

**Minutes of the Sixty-Eighth Meeting of
the Equal Opportunities Commission
held on 20 September 2007 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

Mr. Raymond TANG Yee-bong	Chairperson
Ms CHAN Ka-mun, Carmen, J.P.	
Dr. CHENG Kwok-kit, Edwin	
Prof. Randy CHIU	
Mrs. KOO CHEUNG Man-kok, Christine	
Miss LAM Kam-yi	
Dr. LAW Koon-chui, Agnes, J.P.	
Mr. LEE Luen-fai	
Mr. Saeed UDDIN, M.H.	
The Hon TAM Heung-man, Mandy	
Ms WONG Fung-yee, Margaret	
Mr. YIP Kin-man, Raymond	
Mr. Michael CHAN Yick-man	Secretary [Director, Planning & Administration, (DPA)]

Absent with apology

Ms CHAN Man-ki, Maggie
Ms CHOI Wai-kam, Virginia
Mrs. CHONG WONG Chor-sar, M.H., J.P.
Mr. LIU Luk-por, Desmond
Dr. LO Wing-lok, J.P.

In attendance

Mr. Joseph LI Siu-kwai	Director, Operations [D(Ops)]
Mr. Herman POON Lik-hang	Chief Legal Counsel [CLC]
Dr. Ferrick CHU	Head, Policy and Support [HPR]
Ms Mariana LAW	Acting Head, Corporate Communications & Training [Ag. HCCT]
Ms Kerrie TENG	Accountant [ACCT]
Miss Gloria YU	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Mr. Noel CHERK	Accounting Officer I [AOI]
Mr. Richard MOY	Director, PricewaterhouseCoopers [PwC]
Mr. Arthur HON	Manager, PricewaterhouseCoopers [PwC]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the Meeting. He also welcomed Mr. Richard MOY and Mr. Arthur HON, representatives from EOC's external auditors, PricewaterhouseCoopers (PwC) to attend the meeting to help explain EOC's Audited Accounts for the Year Ended 31 March 2007 to Members.

2. Apologies for absence were received from Ms CHAN Man-ki, Maggie, Ms CHOI Wai-kam, Virginia, Mrs. CHONG WONG Chor-sar, M.H., J.P., Mr. LIU Luk-por, Desmond and Dr. LO Wing-lok, J.P. due to clash of meetings/out of town commitments.

3. C/EOC informed Members that a press conference had been scheduled after the meeting at 5:15 pm and invited Members to join if they wished.

4. In view that the Meeting had a long agenda and as Members were informed, the Meeting would proceed to consider “Approval of the Audited Accounts for the Year Ended 31 March 2007” (agenda item 10) first so that representatives of EOC’s external auditors could be released after the discussion.

II. Approval of the Audited Accounts for the Year Ended 31 March 2007

(EOC Paper No. 23/2007, Agenda Item No. 10)

5. As agreed at the 64th EOC Meeting, audited accounts for the year end would first be discussed at an expanded Administration and Finance Committee (A&FC) Meeting to include all Members, and comments made at that meeting would be recorded and forwarded to the EOC Board for consideration. As such, C/EOC informed that the Audited Accounts for the Year Ended 31 March 2007 had been considered at an expanded A&FC Meeting held on 17 September 2007, in which both Mr. Richard MOY and Mr. Arthur HON of PwC had also attended and helped answer questions. Major questions raised by Members present at that A&FC Meeting and the answers provided were summarized and tabled for Members’ consideration as Supplementary Information to EOC Paper No. 23/2007. Since not all Members had participated in the expanded A&FC Meeting, he invited Mr. MOY and Mr. HON to highlight to Members again the important points for the year’s accounts.

(Ms Margaret WONG and Ms Mandy TAM joined the meeting

respectively at this juncture.)

