

**Minutes of the One Hundred and Twenty-fifth Meeting of
The Equal Opportunities Commission
held on 21 March 2019 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Prof Hon Joseph LEE Kok-long, SBS, JP	Presiding Member [PM]
Mr Samuel CHAN Ka-yan, JP	
Prof Cecilia CHAN Lai-wan, JP	
Prof Andy CHIU Man-chung	(via telephone-conferencing)
The Hon Holden CHOW Ho-ding	
Mr Mohan DATWANI	
Ms Elizabeth LAW, MH, JP	
Dr Trisha LEAHY, BBS	
Ms Juan LEUNG Chung-yan	
Dr Sigmund LEUNG Sai-man, BBS, JP	
Dr Henry SHIE Wai-hung	
Dr Rizwan ULLAH	
Dr Ferrick CHU Chung-man	Secretary Acting Chief Operations Officer [Ag COO]

Absent with apology

Prof Alfred CHAN Cheung-ming, SBS, JP	Chairperson [C/EOC]
Prof Susanne CHOI Yuk-ping	
Ms Maisy HO Chiu-ha, BBS	
Ms Shirley LOO, BBS, MH, JP	
Miss YU Chui-yee, BBS, MH	

In attendance

Mr Ivan LUK Chi-cheung	Chief Legal Counsel [CLC]
Mr Oska LI Kam-hung	Director, Corporate Planning and Services [DCPS]
Mr Tony SIU Kit-hung	Director, Complaint Services [DCS]
Ms Shana WONG Shan-nar	Head, Corporate Communications [HCC]
Mr Raymond HO Wing-keung	Senior Equal Opportunities Officer, Ethnic Minorities Unit [SEOO(EMU)] } For Agenda Item 4

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. Ag COO welcomed all Commission Members (Members) to the 125th Meeting. He informed the Meeting that The Hon Holden CHOW, Mr Mohan DATWANI and Dr Henry SHIE would join the meeting at a later time. He said that Prof Alfred CHAN, C/EOC was unable to join this meeting due to medical reasons. Also, apologies for absence had been received from Prof Susanne CHOI, Ms Shirley LOO and Miss YU Chui-ye who were out of town. Miss Maisy HO was also unable to join the meeting due to an urgent matter that required her attention. Prof Andy CHIU would attend the meeting via telephone.

2. Ag COO said that pursuant to paragraph 6.1(c) of the booklet on *Procedures for Meetings and Related Matters*, “when the Chairperson is absent from a meeting, members present shall elect another member to preside (the presiding member)”. On this, Dr Sigmund LEUNG had earlier indicated that he would nominate Prof Hon Joseph LEE to assume the role as the Presiding Member (PM) for this meeting. Prof Cecilia CHAN seconded Dr LEUNG’s nomination. Members unanimously agreed that Prof LEE to chair the meeting as the PM.

3. Prof Hon Joseph LEE, as the PM, convened the meeting and said that given there were no special items for informing the media, no press briefing would be held after the meeting.

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

Confirmation of Minutes of the 124th Meeting on 20 December 2018

4. Draft minutes of the 124th EOC Meeting held on 20 December 2018 were first issued to Members on 16 January 2019. Comments on paragraphs 15 to 17 were received from Mr Mohan DATWANI. Amendments were hence proposed and incorporated into the draft minutes and issued to Members again on 23 January 2019. Subsequently, proposed amendments on paragraph 15 of the draft minutes issued on 23 January 2019 were received from C/EOC. The draft minutes were revised again and issued to Members on 1 March 2019.

5. Members confirmed the revised minutes issued to them on 1 March 2019 without further amendments.

III. Matters Arising (Agenda Item No. 2)

6. Members noted that 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

Proposed New Budget Plan for 2019-2020

(EOC Paper No. 6/2019; Agenda Item No. 3)

7. SMA highlighted to Members the EOC's proposed new budget plan for 2019/20 and the use of reserve funds in 2019/20 as contained in EOC Paper No. 6/2019.

