

**Minutes of the One Hundred and Twenty-first Meeting of
The Equal Opportunities Commission
held on 15 March 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]
Prof Cecilia CHAN Lai-wan, JP	
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	
Dr Henry SHIE Wai-hung	
Dr Rizwan ULLAH	
Miss YU Chui-ye, MH	
Mr Michael CHAN Yick-man	Secretary Chief Operations Officer [COO]

Absent with apology

Dr Andy CHIU Man-chung

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 Lisa CHAN Kit-ching	Senior Corporate Communications Manager [SCCM3] } For Agenda Item 7 only
Mr Raymond HO Wing-keung	Senior Equal Opportunities Officer, Ethnic Minorities Unit [SEOO(EMU)] } For Agenda Item 8 and an AOB only

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]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 121st Meeting. He informed the Meeting that The Hon Holden CHOW and Miss YU Chui-yee had advised that they would join the meeting at a later time. An apology for absence had been received from Dr Andy CHIU who was out of town. Ms June LEUNG and Prof Cecilia CHAN would leave the meeting at around 3:30pm and 4:45pm respectively due to other engagements. Dr Maggie KOONG would attend the meeting via telephone conference call from the United States and leave the meeting at around 4:30pm.

2. 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 119th Meeting held on 21 September 2017

3. Draft minutes of the 119th EOC Meeting were discussed at the 120th Meeting on 21 December 2017. Comments were received from Prof Susanne CHOI and Ms Elizabeth LAW. Amendments were hence proposed and incorporated in the draft minutes of the 120th Meeting issued to Members on 23 January 2018. No further amendment was received. Members confirmed the Minutes of the 119th EOC Meeting with the proposed amendments as incorporated in the draft minutes of the 120th Meeting.

Confirmation of Minutes of the 120th Meeting held on 21 December 2017

4. Draft minutes of the 120th Meeting were discussed at this meeting. Prof Susanne CHOI raised two comments. Proposed amendments were hence made to paragraphs 15 and 31 of the draft minutes of the 120th Meeting as follows in italics and bold:

Para. 15 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,

Para. 31 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.

5. Confirmation of the draft minutes of the 120th Meeting was deferred pending Members' endorsement of the above proposed amendments.

(Mr Mohan DATWANI joined the meeting at this juncture.)

III. Matters Arising

Follow-ups on the findings of Service Users Satisfaction Survey on EOC Complaint Handling Mechanism 2017

6. C/EOC reported the various efforts of the Commission being undertaken to improve EOC's complaint and enquiry services, including (a) the Process Review for the Complaint Services Division & the Legal Service Division (Process Review) underway to reengineer and rationalize the complaint handling service and legal service handling process and procedures; (b) the specific training programmes planned for 2018/19 to prepare staff to embrace organizational and cultural changes under the refined modus operandi pursuant to the outcome of the Process Review and enhance staff members' soft skills to better demonstrate to service users particularly on key aspects such as empathy, impartiality and sensibility; and (c) the production of a new corporate video that would serve as a vehicle for branding purpose to revitalize EOC's image and better manage the service users' expectations, and as a platform to introduce to the public the EOC's services in the light of the refined procedures in line with the outcome of the Process Review.

7. In response to Prof Cecilia CHAN's view about the Commission's key performance indicators, C/EOC said that the Commission had devised its three-year Strategic Plan 2016-2019 which sets out five strategic work priorities on the basis of the inputs from EOC Members and staff in the Strategic Retreat in 2016. Indicators measuring achievements of these strategic priorities against their respective expected results had also been accentuated to facilitate monitoring and regular reporting. Taking note of Members' views, the Management Team would further endeavour to review and refine the corresponding indicators and achievements to make them as quantifiable as possible. HCC supplemented that in the EOC's quarterly work progress review reports submitted to its housekeeping bureau, the Constitutional & Mainland Affairs Bureau (CMAB), results of the EOC's performance pledges were contained therein which were quantitative indicators of EOC's performance. DPRT said that the satisfaction rate of training services and workshops as reported quarterly to the CMAB was an example of quantitative performance indicator and it generally reached 98% or above.