6. Mr. Richard MOY explained that PwC had audited the accounts of the EOC for the year ended 31 March 2007 and prepared two sets of audited accounts for the year end for EOC's approval. In the first set of the audited accounts on the Board of Commission Member's Certificate and Auditor's Report on the Annual Financial Report for the year ended 31 March 2007 (Annex A to EOC Paper No. 23/2007, Yellow Colour), Mr. MOY said that the Commission has complied with, in all material respects, the requirements set by the Government and all the terms and conditions of the subventions as specified in the Guidelines.

7. In the second set of the audited accounts on the Commission's Financial Statements for the year ended 31 March 2007 (Annex B to EOC Paper No. 23/2007, Green Colour), Mr. MOY informed that the financial statements gave a true and fair view of the state of affairs of the Commission as at 31 March 2007 and of its surplus and cash flows for the year then ended in accordance with the Hong Kong Financial Reporting standards. He also went over the salient points with Members.

8. Members raised no questions on the audited accounts. C/EOC thanked Mr. Richard MOY and Mr. Arthur HON for their presence. They were then excused from the meeting.

(Mr. Richard MOY, Mr. Arthur HON and Mr. Noel CHERK left the meeting at this juncture.)

9. The EOC's Audited Accounts for the Year Ended 31 March 2007

were approved by the EOC Board.

III. Confirmation of Minutes

(Agenda Item No. 1)

10. The Minutes of the 66th and 67th Meetings held on 4 June 2007 and 14 June 2007 respectively were confirmed without amendments.

IV. Matters Arising

(Agenda Item No. 2)

Policy Guidelines on Partnership Projects

(Paragraphs 6-8 of the minutes of the 67th meeting held on 14 June 2007)

11. C/EOC informed Members that this would be discussed under the new agenda item in EOC Paper No. 19/2007.

Report and Recommendations of the Working Group on the Desirability of Establishing an Equal Opportunities Tribunal

(Paragraphs 13-15 of the minutes of the 67th meeting held on 14 June 2007)

12. CLC provided a verbal report on the current status of the adopted recommendations of the Working Group on the desirability of establishing an Equal Opportunities Tribunal (EOT). He said that the Working Group had convened another meeting the week before during which two judges from the Judiciary, who were members of the Working Group, were consulted concerning the need of going through the complaint handling process of the EOC vis-à-vis direct access to the adjudication process in the proposed EOT. The latest recommendation adopted by the Working Group was to maintain the direct access to the adjudication process in the proposed EOT but the EOT could refer back appropriate cases to the EOC for investigation/conciliation, if deemed

necessary, prior to the commencement of the adjudication process. Details of the adopted recommendations would be provided to Members in an EOC paper for consideration and advice in another meeting.

Appointment of Convenors/Deputy Convenors to EOC Committees for the new term of office and Matters related to the Operation of EOC Committees

(Paragraphs 9-10 of the minutes of the 67th meeting held on 14 June 2007)

13. A Member raised another matter arising from the last meeting. He raised that pursuant to the endorsement of the new committee membership of EOC Committees, appointment of Convenor/Deputy Convenor by the Commission to the respective Committees for the new term of office was warranted. C/EOC responded that the issue had also been raised at the last A&FC Meeting. As the operation of the Committees evolved, more standardized practice was called for, and it was opportune to institutionalize the procedures of appointing Convenors/Deputy Convenors to the Committees. In order to allow for sufficient notice be given to all Members, the Meeting agreed to convene a Special Meeting to consider the appointment of Convenors and Deputy Convenors for the respective EOC Committees as soon as practicable.

14. In response to a question raised by a Member, CLC replied that the appointment of Convenors/Deputy Convenors to EOC Committees was a matter of internal operation. The minor irregularity in the appointment of the Convenors or Deputy Convenors, on its own, should not be regarded as affecting the validity of the meetings and discussions.

15. In response to a question raised by another Member on when a Special Meeting could be held to consider the issue, DPA replied that it

had tentatively been scheduled for 25th October 2007 at a time immediately after the 37th Meeting of the Community Participation and Publicity Committee (CPPC) so as to facilitate Members' participation. Members would be notified in due course.