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

8. Members noted that the draft annual budget of the Commission for 2019/20 had been considered and endorsed by the Administration and Finance

Committee (A&FC) at its 90th Meeting on 28 February 2019. SMA briefed Members on the income and expenditure positions of the 2018/19 revised budget and the 2019/20 draft budget and the reasons for the major variance in between as detailed in the paper.

(The Hon Holden CHOW joined the meeting at this juncture.)

9. The Meeting noted that Government's subvention to the EOC was based on a One-Line Vote (OLV) arrangement. Under the OLV, the annual subvention sum for all recurrent expenditure items, including legal fees, was broadly the same as years ago since EOC's inception except for staff members' remuneration which was generally in line with the adjustment(s) provided for the civil service pay, if any. When there was a rise in the civil service pay, additional subvention would be provided, and in case of a downward pay adjustment, there would be a claw back of EOC's subvention. Notwithstanding that the EOC had sought additional subvention on legal fees from the Government through its RAE bid exercises in the past years, all these bids were in vain. As a result, the shortfall in legal fees could only be funded by EOC's Reserve.

10. Members also noted that the current reserve level was indeed thin and feeble and much far below the allowable ceiling, i.e. 25% of Government's annual recurrent subvention as stated in the Memorandum of Administrative Arrangements (MAA). While Members understood the need for using a large portion of funds in the Reserve for relocating EOC Office to Wong Chuk Hang in 2017 (given that the Government had only provided a one-off allocation (\$9.5M) to support around half of the total relocation cost), the EOC Office should endeavour to bid resources from the Government for initiatives in the pipeline with a view to obviating the need for further deploying funds in the EOC's Reserve.

11. Dr Trisha LEAHY said that the proposed budget plan for 2019/20 had

been thoroughly considered and endorsed by the A&FC. Members of the A&FC had asked questions similar to that posed by Members in this meeting. She suggested that in future, discussions made on the draft budget by the A&FC could be summarised in the EOC Paper to facilitate Members' decision.

12. Ms Elizabeth LAW added that the structural deficit situation previously faced by EOC had largely been due to the increased rental expenses of the Taikoo Shing office premises. Since the relocation of the EOC Office to Wong Chuk Hang, the EOC's financial position had gradually restored to a healthy level. She thanked EOC staff members' concerted efforts for ensuring a long-term financial sustainability of the Commission.

13. The Hon Holden CHOW said that additional recurrent subvention should be sought from the Government for the EOC to ensure its healthy and stable operations in the long run. As regards the proposed new budget plan for 2019/20 and the proposed use of reserve funds set out in EOC Paper No. 6/2019, PM considered that funds had been appropriately set aside for the immediate and essential projects/initiatives in 2019/20. In the light that the new Chairperson would soon be on board, Members and the new Chairperson could work together to seek more funding support for the EOC.

14. The Meeting approved the EOC's new budget plan and the proposed use of reserve funds for 2019/20 as set out in EOC Paper No. 6/2019.

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

Annual Report of the Ethnic Minorities Unit

(EOC Paper No. 1/2019; Agenda Item No. 4)

15. SEOO(EMU) highlighted to Members the work progress of the Ethnic Minorities Unit (EMU) in 2018/19 and the major work initiatives for 2019/20 as contained in EOC Paper No. 1/2019.

16. On addressing systemic barriers to learning Chinese encountered by non-Chinese speaking students in schools, the Working Group on Education for EMs had conducted over 25 sharing sessions/interviews to collect feedback from various stakeholders in relation to the learning and teaching of Chinese as a second language. The Working Group was in the process of analysing the data collected and would issue a report this year.

17. Members noted that the initiative “Racial Diversity and Inclusion Charter for Employer” (the Charter) had been receiving positive feedback from corporations since its launch in August 2018. A launch event was held on 6 December 2018 with eleven founding signatories. In the meantime, a growing number of companies/organizations had adopted the Charter (the latest figure was 46 in total). Another ceremony would be held on 29 March 2019 to acknowledge the second batch of signatories.

