

RESTRICTED
(cleared for publication)

**Minutes of the Fifty-eighth (Special) Meeting of
The Equal Opportunities Commission
held on 6 January 2006 (Friday) at 4:00 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

Ms CHOI Wai-kam, Virginia

Mrs. CHONG WONG Chor-sar, M.H., J.P.

Dr. LAW Koon-chui, Agnes

Mr. LIU Luk-por, Desmond

Dr. LO Wing-lok, J.P.

The Hon TAM Heung-man, Mandy

Mr. Saeed Uddin, M.H.

Mr. YIP Kin-man, Raymond

Mr. Michael CHAN Yick-man

Secretary
[Director, Planning &
Administration]

Absent with apology

Mrs. KOO CHEUNG Man-kok, Christine

Ms LAM Kam-yi

Ms WONG Fung-yee, Margaret

In attendance

Mr. Josiah Chok Kin-ming	Director, Operations (Acting)
Ms Betty LIU	Head, Corporate Communications & Training
Mr. Ferrick CHU Chung-man	Head, Policy & Research
Mr. Herman POON Lik-hang	Chief Legal Counsel
Ms Esther Chan Pui-shan	Senior Policy and Research Officer
Ms Loretta TANG Siu-ting	Senior Equal Opportunities Officer (Administration)
Ms Fanny Leung Sui-ping	Equal Opportunities Officer, (Administration & Personnel)

I. Introduction

1. The Chairperson (C/EOC) welcomed Members to the meeting.
2. Apologies for absence were received from Ms WONG Fung-ye, Margaret, Ms LAM Kam-yi and Mrs. KOO CHEUNG Man-kok, Christine.

II. Agenda Item

Proposal by the Home Affairs Bureau (HAB) on separating the posts of the EOC Chairperson and the Chief Executive Officer
(Agenda item no. 1)

3. This special meeting was called to consider a proposal from the HAB to enhance the corporate governance of the EOC. HAB's papers on this subject enclosed to their covering letter dated 30 December 2005 had been provided to EOC Members before the meeting for their reference. It was noted that HAB's proposal would

be discussed at LegCo's Panel on Home Affairs meeting on 13 January 2006.

4. The meeting noted that HAB had endorsed the recommendations of the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission that "the posts of EOC Chairperson and the Chief Executive Officer (CEO) should be separated, and that the post of CEO should be reinstated. It is desirable that the Chairperson be a non-executive position appointed on a part-time basis".

5. HAB considered that a "non-executive Chairman and Chief Executive Officer" model was clearly the norm of good corporate governance and in line with the corporate governance of other non-departmental bodies. HAB further stated that the composition and structure of the EOC was set out in the Sex Discrimination Ordinance (SDO). The ordinance would have to be amended if the composition of the EOC was to be changed.

6. To enhance the corporate governance of the EOC, HAB proposed that the SDO be amended:

- (a) so that the Chairperson of the EOC is no longer an executive Chairman, but a non-executive Chairman;
- (b) so that a non-executive member of the EOC may be appointed to be the deputy Chairman of the EOC;
- (c) so that a non-executive member may be designated to act as Chairman of the EOC in the absence of the Chairman

and the deputy Chairman;

(d) to empower the Chief Executive to appoint a chief executive officer of the EOC;

(e) to make the chief executive officer an executive member of the EOC.

7. Several Members agreed in principle to the proposal in HAB's paper. Other Members agreed to the direction of splitting the Chairperson's post outlined in the paper.

8. Members further commented that splitting the Chairperson's post would be acceptable provided that any such change would achieve the desired strengthening of the governance structure of the EOC and would not adversely affect EOC's importance, stature and ability in administering the anti-discrimination legislation.

9. The meeting further agreed that EOC should reflect to the Government that EOC should be fully consulted on this subject and be provided with details of the proposal to ensure that strengthening of EOC's governance would be achieved. It was noted from HAB's paper that the Government intended to consult the EOC and other relevant bodies (such as the Human Rights Forum and the Women's Commission) before taking the legislation proposal forward.

10. Some Members commented that EOC should request Government for a time-table for introducing the change as it would have great implication on the operation of the EOC as well as the terms of office of the current Chairperson. EOC would also need to manage

the change carefully from the public angle so as not to give rise to misunderstanding.

11. The meeting also noted that some non-government organizations (NGOs) had expressed concern that the Government would make use of the proposed change to lower the status and importance of the EOC, thereby inhibiting the power and influence of the EOC in implementing the law and promoting its work in the community. The Chairperson added that there was flexibility within the remit of the existing legislation to strengthen EOC's governance.

12. Members also generally discussed the grading of the future CEO and agreed that it should be given further consideration when more details were available from the Government as it depended on the role of the CEO, the Chairperson and the EOC Board in future.

13. Members agreed to await further details from the Government on this subject before providing further views to them.

14. There being no other business, the meeting was adjourned at 5:30 p.m.

15. The next (Special) meeting had been scheduled for 12 January 2006.