8. Dr Henry SHIE acknowledged the Commission's various efforts in eliminating discrimination and promoting equal opportunities. He nonetheless expressed that there might be a need to make the EOC's performance indicators easier to be understood and to align with the expectations of the general public. Dr Maggie KOONG said there were recommendations made on the strategic priorities in the Strategic Retreat conducted in 2016 and the Strategic Plan for 2016-19 was hence formulated with various achievements. She suggested making the strategic priorities and the various achievements more visible to the public. With regard to refining the EOC's performance indicators and mapping out its future strategic plan to align them with the expectations of the general public, Dr KOONG suggested the option of engaging an outside professional consultant to take up the work. C/EOC thanked Members' views and suggestions. He said that the Management Team would go through an internal exercise first and external help would be sought if required.

IV. New Agenda Items

Summary of Proposal by the Coalition of Equal Actions on Reforming the Equal Opportunities Commission and issues raised by the Coalition Group

- **Mr Boota SINGH's Case**
- **Appeal Mechanism of LCC**
- **Requests for suspension of the Process Review and Meeting with EOC Board by the Coalition Group**

(Submission by the Coalition of Equal Actions)

9. Members noted that the submission made by the Coalition of Equal Action (the Coalition) had been provided to them by email on 13 March 2018. C/EOC gave a brief background to Members on the issues raised by the Coalition. Concerning the request for suspension of the Process Review, Members were of the view that the Process Review underway would be conducive to rationalizing the complaint handling and work procedures between the Complaint Services Division and Legal Service Division and thus should not

be put in abeyance as requested by the Coalition.

10. On Mr Boota SINGH's application for legal assistance and the appeal mechanism of the Legal & Complaints Committee (LCC), Dr Trisha LEAHY advised in gist that LCC had fully considered Mr SINGH's application and assistance was granted to assist him as far as possible. But regrettably legal assistance was eventually discontinued because the case was lacking legal basis to proceed further. Members noted that the LCC had attempted to give assistance to Mr SINGH in various possible ways. When considering whether to provide further legal assistance to Mr SINGH, the LCC had decided to seek independent legal advice and external Senior Counsel's advice was sought accordingly. The advice obtained confirmed that the case did not have sufficient merits for legal proceedings from the perspectives of both direct and indirect discrimination, in this light Mr. Singh's legal assistance was discontinued. As regards his request for revealing the legal advice provided by the external Senior Counsel to the EOC, LCC held the view that the advice should be restricted as internal reference to Members. LCC had also taken into account that if the advice was provided to Mr SINGH, it would likely be accessible to the respondent by way of discovery in case of litigation which could be disadvantageous to him.

11. In response to the Coalition's request to meet with Members, Prof Susanne CHOI, Prof Hon Joseph LEE, Ms Shirley LOO, and The Hon Holden CHOW commented that the meeting, if convened, should be informal and Members' participation should be voluntary. Prof Hon Joseph LEE, Dr Rizwan ULLAH, Dr Henry SHIE and Miss Maisy HO suggested the Commission to explain to the Coalition the EOC's stance on Mr SINGH's case in a compassionate way. Meanwhile, given the Commission had duly fulfilled its responsibility in handling Mr SINGH's application for legal assistance and had endeavoured to provide assistance to him, Ms LOO viewed that there was no need to bring up the case again to the Board for re-consideration in future. Ms Elizabeth LAW said that there should be a fair mechanism and a set of

consideration criteria applicable to requests of this kind for reference of the Members when they were to meet with parties of individual cases so that consistency could be ensured.

12. As Members agreed to meet representatives of the Coalition on an informal and voluntary basis, the EOC Office would follow up with the arrangement. Considering the long time taken in discussing the above and that some Members might need to leave before the meeting ended, C/EOC proposed and Members agreed to first consider the Agenda Items raised by Member(s)/requiring Members' decision. Items for information would be considered at the end of the meeting.

Public Consultation of the HKSAR's 4th Report under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

(AOB Item)

13. C/EOC said that this item was included in the Agenda under AOB at the request of Prof Cecilia CHAN. As Prof CHAN had now left the meeting, he proposed and Members agreed to take note of the EOC's position already provided to the Government via the CMAB. DPRT reported that EOC had earlier submitted suggestions on topics to be included in the outline of the report to the Government, and the detailed suggestions had further been provided to the Bureau recently. As a usual practice, the Commission would prepare its independent alternative report for submission to the United Nations in due course.