16. The same Member also enquired whether the issue of the disclosure of confidential matters by one Member to another who was not a Member of the same Committee as previously been raised by another Member could also be discussed at the said Special Meeting. To facilitate Members to understand the matter, C/EOC invited CLC to prepare a legal opinion for Members' considerations in relation to this subject. When CLC's legal opinion had been considered, and if Member(s) concerned so wished, s/he might submit in writing a proposal for this item to be discussed at an EOC Meeting, in accordance with EOC's Procedures for Meetings.

17. In response to a question raised by a Member and a suggestion proposed by another Member, CLC said that he would endeavour to include practices of other public bodies such as the Legislative Council's Public Accounts Committee in his legal opinion and have it ready for Members' reference in 3 weeks.

V. New Agenda Items

Update on Progress of Formal Investigation on Accessibility in Certain Publicly Accessible Premises

(EOC Paper No. 18/2007; Agenda Item No. 3)

18. D(Ops) informed Members that 2 more sites had been inspected from the time EOC Paper No. 18/2007 was being drafted and 40 sites

had now been inspected out of the 60 sites selected for the exercise. He then provided an update to Members as detailed in the same paper.

19. In response to queries from Members, D(Ops) responded that when the audit was completed, follow up actions would be taken with parties/Government Departments to remedy the accessibility issues identified albeit that improvements might not always be possible due to technical or structural problems and the question of unreasonable hardship.

(During the discussion, Ms Carmen CHAN declared that she was a Member of the Estate Management Advisory Committee of the Kwai Tsing District and she was keen to be kept posted on the progress of the investigation to enable follow-up action to be taken after the investigation was completed.)

20. In response to a query raised by a Member, D(Ops) said that enforcement notices could be issued to responsible organizations urging them to take steps to improve the identified areas of non-compliance in the Design Manual of 1997 (DM97) pursuant to the Formal Investigation unless there were unreasonable hardships present. DPA added that EOC's normal complaint handling/self-initiated investigation procedures, as well as legal means could be used to deal with cases of non-compliance.

21. Members noted the progress of the Formal Investigation on Accessibility in Certain Publicly Accessible Premises.

Revised Policy Guidelines on Partnership Projects

(EOC Paper No. 19/2007, Agenda Item No. 4)

22. Taking into account Members' views at the last meeting, revised policy guidelines on partnership projects had been drawn up in the Appendix of EOC Paper No. 19/2007 and DPA highlighted the salient points as contained in the paper to Members.

23. DPA added that partnership projects would be those that were relatively larger in scale, i.e. with a budget/cost of more than HK\$30,000. Subject to endorsement on the guidelines as listed in the paper by Members, these guidelines would be uploaded onto EOC's web and promoted to the public via EOC's newsletter. Having considered the existing financial status of the Commission, it was suggested to set aside a budget for this purpose for 2007/08. This amount of funding would be for internal reference only and subject to further review depending on EOC's financial status. Interested organizations could submit partnership project proposals in accordance with the criteria listed at least 3 months in advance.

24. In response to a Member's enquiry, C/EOC said that the basic requirements expected of a proposed partner included but not limited to financial contribution or cost sharing, and contribution could be provided in kind instead of cash. In addition, he drew Members' attention to part VI of the proposed guidelines in the Appendix to the paper which stated that projects under HK\$200K would be presented to the relevant committees (Community Participation and Publicity Committee or Public Education and Research Committee) for approval, while projects over HK\$200K would be presented to the Commission for approval, and reminded that consideration of the availability of human resources within

the EOC would also be taken into account in deciding whether the projects were pursuable.

25. Members raised no further queries. The revised guidelines as contained in EOC Paper No. 19/2007 were endorsed for adoption for all future partnership projects.

