

**Minutes of the One Hundred and Thirty-fourth Meeting of
The Equal Opportunities Commission
held on 22 September 2022 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Mr Ricky CHU Man-kin, IDS	Chairperson [C/EOC]
Ms Queenie CHAN Lai-kwan, MH	
Prof Cecilia CHAN Lai-wan, JP	
Hon Vincent CHENG Wing-shun, MH, JP	
Prof Andy CHIU Man-chung	
Ms Rosanna CHOI Yi-tak	
Dr Theresa CUNANAN	
Mr Mohan DATWANI	(via telephone-conferencing)
Mr Simon LAM Ken-chung	
Dr Sigmund LEUNG Sai-man, BBS, JP	
Dr Henry SHIE Wai-hung	(via telephone-conferencing)
Ms Anna THOMPSON	
Ms Linda TSANG Chi-man	
Dr Rizwan ULLAH, MH	
Mr Gary WONG Chi-him, JP	(via telephone-conferencing)
Miss Rabi YIM Chor-pik	
Dr Ferrick CHU Chung-man	Secretary Executive Director (Operations) [ED/O]

Absent with apologies

Ms Maisy HO Chiu-ha, BBS

In attendance

Mr Ivan LUK Chi-cheung	Executive Director (Enforcement) [ED/E]
Mr Oska LI Kam-hung	Director, Corporate Planning and Services [DCPS]
Mr Tony SIU Kit-hung	Director, Complaint Services [DCS]
Mr Allan MAN Sui-lun	Chief Legal Counsel [CLC]
Ms Shana WONG Shan-nar	Head, Corporate Communications [HCC]

Ms Doris TSUI Ue-ting	Acting Head, Policy, Research and Training [Ag HPRT]
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 attending Board Members (Members) to the 134th Meeting. C/EOC informed the Meeting that Mr Mohan DATWANI, Dr Henry SHIE and Mr Gary WONG would join the meeting via telephone conference. Dr Theresa CUNANAN and the Hon Vincent CHENG would join the meeting at a later time and an apology for absence was received from Ms Maisy HO.

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

II. Matters Arising (Agenda Item No. 1)

3. There were no matters arising from previous meetings that required Members' attention in this meeting.

III. New Agenda Items

Recommendations of Legislative Amendments to the Race Discrimination Ordinance (RDO) and Sex Discrimination Ordinance (SDO)

(EOC Paper No. 7/2022; Agenda Item No. 2)

4. CLC highlighted the salient points contained in EOC Paper No. 7/2022 for Members' information.

5. Members noted that the EOC had made two submissions to the Government in 2021, namely, (I) "Promoting Equality and Prevent Discrimination between Chinese People in Hong Kong" and (II) "Review of Sexual Harassment and Related Laws" to propose legislative amendments to the Race Discrimination Ordinance (RDO) and Sex Discrimination Ordinance (SDO) respectively.

6. As regards (I), Members noted that in the Discrimination Law Review (DLR) submission to the Government in March 2016, the EOC had recommended the Government to consider introducing new protections from discrimination on the grounds of residency status, given that there was evidence of discrimination between Chinese people in Hong Kong (i.e. between Hong Kong Chinese and Mainland Chinese). Since the DLR submission, further evidence of significant levels of discrimination between Chinese people in Hong Kong (i.e. intra race discrimination) had become apparent from research, investigations conducted by other organisations, and from enquiries and complaints of discrimination the EOC had received. In the light of the findings, the EOC decided to reconsider the issues of whether legislative reforms would be appropriate to improve the protections from discrimination between Chinese people in Hong Kong. An internal working group was formed accordingly in June 2020 to consider the issues and prepare a submission to the Government.

(Dr Theresa CUNANAN joined the meeting at this juncture.)

7. Members noted that there were five proposed amendments in (I) to the Government. After studying the EOC's submission, the Government had prepared a draft paper for Legislative Council's Panel on Constitutional Affairs and had sought comments from the EOC. In gist, the Government acknowledged that there existed intra race discrimination in Hong Kong, and to address this problem,

the Government was considering introducing a new protected characteristic under the RDO to prohibit such conduct in Hong Kong.