18. SEOO(EMU) expressed his gratitude to Members for their support, in particular, Prof Cecelia CHAN, Mr Mohan DATWANI, Ms Maisy HO, Ms Elizabeth LAW, Dr Henry SHIE and Dr Rizwan ULLAH. He also thanked C/EOC and Ag COO for enlisting some corporations to adopt the Charter. He said that there were ongoing invitations made to companies/organizations to join the Charter.

19. On access to banking services, Members noted that EMU had convened a tripartite meeting in September 2018 with a major bank in Hong Kong and the EM Community. Concerns about the bank’s decision to terminate some bank accounts held by businessmen of a certain race had been highlighted in the meeting. Subsequently, the bank had followed up by revoking some of the termination decisions made and invited EMU to conduct two training sessions to its managerial staff on EMs’ right of access to banking services. Currently, the bank was translating some relevant banking information and policies into EM languages and would shortly make the information available on the bank’s website.

20. Members noted EOC Paper No. 1/2019.

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

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

(EOC Paper No. 2/2019; Agenda Item No. 5)

21. Conveners/divisional heads took turn to brief Members on the salient matters raised and decisions made at the meetings of the four EOC Committees during the period from December 2018 to February 2019.

22. Dr Trisha LEAHY, Convener of the Legal & Complaints Committee (LCC), highlighted to Members the statistics on enquiries and complaints received, active court cases and legal assistance applications considered in the 147th and 148th LCC meetings. Members noted that LCC had considered the status of the court cases against the EOC, and the status of several pending briefed-out matters. Moreover, legal expenses from 1 April 2018 to 31 December 2018 had also been presented to LCC. All the expenses were within their respective budget of 2018/19.

(The Hon Holden CHOW left the meeting at this juncture.)

23. Dr LEAHY said that among the legal assistance cases being considered, cases in relation to disability discrimination remained the majority and cases in relation to race discrimination were usually in a very small number. Further, based on details of the cases considered, LCC had recommended the EOC to consider (i) commissioning a study to look into how child bullying intersects the SDO, DDO and the RDO; (ii) setting up a Working Group to highlight and make visible the prevalence of barriers and severe inaccessibility problems faced by persons with mobility difficulties when accessing premises and public places;

and (iii) implementing an arrangement which can accommodate ad hoc and immediate research requests (in addition to existing research projects currently in progress and/or commissioned earlier) under the Policy, Research and Training Committee (PRTC). Details were in paragraph 21 of Appendix 1 to EOC Paper No. 2/2019.

24. Dr Rizwan ULLAH said it would be worth looking into the reasons for the low number of race discrimination cases. He also hoped that there could be a platform for the four EOC Committees to collaborate together at working levels to produce synergy effect to deal with certain thematic issues identified.

(Prof Andy CHIU left the meeting at this juncture.)

25. Mr Mohan DATWANI echoed Dr ULLAH's viewpoints and said that the Race Discrimination Ordinance had its shortcomings and exceptions, making it more difficult to grant legal assistance to some cases or put forth these cases to litigation. PM said that the COO and C/EOC sitting on the four Committees could link their work together for seeking more resources and bringing about better results. Members' views were noted.

26. On the work of the Community Participation and Publicity Committee (CPPC), HCC said that the endorsed publicity work plan for 2019/20 had been annexed to Appendix 2 of EOC Paper No. 2/2019 for Members' information.

27. Ag COO updated Members on the progress of various initiatives of the PRTC in the areas of anti-sexual harassment and research projects. Members noted that the Report of "Break the Silence: Territory-wide Study on Sexual Harassment of University Students in Hong Kong" released in January 2019 had drawn wide attention from different stakeholders. Follow-up actions, including meeting with the University Grants Committee (UGC) and UGC-funded university presidents and/or their representatives were in progress. Meetings with four university presidents had been held, and that with the remaining five

had been scheduled for April 2019. Members noted that there was a suggestion for the UGC to fund regular audits on prevalence of sexual harrassment in the local universities. A meeting had been lined up for further discussion on the suggestion in April 2019.

