

**Minutes of the Sixty-Third Meeting of
The Equal Opportunities Commission
held on 14 September 2006 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Mr. Raymond TANG Yee-bong	Chairperson
Dr. CHENG Kwok-kit, Edwin	
Prof. Randy CHIU	
Mrs. CHONG WONG Chor-sar, M.H., J.P.	
Mrs. KOO CHEUNG Man-kok, Christine	
Dr. LAW Koon-chui, Agnes, J.P.	
Mr. LIU Luk-por, Desmond	
Dr. LO Wing-lok, J.P.	
Mr. Saeed UDDIN, M.H.	
The Hon TAM Heung-man, Mandy	
Ms WONG Fung-ye, Margaret	
Mr. YIP Kin-man, Raymond	
Mr. Michael CHAN Yick-man	Secretary [Director, Planning & Administration]

Absent with apology

Ms CHOI Wai-kam, Virginia
Miss LAM Kam-yi

In attendance

Mr. Joseph LI Siu-kwai	Director, Operations
Mr. Herman POON Lik-hang	Chief Legal Counsel
Ms Betty LIU Jia-shin	Head (Corporate Communications and Training)
Ms Esther Chan Pui-shan	Senior Policy & Research Officer
Ms Fanny Leung Sui-ping	Equal Opportunities Officer (Administration & Personnel)
Ms Yvonne LAU Siu-yung	Personal Assistant (Policy Co-ordination)

I. Introduction

1. The Chairperson (C/EOC) welcomed Commission Members (Members) to the 63rd EOC meeting.
2. Apologies for absence were received from Ms CHOI Wai-kam, Virginia and Miss LAM Kam-yi. Mrs. Christine KOO would be late and asked to convey her apologies.
3. C/EOC informed Members that a press conference had been scheduled after the meeting at 5:00 pm and invited Members to join if they wished.

II. Confirmation of Minutes

4. The Minutes of the 62nd Meeting held on 15 June 2006 were confirmed without amendments.

III. Matters Arising

Equal Pay for Work of Equal Value (EPEV Study)

(Paragraphs 7-15 of the minutes of the 62nd meeting held on 15 June 2006)

5. C/EOC informed Members that this would be discussed under Agenda Item 4.

IV. New Agenda Items

Formal Investigation on Accessibility in Certain Publicly Accessible Premises

(EOC Paper No. 12/2006; Agenda Item No. 3)

6. Members discussed the proposed Formal Investigation (FI) to be conducted under section 66 of the Disability Discrimination Ordinance (DDO) on accessibility in certain publicly accessible premises with focus on the scope of the investigation. Based on the number of complaints lodged with the Commission in recent years, it was evident that accessibility remained a major issue and problem for persons with a disability, to the extent that it affected the daily lives of many in the community. The FI was aimed to address equality of opportunities between persons with a disability and persons without a disability.

[Mrs. CHONG WONG Chor-sar arrived]

7. Members noted that the proposal FI was discussed at the Legal and Complaints Committee (LCC) of the EOC and a Task Group

comprising the C/EOC, Members and staff had been formed to work on this project. It was also noted that the proposed FI would make reference to the Barrier-Free Design Manual 1997 (currently being updated) and external professional support would be sought as necessary.

[The Hon TAM Heung-man joined the meeting at this point.]

8. C/EOC said that as a start, public premises (target premises) were chosen for investigation for simplicity in ownership and for Government's and public bodies' ability to comply with recommendations, thereby taking the lead and setting an example to other building managements. In response to a Member's enquiry about the sample size chosen, C/EOC explained that a sample size of 5% was considered appropriate taking into consideration manpower required and also the size and facilities included in each housing complex to be looked at. The target premises would include public housing, shopping centers, markets, library and government offices etc.

[Mrs. Christine KOO arrived at this point]

9. In reply to a question from a Member, Director (Operations) (D(Ops)) provided breakdowns on complaints on accessibility received and success rate in conciliation. The success rate in complaints involving public housing was about 80% while those of private housing was approximately 44%.

10. After deliberation, Members endorsed the sample size of 5% as

outlined in EOC Paper No. 12/2006 and the categories of premises and number of premises to be inspected in each category as listed out in Annex C of the EOC paper. It was also clarified that the investigation would be on provision of facilities and management as well as connectivity to other facilities.

11. Members endorsed :

- (i) the scope and terms of reference as outlined in paragraph 7 of EOC Paper No. 12/2006;
- (ii) the conduct of the investigation;
- (iii) delegating to the LCC supervision of the investigation, including making preliminary findings, preparing report and making recommendations for consideration of the EOC Board;
- (iv) delegating to the Chairperson of the power to deal with requirements under section 67(4) of the DDO where necessary;
- (v) delegating to the Chairperson of the power to apply to District Court, where necessary, for an order or directions pursuant to section 68(4) of the DDO; and
- (vi) delegating to the Chairperson of the power to issue, where necessary, enforcement notices under section 73 of the DDO.

12. The Task Group would take note of points raised by Members:
- (a) Types of housing estates to be chosen should be representative and factors such as the age of the building and facilities provided should be taken into consideration;
 - (b) To consult NGO's on premises to be chosen for the investigation;
 - (c) Provide a breakdown of how the budget for this project would be used;
 - (d) To include schools and hospitals in a future investigation.

13. Members also noted that the FI would commence as soon as possible and the report of the investigation was expected to be published in October 2007.