8. Concerning the submission (II), Members noted that the EOC had completed a review and submitted a review report containing eight recommendations for legislative amendments to the Government in October 2021 for consideration. For the matter, the Government had still been exchanging views with EOC on the recommendations set out in the submission.

9. C/EOC further updated Members on the latest progress of the legislative amendment proposals for RDO and SDO. Members noted that on RDO, a meeting would be held to discuss the scope and definition and in what areas and fields that would be covered in the amended legislation. As further discussions were required on the scope and fields to be covered, a timetable had yet to be available. Regarding the legislative amendments to SDO, they would be put forth after those for RDO could be confirmed. Among the eight recommendations, four of them were considered less controversial. The remaining four recommendations involving employers' liabilities and Government's functions would require further deliberations amongst parties concerned. Again, a timetable had yet to be available.

10. In response to a question raised by a Member, C/EOC said that our complaints services team would proactively initiate investigations into acts that might amount to discrimination. DCS supplemented that in the event that a case could not be investigated due to the absence of an aggrieved person (or a person as an authorised representative) to lodge a complaint, the Complaint Services Division might issue a letter comprising information pertinent to the seemingly discriminatory act to the relevant party for educational purpose.

11. Members noted EOC Paper No. 7/2022.

(The Hon Vincent CHENG joined the meeting at this juncture.)

Six Monthly Review of EOC’s Work (January to June 2022)

(EOC Paper No. 8/2022; Agenda Item No. 3)

12. Members noted the work of the Commission in the first half of 2022 from January to June and an update on the conduct of court actions as contained in EOC Paper No. 8/2022.

Chairperson’s Quarterly Report

(EOC Paper No. 9/2022; Agenda Item No. 4)

13. C/EOC highlighted the important work done during the period from June to August 2022 as contained in EOC Paper No. 9/2022.

14. Members noted that the EOC would be launching a series of short movies entitled “Under the Same Sky” in collaboration with cross-media producer Steven MA Chun-wai. There were eight episodes in the series that depicted experiences of prejudices and discrimination in different forms, and how these impacted the lives and relationships of the people concerned. Two episodes had been completed and were submitted for a micro-film competition. Members noted that the remaining six’s shooting was in good progress. It was anticipated that the production work would be completed in Q4/2022. In the meantime, the Corporate Communications Division would liaise with the relevant parties with a view to broadcasting the short movie series on various channels, including RTHK, YouTube and other television channels.

15. Regarding the recent case about a secondary school student who lodged a complaint with the EOC against the school policy prohibiting male students from having long hair, there had been some commentaries criticizing EOC’s acceptance and handling of such complaints. Members noted that C/EOC had explained in

detail to different sectors of the community, including the education sector, legislative councilors and KOLs on a number of occasions about EOC's stance on the matter. C/EOC accentuated that dealing with complaints that had contents falling within the scope of the four anti-discrimination ordinances was the EOC's statutory duty. The entailing investigation and conciliation processes were the established procedures of complaints handling. Neither the EOC had any presumptions nor any implication that the case should be substantiated. C/EOC said that the sectors he had approached thus far had received EOC's stance positively.

16. Concerning the "Equal Access to Justice for Persons who are Deaf and Hard of Hearing: A Guide for Persons with Disabilities, Legal Practitioners and Parties Involved in the Judicial Process" (the Guide), Members noted that the draft had been forwarded to the Law Society of Hong Kong, Hong Kong Bar Association, the Judiciary and various other stakeholders for comments. As the Judiciary would devise a separate set of guidelines under their scope of work, the Commission would ensure that the Guide be in general consistent with the one prepared by the Judiciary. To this end, the contents of the EOC's Guide were being finalised and it was scheduled for issuance by Q1/2023.

17. In response to a Member's enquiry, ED/O said that for court cases involving hearing impaired persons having communication difficulties through sign language, as an alternative, they might communicate in writing. Separately, for EM community, interpretation of EM languages had already been made available in a number of essential public services, including healthcare services under the Hospital Authority (HA) and court services under the Judiciary. With a view to broadening the support services to assure equal opportunities for all, the EOC had submitted a host of recommendations to the Government for consideration as policy initiatives in the forthcoming 2022 Policy Address.