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

28. PM, the Convener of Administration & Finance Committee (A&FC), highlighted to Members the operational performance for the quarter ended 31 December 2018 and important matters considered and discussed in the 90th A&FC Meeting. Members noted that 84% of the complaint cases were concluded within six months which outperformed the pledged target of 75%. Members also noted that the implementation of telephone recording had been received positively by service users and staff members. Moreover, A&FC had approved an upward adjustment of around 3.9% to the fees for training and consultancy service offered by the EOC effective from 1 April 2019, and received a statistical report on the complaints against and compliments to EOC staff for the period from 1 July to 31 December 2018. Members were also updated on the latest development of a claim against the EOC lodged by a former EOC staff member with the Labour Tribunal.

29. Members noted EOC Paper No. 2/2019.

Review of Work of the EOC in 2018

(EOC Paper No. 3/2019; Agenda Item No. 6)

30. EOC Paper No. 3/2019 provided a statistical representation of the work of the Commission in 2018 and the legal assistance court actions in the second half of 2018. Ag COO said that the number of complaint cases for the year ended 31 December 2018 had increased by more than 87%. The increase was mainly due to the change in case classification between enquiries and complaints. In the past when there were unclear issues needed further clarification with the

complainants, the cases had been classified as Enquiry for Complaint (E for C). Since December 2017, there would be no such classification as E for C, cases would be classified as complaint when there was a complainant alleging one or more unlawful act(s). In fact, when all cases were counted together, the total number of complaint cases received and handled was broadly comparable to the levels of the previous years.

31. Members noted EOC Paper No. 3/2019.

Chairperson's Quarterly Report

(EOC Paper No. 4/2019; Agenda Item No. 7)

32. Members noted EOC Paper No. 4/2019.

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

(EOC Paper No. 5/2019; Agenda Item No. 8)

33. DCPS said that an update on the implementation progress of EOC's strategic plan for 2016/19, including the work done by the EOC Office in the five priority work areas and the results accomplished over the past one year was contained in EOC Paper No. 5/2019.

34. Members noted that since the implementation of the Strategic Plan in March 2017, progress updates made had been reported to the Board on an annual basis. The next implementation progress update would be provided in March 2020.

35. Members noted EOC Paper No. 5/2019.

V. Any Other Business

Appointment of EOC Chairperson

36. Ag COO said CMAB had informed that the appointment of EOC Chairperson commencing 11 April 2019 would be announced on the day after the meeting. Members welcomed the information and agreed that the EOC should issue a press statement to welcome the new Chairperson.

Oversight and Management of Day-to-Day Operations

37. Members agreed that Ag COO should be authorized to oversee and manage the day-to-day operations of the Commission in the absence of C/EOC. For matters requiring the Board's attention/decision, they could be first brought to the Administration and Finance Committee for consideration, if any.

Vote of Thanks

38. Members expressed their heartfelt thanks to the outgoing Members, i.e. The Prof Hon Joseph LEE, Dr Trisha LEAHY, The Hon Holden CHOW whose 6-year term would end in May 2019, for their contribution and valuable advice provided to the EOC in the past years. Members also thanked Prof Alfred CHAN, whose term would end in April 2019, for his leadership and commitment to promoting equal opportunities in Hong Kong; and Mr Michael CHAN, the former Chief Operations Officer who left the Commission in December 2018, for his past service rendered to the Commission.

(Dr Henry SHIE joined the meeting at this juncture.)

39. Members discussed and agreed to organize an informal lunch gathering on 15 April 2019 to bid farewell to the three outgoing members as well as Mr Michael CHAN.

40. There being no other business, the Meeting was adjourned at 4:05 pm.

VI. Date of Next Meeting

41. The next regular EOC Meeting was scheduled for **20 June 2019**
(Thursday) at 2:30 p.m.

Equal Opportunities Commission
April 2019