing ToR at Annex A and prepared a draft revised ToR at Annex B to EOC Paper No. 22/2017. The revised ToR, which only alters the form but not the substance of the existing ToR, was discussed and approved in the 139th Legal and Complaints Committee Meeting held on 21 August 2017. It was presented to EOC Members for endorsement at this meeting.

21. The Meeting endorsed the revised ToR of the Legal and Complaints Committee as contained in Annex B to EOC Paper No. 22/2017.

One-off Allocation for Promotion of Equal Opportunities for Ethnic Minorities

(EOC Paper No. 23/2017; Agenda Item No. 5)

22. SEOO(EMU) said that with the support from the Legislative Council Panel on Constitutional Affairs on 19 April 2017, a one-off allocation of \$3M for promotion of equal opportunities for EMs was provided to the EOC by the Constitutional & Mainland Affairs Bureau on 11 October 2017. The initiatives supported by the \$3M one-off allocation were detailed in EOC Paper No. 23/2017 for Members' information and advice.

23. Members noted that the Commission was also taking the opportunity to embark on a pilot project to award corporate organizations and employers who had effectively introduced racially inclusive policies and measures in the workplace – Corporate Award for Racially Inclusive Employers (Corporate Award). To this end, a campaign involving three initiatives was proposed: i) drawing up a “Charter for Racially Inclusive Workplace” (the “Charter”) for local organizations and enterprises and promote it to employers across a wide spectrum; ii) developing a “Racial Inclusion Checklist” (the “Checklist”) for measuring inclusion rating in corporate policies and practice; iii) launching an award scheme that recognizes companies which have made efforts to be racially inclusive. A timeframe for the campaign was also proposed for Members' consideration. Members also noted that a joint task force, comprising staff members of the Policy, Research & Training Division, Corporate Communications Division and EM Unit had been formed to implement the upcoming projects under the one-off allocation and monitor the progress.

24. Members gave opinions and suggestions on implementing the promotion activities as well as the proposed award campaign. Dr Rizwan ULLAH commended that the paper was well-written. He supported the strategies and

directions of the initiatives proposed and suggested that social media, such as Youtube be included in the promotional campaign if resources were available.

25. In view that inclusive education was as important as inclusive employment for EMs, Prof Susanne CHOI suggested that the award scheme be extended to the education sector (e.g. tertiary institutions) . Also, given that a notable portion of EM population was employed as domestic helpers, Ms Shirley LOO proposed that the promotion programmes could also target at foreign domestic helpers (e.g. Filipinos and Indonesians) as well as EM workforce in various industries.

26. Prof Cecilia CHAN also welcomed the proposal of launching the Corporate Award for Racially Inclusive Employers and, at the same time, concerned about the language barriers existent in EM students' education. In response to concerns and views expressed by Prof CHAN and Dr Maggie KOONG, C/EOC and SEOO(EMU) said that the EOC was in close contact with the Education Bureau so as to monitor the progress and outcomes of various supportive initiatives for Non-Chinese speaking students in learning Chinese with a view to facilitating their pursuit of higher education attainment and greater employment opportunities.

27. In response to a concern expressed by Ms Juan LEUNG on the proposed language requirement for jobs of a public body as to whether it was commensurate with the job requirements, DPRT said that the body concerned had contacted the EOC Office to arrange staff training related to anti-discrimination subjects. The matter should be resolved when its staff received relevant training from the Commission.

28. C/EOC thanked Members for their views and suggestions. The EOC Office would consider the ideas when devising an action plan for promoting the initiatives.

(Dr Andy CHIU and SEOO(EMU) left, SPRT01 joined the meeting at this juncture.)

Proposed EOC Anti-Sexual Harassment Company Award

(EOC Paper No. 24/2017; Agenda Item No. 6)

29. SPRT01 led Members through EOC Paper No. 24/2017 on the proposal of organizing an EOC Anti-Sexual Harassment Company Award. The background of the proposal, the objective, the criteria and the target candidates of the proposed award, the suggestion of forming a steering committee cum judge panel, activities to promote the award and time schedule for implementing the proposal were highlighted to Members, in addition to other details contained in the paper.

30. Prof Susanne CHOI thanked DPRT and SPRT01 for drafting the proposal. She stressed that sufficient manpower and financial resources were important to ensure success of the proposed initiative, and concerted efforts from all units and divisions of the EOC were required.

31. Members were in general supportive of the initiative, though they had different views on how to take it forward. Prof Susanne CHOI, Prof Cecilia CHAN, Dr Maggie KOONG, Mr Mohan DATWANI, Ms Shirley LOO, Dr Trisha LEAHY, Ms Maisy HO and Ms Elizabeth LAW expressed their views on the proposal and provided suggestions on how to take forward the initiative together with the Corporate Award for Racially Inclusive Employers as proposed and discussed via EOC Paper No. 23/2017. Members generally agreed that the EOC should organize an Equal Opportunities Award in a large scale, and not to conduct it by phases. Taking note of Members' views expressed, HCC agreed to come up with a consolidated proposal on how to take forward the proposed awards for Members' endorsement. The Meeting agreed that to expedite the approval process, Members' endorsement could be sought via paper circulation before the next EOC Meeting.

