

**Minutes of the Ninety-first (Special) Meeting of
The Equal Opportunities Commission
held on 19 August 2011 (Friday) at 3:00 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

Mr. LAM Woon-kwong, G.B.S., J.P. Chairperson
Ms CHAN Man-ki, Maggie
Ms CHIU Lai-kuen, Susanna
The Hon FUNG Kin-kee, Frederick, S.B.S., J.P.
Mr. LEE Luen-fai
Mr. LUI Tim-leung, Tim, B.B.S., J.P.
Ms NG Wing-mui, Winnie
The Hon TSE Wai-chun, Paul
Dr. TSE Wing-ling, John, M.H.
Ms WONG Ka-ling, Garling
Mr. YIP Siu-hong, Nelson, M.H.
Mr. Michael CHAN Yick-man Secretary
Director, Planning & Administration [DPA]

Absent with apologies

Ms CHAN Ka-mun, Carmen, J.P.
Ms CHOI Hing-shi, M.H.
Dr. KOONG May-kay, Maggie
Mr. Amirali Bakirali NASIR, J.P.
Mr. Zaman Minhas QAMAR
Dr. TSANG Kit-man, Sandra

In attendance

Mr. Joseph LI Siu-kwai Director, Operations [D(Ops)]
Mr. Herman POON Lik-hang Chief Legal Counsel [CLC]
Dr. Ferrick CHU Chung-man Head, Policy and Research [HPR]
Ms Shana WONG Shan-nar Head, Corporate Communications
and Training [HCCT]
Miss Kerrie TENG Yee-san Accountant [ACCT]
Miss Gloria YU Wai-ling Senior Equal Opportunities Officer,
Administration & Personnel [SAP]

Mr. Noel CHERK Kwok-sing
Mr. Patrick HO

Accounting Officer I [AOI]
KPMG [KPMG]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) and the representative of EOC's external auditors KPMG, Certified Public Accountants (KPMG), Mr. Patrick HO to the 91st (Special) Meeting.
2. Apologies for absence had been received from Ms CHAN Ka-mun, Carmen, J.P., Ms CHOI Hing-shi, Dr. KOONG May-kay, Maggie, Mr. Amirali Bakirali NASIR, J.P., Mr. Zaman Minhas QAMAR and Dr. TSANG Kit-man, Sandra due to out of town business/local business engagements.
3. C/EOC said that the purpose of this Special Meeting was to seek Members' endorsement on the audited accounts for the year ended 31 March 2011. The representative from KPMG, Mr. Patrick HO would present information concerning the audited accounts and answer Members' questions.

II. Approval of the Audited Accounts for the Year Ended 31 March 2011

(EOC Paper No. 17/2011; Agenda Item No. 1)

4. Members noted that KPMG had audited the accounts of the EOC for the year ended 31 March 2011 and prepared two sets of audited accounts for EOC's approval, namely, the Annual Financial Report and the Financial Statements. The Annual Financial Report was prepared in compliance with the Guidelines on the Management and Control of Government Funding for Subvented Organisations issued by the Government and in accordance with the accounting policies adopted by the Commission. It showed the detailed breakdown of income and expenditures for information of the EOC's housekeeping bureau, the Constitutional and Mainland Affairs Bureau (CMAB) (yellow copy at Annex A to EOC Paper No. 17/2011). The Financial Statements was prepared in

accordance with the Hong Kong Financial Reporting Standards for incorporation into EOC's annual report (green copy at Annex B to EOC Paper No. 17/2011).

5. Members noted that in the Annual Financial Report (yellow copy), KPMG had expressed its opinion that it was properly prepared in all material respects in accordance with the accounting policies adopted by the Commission for the year ended 31 March 2011. It showed a deficit of \$0.58M for the year. In the Financial Statements (green copy), KPMG had expressed its opinion that it gave a true and fair view of the state of affairs of the Commission as at 31 March 2011 and of its deficit and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards. It showed a deficit of \$2.61M for the year. Mr. Patrick HO said that KPMG would issue an unqualified opinion on the audited accounts.

6. ACCT briefed Members the salient points contained therein and the major differences between the two sets of audited accounts as detailed in Annex C and Annex D of the paper.

7. Members raised questions/expressed views on the audited accounts. Relevant information and explanations were given during the meeting by respective EOC staff. A summary of the major questions raised, views expressed and responses provided were in the Appendix.

8. Members noted that the actual Government subventions provided to the EOC in 2010/11 were no less than that of 2009/10. However, the relevant amount reported in the two sets of accounts appeared to have been decreased due to the accounting principle of matching the relevant funding with the activities committed and completed. In response to Members' suggestions, more elaborations on the actual Government subventions provided to the EOC in 2010/11 financial year versus the amount reported in the two sets of accounts

would be given under Note 3 (Green Copy page 14) of the Statement of Income and Expenditure for the Year ended 31 March 2011 to avoid the misunderstanding of a decrease in Government subventions.

9. On the amount of Legal Fees recovered, Members suggested to provide more details on the relatively small amount in 2011, and explain the rationale behind that parties to discrimination disputes were to bear their own costs normally, so that costs were not recovered from the losing party. Mr. Patrick HO suggested that this information could be given in the Management Discussion and Analysis part or an appropriate section in the Annual Report. In addition, in response to suggestions made by Ms Maggie CHAN and Mr. Tim LUI, the Meeting agreed that the Legal and Complaints Committee would review if the threshold for granting of legal assistance was too high that prevented the EOC from offering assistance to more warranted applicants, and the EOC Board would review the EOC's legal assistance function with a view to

considering if it was appropriate to set up a litigation fund with mandatory/voluntary contribution from the compensation/damages awarded to EOC's assisted persons in discrimination cases and setting future directions for granting of legal assistance.

10. Members raised no further questions on the audited accounts. The two sets of EOC's Audited Accounts for the Year Ended 31 March 2011 were approved by the EOC Board.

11. C/EOC thanked Mr. Patrick HO for his attendance.

(Mr. Patrick HO left the meeting at this juncture.)

III. Any Other Business

Annual EOC Forum

12. The question of holding an annual public forum was raised by Ms Susanna CHIU and echoed by the Hon Frederick FUNG. C/EOC said that the matter would be put under the Agenda for discussion in the next EOC meeting in September 2011.

13. There being no other business. The meeting was adjourned at 4:20 p.m.

IV. Date of Next Meeting

14. The next EOC Meeting was a regular meeting scheduled for 15 September 2011 (Thursday) at 2:30 p.m.

*Equal Opportunities Commission
September 2011*