18. In response to a Member's enquiry, Ag HPRT said that a meeting with the Secretary for Education (SED) had been scheduled for 12 October 2022. The

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(cleared for publication)

Commission had planned to bring forward a number of prevalent issues for in-depth discussion in the meeting, including matters about learning of Chinese by ethnic minorities (EMs), support for students with special educational needs (SEN), and sexuality education. The Member hoped that the difficulties facing EM students be addressed and alleviated in an expeditious manner. C/EOC said that the Secretary for Education had responded promptly to our meeting request and the EOC management would take this opportunity to bring up and discuss with SED on issues of major concerns in detail. Another Member said that the major barrier encountered by EMs in employment was the categorical language requirement imposed by many employers. Many EMs had good mastery of English but they were not employed on grounds of not being proficient in Chinese. Considering the latest demographic changes in Hong Kong's workforce and the overall manpower needs for sustainable prosperity, it would be of paramount importance to bridge the gap.

19. A Member commented that EMs could be a term inducing stigmatisation and segregation. There might be a need to change the term in order to reduce the possible labelling effect. C/EOC said he coincidentally had a discerning discussion with the EOC management staff on the same subject recently. Noting that EM was the term widely in use domestically and internationally for a very long time, though it might possibly perceived as causing labelling and stigmatisation effects on some occasions, it would be very difficult to identify a better term as replacement for the time being. Another Member said individual EMs on occasions were displeased about being called minorities. There was a suggestion to use "non-ethnic Chinese" as a replacement, but a consensus on the matter had not been reached and there were even divergent views about the term "non-ethnic Chinese". In this respect, a Member remarked that the EOC might seize this as an engagement opportunity to invite the EM community at large to share their views. ED/O opined that there was a genuine need to differentiate different ethnic groups for targeted services. The essence of the issues was to promote respect amongst the groups to prevent stigmatisation. C/EOC agreed that destigmatisation should continue to be put on focus in order to build up a diversified

and inclusive society.

20. Members noted EOC Paper No. 9/2022.

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

(EOC Paper No. 10/2022; Agenda Item No. 5)

21. Members were invited to take note of the important matters raised and decisions made at the four EOC Committee meetings held during the period from December 2021 to August 2022 as contained in EOC Paper No. 10/2022.

22. Members noted EOC Paper No. 10/2022.

IV. Any Other Business

Progress Update Related to Age Discrimination in Employment

23. A Member would like to be provided with an update on the follow-up actions pertinent to the age discrimination situation in Hong Kong as presented in the Equal Opportunities Awareness Survey 2021 Report at the Policy, Research & Training Committee (PRTC) meeting. In response, Ag HPRT informed that desktop research on practices of other countries had been underway. Also, an invitation for a meeting had been extended to the Secretary for Labour and Welfare Bureau (LWB) in January 2022 and EOC had received an interim reply from the Labour Department in the same month, but no further response was received to date. Ag HPRT said the Commission could write to LWB again to extend an invitation for a meeting to discuss the matter following the top tier LWB officials of the sixth-term of the HKSAR Government were on board.

A Number of Issues Raised by a Member

24. A Member raised a number of issues, including the allegation of women commodification in a beauty pageant, universal design and accessibility, career development for persons with specific education needs, measures to help racial minority groups to mix with the mainstream community etc. ED/O said advocacy of changing perceptions on gender equality and enhancing accessibility for all had been initiated by the Commission. Efforts had also been exerted to foster equal opportunities by promoting inclusion and addressing concerns in areas such as family status, gender, and race, in addition to SEN and disability issues. C/EOC added that in light of the promulgation of the Hong Kong Smart City Blueprint 2.0, the Commission would explore how universal design be integrated into the development of a smart city.

25. In response to a Member enquiring what tools were being provided by medical institutions such as the Hospital Authority (HA) for visually impaired persons to distinguish medicines prescribed to them and take the correct dosage, Ag HPRT said she would contact the HA to understand the matter and get back to Members.

(The Hon Vincent CHENG left the meeting at this juncture.)

26. There being no other business, the Meeting was adjourned at 4:10 pm.

V. Date of Next Meeting

27. The next regular EOC Meeting was scheduled for **15 December 2022 (Thursday) at 2:30 p.m.**

Equal Opportunities Commission

October 2022