(Prof Hon Joseph LEE and SPRT01 left, and CA joined the meeting at this juncture.)

A Complaint on Case Handling

(Revised Confidential EOC Paper No. 29/2017 tabled; Agenda Item No. 7)

32. CA briefed Members on the background and the current status of a complaint case as contained in the revised EOC Paper No. 29/2017 tabled. Members noted that the agenda item was put forth to the EOC Board at the request of the complainant in accordance with the procedures agreed at the EOC Meeting on 17 March 2016.

33. Members noted the case and viewed that unless there were warranting grounds, cases of a similar nature needed not be brought to the Board's attention in future.

(CA left the meeting at this juncture.)

Public Consultation on Gender Recognition

(EOC Paper No. 30/2017; Agenda Item No. 8)

34. HCC said that the EOC's response to the Government's consultation paper concerning gender recognition had already been made on 28 November 2017. A press release would be issued shortly to accentuate to the public the EOC's stance on the matter.

35. Members noted EOC Paper No. 30/2017.

EOC Management Structure/Governance Review and Process Review for the Complaint Services Division & the Legal Service Division

(Confidential EOC Paper No. 31/2017; Agenda Item No. 9)

36. CPM briefed Members on the background and the updated position of the EOC Management Structure/Governance Review and Process Review for the

Complaint Services Division & the Legal Service Division as contained in EOC Paper No. 31/2017.

37. Members noted that at the 118th EOC Meeting, a Steering Committee (SC) under the Legal and Complaints Committee (LCC) was approved to be formed to (a) oversee an external consultancy review exercise of the complaint handling process; (b) make recommendation to LCC regarding the outcome of the review; and (c) to assess any staffing and financial implications arising from the review and make appropriate recommendations to the Administration and Finance Committee (A&FC) for final approval of EOC Board. At the 119th EOC Meeting, it was noted that two expert consultants had been approached but both declined EOC's invitation to take up the Process Review. As such, instead of hiring an expert consultant, a 3-person Review Panel (Review Panel) was approved to be formed to steer the Process Review.

38. At the first meeting of the Review Panel on 7 December 2017, it was noted that part of the problems leading to the Process Review was staff related. The Process Review would thus have a direct impact on the governance review. Furthermore, proposals for staffing changes stemming from the Process Review may also have a bearing on the management structure review. In view of their interlocking nature, the Review Panel would oversee both reviews.

39. Members noted that the Review Panel considered it not conducive to efficiency if its recommendations were to be submitted to SC, which after deliberation, would refer the matter to LCC and then to the Board. Accordingly, it was recommended that the Review Panel should report direct to the Board, and in the process liaise closely with the A&FC and the LCC. If Members approved the recommendation (set out in paragraph 9 of the paper), SC would automatically be dissolved.

40. Members approved the recommendation in the paper. SC was thus dissolved accordingly.

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

(EOC Paper No. 25/2017; Agenda Item No. 10)

41. Members noted EOC Paper No. 25/2017.

Chairperson's Quarterly Report

(EOC Paper No. 26/2017; Agenda Item No. 11)

42. Members noted EOC Paper No. 26/2017.

Report of EOC's Financial Position as at 31 October 2017

(Confidential EOC Paper No. 27/2017; Agenda Item No. 12)

43. SMA highlighted to Members the EOC's financial position as at 31 October 2017 as contained in EOC Paper No. 27/2017.

Tentative EOC Meeting Schedule for 2018

(EOC Paper. 28/2017; Agenda Item No. 13)

44. Members noted the tentative meeting schedule for 2018 as contained in EOC Paper No. 28/2017.

VI. Any Other Business

Talk by ICAC

45. COO informed Members that a talk on "Integrity Management in Public Sector" would be conducted for EOC Board Members by the Independent Commission Against Corruption (ICAC) at the EOC Office on Thursday, 15 March 2018 from 1:30pm to 2:15pm, i.e. immediately before the next (121st) EOC Meeting. Members were cordially invited to attend the talk. Light lunches would be provided for Members facilitating them to join the talk.

EOC Annual Staff Gathering scheduled for 9 February 2018

46. C/EOC said the EOC's Annual Staff Gathering had been scheduled for Friday, 9 February 2018 during lunch time at the EOC Office. He extended his warm invitation to Members to join the Gathering share fun and joy with EOC staff if their schedules allowed.

EOC Staff Turnover Situation

47. Prof Susanne CHOI expressed concerns on the high staff turnover and wondered whether it was a manifestation of the governance issues in EOC. She requested the Office to provide a report at the next meeting. C/EOC agreed and said that staffing issues would be covered in the reviews on management structure, governance and complaint handling process. CPM would follow up.

48. There being no other business, the meeting was adjourned at 6:00 p.m.

VII. Date of Next Meeting

49. The next regular EOC meeting was scheduled for **15 March 2018 (Thursday) at 2:30 p.m.**

*Equal Opportunities Commission
January 2018*