Update on Equal Pay for Work of Equal Value Study (EPEV Study)

(EOC Paper No. 13/2006; Agenda Item No. 4)

14. C/EOC informed Members that since the last EOC Meeting, he had met with the Hospital Authority (HA) and the Civil Service Bureau (CSB) to explain EOC's approach to releasing the paper. While HA has no particular comments on releasing the EPEV report, CSB had commented mainly on the technicality of the Consultant's Study and

hence the conclusions and recommendations so derived. Discussions ensued and Members agreed that it might not be appropriate for the EOC to defend the technical challenges on the Consultant's behalf and endorsed C/EOC's suggestion to have the Consultant brought back from abroad to help clarify the technical queries and the release of the report. It was agreed that EOC would pay the necessary expenses in this connection.

15. Members also endorsed the draft covering paper contained in Annex A of EOC Paper No. 13/2006 including the written comments suggested by CSB and a suggested deletion on page 13, item 4 in the "Remarks" column by a Member. The covering paper was intended to complement the two EPEV Studies commissioned by the EOC detailing EOC's views and the way forward on this subject.

16. Members also noted that EOC would continue with the promotion and education on the subject of Equal Pay including the preparation of specific guidelines on Equal Pay for Equal Work and Equal Pay for Work of Equal Value.

Endorsement of Co-opted Members

(EOC Paper No. 14/2006; Agenda Item No. 5)

17. Members endorsed the proposed nomination for co-opted Members for the Community Participation and Publicity EOC Paper No. 14/2006.

[Dr. LO Wing-lok left the meeting temporarily.]

Six monthly Review of EOC's Work (January – June 2006)

(EOC Paper No. 15/2006; Agenda Item No. 6)

18. Members noted the information on EOC's work in the first six months of 2006 contained in the Paper. In answer to a question from a Member, CLC informed that so far EOC has won in the great majority of legal assistance cases.

Report of the Legal & Complaints Committee, Community Participating & Publicity Committee, Public Education & Research Committee and Administration & Finance Committee

(EOC Paper No. 16/2006; Agenda Item No. 7)

19. Members noted the reports of the EO Committees contained in the paper.

Any Other Business

(Agenda Item No. 8)

(1) Peep photo Incident

20. A Member informed that the recent "peep photo" incident involving a popular artist was discussed at the LegCo Panel on Information Technology and Broadcasting and asked whether any action could be taken by the EOC to prevent sexual stereotypical portrayal of women.

21. C/EOC informed Members that the EOC Office had completed its investigation on complaints received regarding the Radio Commercial incident – hosts of a radio programme asking the audience to vote for "the most popular singer / actress for indecent assault" and had conducted a series of training to Commercial Radio staff, to help

promote gender awareness and understanding of gender equality.

22. As regards the ‘peep photo’ incident, C/EOC informed that EOC had issued a statement denouncing such publication. Members were of the view that the prevailing culture was not conducive to creating gender equity and mutual respect in society and would perpetuate a sexually hostile and intimidating environment. Members were concerned that the indecent and disrespectful description of women would add to discrimination and encourage sexual harassment. C/EOC said that the EOC Office would be happy to work towards changing the community and media attitudes towards a culture of mutual respect and towards gender equity. If appropriate, EOC could work in co-operation with the Women’s Commission.

23. After deliberation, Members decided that EOC should conduct a survey on analysis of media contents on gender awareness and the Convenor of PERC undertook to take up the task to have this discussed at the forthcoming PERC meeting.

(2) The First Session of the Biwako Millenium Framework (BMF) Stakeholders’ Coordination Meeting, 17-19 July 2006 and UN ESCAP Workshop on Regional Follow-up to the 7th Session and Preparation for the 8th Session of the Ad Hoc Committee on a International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, 20-21 July 2006 (EOC Paper No. 17/ 2006)

24. C/EOC reported that representatives of the EOC Office

attended two workshops of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) held in Bangkok from 17-21 July, 2006 about the proposed International Convention on the Rights of Persons with Disabilities. The final draft adopted at the Workshop was forwarded to the UN Ad Hoc Committee (AHC) set up to work on the draft Convention for agreement by State Parties. On August 25, the draft Convention was adopted by the AHC and it would be forwarded to the UN General Assembly for endorsement. The Convention was a great achievement as it was the first convention on disability rights drafted in Asia Pacific. The Convention would specifically prohibit discrimination against persons in all areas of life including civil rights, access to justice and the right to education, health services and access to transportation.

(3) Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) 36th Session, 7-25 August 2006, United Nations Headquarters, New York (EOC Paper No. 18/2006)

25. Members noted the report on CEDAW hearing contained in EOC Paper No. 18/2006 at which representatives of the EOC Office attended in August 2006. In addition to submitting an NGO report on the progress of women in Hong Kong prior to the meeting, Members noted that C/EOC also spoke at the NGO session and highlighted further on EOC's report as well as the concluding comments from CEDAW on Hong Kong following the session.

26. In response to a Member's suggestion that EOC should attend more international conference of this nature to promote and upgrade

the status of Hong Kong in the international arena, C/EOC informed Members that he had offered to UNESCAP that EOC might be able to co-host an international conference to promote the Disability Convention if Hong Kong was chosen as a venue for such a conference. C/EOC would report to the EOC Board if such a request was received from UNESCAP.

VI. Date of Next Meeting

27. The next EOC meeting would be held on 14 December 2006 (Thursday) at 2:30 p.m.

28. There being no other business, the meeting was adjourned at 5:10 p.m.