Endorsement of Co-opted Member of PRTC

14. DPRT sought Members' endorsement on the co-opted membership of the Policy, Research and Training Committee (PRTC). Members noted that there were three co-opted members appointed for PRTC, and their term of office would expire on 19 May 2018. With reference to the recommendations of the

Convener and Deputy Convener of PRTC which were subsequently endorsed by full PRTC Members via paper circulation, Mr CHAN Ho-ting Mac, and Mr CHONG Yiu-kwong were recommended for reappointment for another two years from 20 May 2018 to 19 May 2020. The remaining Co-opted Member, Ms Puja PARYANI was not for reappointment due to her busy schedule which made it difficult for her to attend the meetings.

15. Members approved the proposed co-opted membership of PRTC as contained in EOC Paper No. 3/2018. PRTC would call for nominations for the vacancy arising from the expiry of Ms PARYANI's term of office. The Meeting recorded a vote of thanks to Ms PARYANI for her contribution and service provided to the PRTC in the past years.

Proposed New Budget Plan for 2018/19

16. SMA highlighted to Members the total estimated income and expenditure positions between 2017/18 and 2018/19 and the major variance of the draft budget for 2018/19 as contained in EOC Paper No. 8/2018.

17. Members approved the draft annual budget of the Commission for 2018/19 and the proposed use of reserve funds as listed in paragraph 4 of EOC Paper No. 8/2018.

(SCCM3 joined the meeting at this juncture.)

Equal Opportunities Awards Scheme

18. HCC led Members through EOC Paper No. 9/2018. Members noted that the possible framework (including the scope, eligibility, criteria and operating mechanism), staffing and financial implications of the Equal Opportunities Awards Scheme (Awards Scheme) as outlined in the paper. Members also noted that the Awards Scheme would comprise five categories

specifically for gender equality, disability inclusion, family status equality, race equality, and harassment-free workplace/school. Members' views were sought to form an advisory or steering committee overseeing the implementation and administration of the Awards Scheme.

19. Drawing reference to the operation models of the award schemes organized by other organizations, Ms Shirley LOO suggested that the Awards Scheme be contracted out to professional bodies for administration and/or implementation of assessment protocol. Prof Susanne CHOI thanked HCC for devising the proposal and the ideas were good. She was nonetheless concerned about the possibility that the Government would fund the project in view of the substantial inaugural budget proposed and considered some refinements to the proposal might be needed. In this light, Members endorsed the framework of the Awards Scheme in principle, and agreed to form a steering committee to discuss the related details and the implementation plan.

(SEOO(EMU) joined, Dr Trisha LEAHY left the meeting at this juncture.)

Progress Report on Addressing the Language Barriers for Ethnic Minorities in Employment of Residential Healthcare Service

20. Dr Henry SHIE briefed Members on the progress of the “Working Group on Mainstreaming Employment Opportunities in Healthcare” which was setup in pursuance of Members’ advice at the 119th EOC Meeting. The Working Group comprised five members, including Dr Henry SHIE, Ms Elizabeth LAW, a scholar nominated by Prof Hon Joseph LEE, COO and SEOO(EMU), and it had met two times to explore ways with a view to facilitating EMs to pursue a career in the residential healthcare service sector and incentivising training bodies to provide vocational training with appropriate language support. At the invitation of Dr SHIE, Dr Rizwan ULLAH agreed to join the Working Group to help steer its work.

21. Members noted the progress report as contained in EOC Paper No. 10/2018.

[Post-meeting note: Dr Henry SHIE expressed after the meeting that he would like to thank COO who had been personally involved in the team and very supportive in this challenging initiative. He requested this be recorded in the minutes of this meeting.]

Annual Report of the Ethnic Minorities Unit

22. Members noted EOC Paper No. 4/2018.

Review of Work of the EOC in 2017

23. Members noted EOC Paper No. 5/2018.

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

24. Members noted EOC Paper No. 6/2018 and the report of the 85th Administration and Finance Committee Meeting in Appendix 3 to the paper tabled.

Chairperson's Quarterly Report

25. Members noted EOC Paper No. 7/2018.

Progress Update on EOC's Strategic Plan for 2016/19

26. Members noted EOC Paper No. 1/2018.

V. Any Other Business

27. There being no other business, the meeting was adjourned at 6:30 p.m.

VI. Date of Next Meeting

28. The next regular EOC meeting was scheduled for **21 June 2018**
(Thursday) at 2:30 p.m.

Equal Opportunities Commission
April 2018