Seminar on Our Ten Years Under the DDO – Moving Forward, Changing Culture

(EOC Paper No. 20/2007; Agenda Item No. 5)

26. HPR briefed Members the objectives, speakers, timing, venue and budget of the proposed seminar on disability discrimination to be held on 24 January 2008 tentatively entitled “Seminar on Our Ten Years Under the DDO – Moving Forward, Changing Culture” during the meeting. Discussion ensued and a Member suggested to consider a more appropriate Chinese title for the seminar as opposed to the proposed title of “前瞻未來，移風易俗” 平機會執行《殘疾歧視條例》十年研討會.

27. In response to a question from a Member, HPR confirmed that target participants would include NGOs concerned, service recipients, government officials, experts/professionals from the medical and disability sectors.

28. After some deliberations, Members endorsed EOC Paper No. 20/2007 and agreed that participants of the Mainland Authority and non-government organizations would be invited to attend the proposed Seminar, and if appropriate, financial sponsorships would be offered to facilitate their participation. An initial budget of HK\$400K would be

set aside for this Seminar. Dr. Edwin CHENG, Dr. Agnes LAW, Ms Carman CHAN and Mr. LEE Luen-fai expressed interest to join EOC Office's internal working group to further consider the details of the Seminar as soon as practicable.

(Ms Mandy TAM left the meeting at this juncture.)

Development in the Case of a Complainant v Equal Opportunities Commission

(EOC Paper No. 25/2007, Agenda Item No. 6)

29. A legal case was deliberated among Members. The matter would be further considered at the next Legal and Complaints Committee (LCC).

(Mrs. Christine KOO left the meeting at this juncture.)

(In view that some Members had other engagements after 5:00pm, the meeting agreed to consider Approval for Changes in Authorized Signatories of the EOC Bank Accounts (Agenda Item No. 11), followed by considering the Paper on Reporting Racial Tolerance Survey Proposed by the PERC (Agenda Item No. 7) at this point of time before proceeding to consider the other agenda items.)

Approval for Changes in Authorized Signatories of the EOC Bank Accounts

(EOC Paper No. 24/2007; Agenda Item No. 11)

30. ACCT explained to Members the background and the proposed changes of the authorized signatories of the respective EOC bank accounts as detailed in EOC Paper No. 24/2007.

31. Members approved the changes in the authorized signatories of the EOC bank accounts as proposed in the paper.

Paper on Reporting Racial Tolerance Survey Proposed by the PERC
(EOC Paper No. 26/2007; Agenda Item No. 7)

32. HPR provided to Members a brief account of the proposed Racial Tolerance Survey as contained in EOC Paper No. 26/2007.

33. Members endorsed EOC Paper No. 26/2007 and noted that the initial budget as stated in the Paper for the proposed Racial Tolerance Survey would be funded by the subvention from Constitutional and Mainland Affairs Bureau (CMAB) for the implementation of the Race Discrimination Bill.

(Mr. Saeed UDDIN left the meeting at this juncture.)

Six Monthly Review of EOC's Work (January – June 2007)
(EOC Paper No. 21/2007; Agenda Item No. 8)

34. In response to a question raised by a Member, HPR informed that an internal language policy had been developed for EOC that 6 commonly used languages, as adopted by the Government would also be adopted by EOC in preparing existing essential EOC publications, and future publications related to the Race Discrimination legislation and provision of translation service in the complaints/conciliation process when the Race Discrimination Bill was implemented. Although such policy was an internal one only applicable to EOC, efforts would be paid to promote for a wider adoption by the community as appropriate.

35. Members noted EOC Paper No. 21/2007.

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

(EOC Paper No. 22/2007; Agenda Item No. 9)

36. Members noted the information on the work of the respective committees as contained in EOC Paper No. 22/2007.

Any Other Business

(Agenda Item 12)

37. There being no other business, the meeting was adjourned at 5:25p.m.

VI. Date of Next Meeting

38. The next meeting would be held on 20 December 2007 (Thursday) at 2:30pm.
