

**Minutes of the Eighty-ninth Meeting of
The Equal Opportunities Commission
held on 17 March 2011 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

Mr. LAM Woon-kwong, G.B.S., J.P.	Chairperson
Ms CHAN Ka-mun, Carmen, J.P.	
Prof. Randy CHIU	
Ms CHOI Hing-shi	
Mrs. CHONG WONG Chor-sar, M.H., J.P.	
Mr. LEE Luen-fai	
Mr. LUI Tim-leung, Tim, B.B.S., J.P.	
Mr. Amirali Bakirali NASIR, J.P.	
Ms NG Wing-mui, Winnie	
Mr. Saeed UDDIN, M.H.	
The Hon TSE Wai-chun, Paul	
Dr. TSE Wing-ling, John, M.H.	
Ms WONG Ka-ling, Garling	
Mr. Michael CHAN Yick-man	Secretary Director, Planning & Administration [DPA]

Absent with apologies

Ms CHAN Man-ki, Maggie
Ms CHIU Lai-kuen, Susanna
The Hon FUNG Kin-kee, Frederick, S.B.S., J.P.
Dr. LAW Koon-chui, Agnes, 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 Chung-man	Head, Policy and Research [HPR]
Ms Shana WONG Shan-nar	Head, Corporate Communications & Training [HCCT]
Miss Kerrie TENG Yee-san	Accountant [ACCT]

Miss Gloria YU Wai-ling

Senior Equal Opportunities
Officer, Administration &
Personnel [SAP]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 89th Meeting. Apologies for absence were received from Ms CHAN Man-ki, Maggie, Ms CHIU Lai-kuen, Susanna, The Hon FUNG Kin-kee, Frederick, S.B.S., J.P. and Dr. LAW Koon-chui, Agnes, J.P. due to clash of meetings/out of town/other business engagements.

2. C/EOC said that a press briefing would be held after the meeting in the normal way.

II. Confirmation of Minutes (Agenda Item No. 1)

3. The Minutes of the 88th Meeting held on 16 December 2010 issued to Members on 12 January 2011 were confirmed without amendment.

III. Matters Arising (Agenda Item No. 2)

Progress on the Follow-up Actions of the Report on Formal Investigation on Accessibility in Certain Publicly Accessible Premises

4. D(Ops) reported that the EOC office had obtained from 8 government departments' progress on their improvement works in respect of deficiencies identified in the Report on Formal Investigation on Accessibility (FI Report). He said that the programmes were in general progressing well with particularly good progress noted in the Department of Health, the Government Property Agency, the Hongkong Post and the Housing Department.

(Mr. A B NASIR and The Hon Paul TSE joined the meeting respectively at this juncture.)

5. Members noted that although some of the target completion dates of certain improvement works had been longer than those announced by the Government earlier, the majority of the improvement works had been progressing as planned and targeted to be completed by June 2012. For government departments which had not made much progress yet, such as the Leisure and Cultural Services Department and the Food and Environmental Hygiene Department, the EOC office would continue to urge for their early actions and the provision of detailed improvement timetables. As for the LINK, the EOC office had regular contacts with its facilities management staff on the progress of improvement. The next liaison meeting with its management was scheduled for 28 March 2011.

6. C/EOC said that it was a major breakthrough that both the Government and the LINK had announced concrete timetables and budgeted provisions for improvements in overall accessibility following the EOC's release of the FI Report. It was hoped that the improvement would facilitate the free movements for hundreds of thousands of people with disability and elderly people. The EOC would continue to monitor closely the implementation of the LINK's and the Government's improvement plans and promote the concept of accessibility for all.

Progress on Revision of the Code of Practice on Employment under the Disability Discrimination Ordinance

7. DPA said that following Members' endorsement in December 2010, the revised Code of Practice on Employment under the Disability Discrimination Ordinance (the Code) was sent to the Labour and Welfare Bureau (LWB) for taking this subject forward. The LWB had sought the views of the Department of Justice (DoJ) and made some textual refinements on the revised Code and the great majority of their suggestions were incorporated accordingly into the amended Code. The amended version of the Code would shortly be returned to the LWB for submission to the

Legislative Council (LegCo) for negative vetting. Subject to LegCo's decision, it was hoped that the revised Code could be ready for public use in mid- 2011.

(Ms Winnie NG joined the meeting at this juncture.)

IV. New Agenda Items

(Dr. John TSE left the meeting at this juncture.)

Proposal to set up an Equal Opportunities Tribunal

(EOC Paper No. 3/2011; Agenda Item No. 4)

8. EOC Paper No. 3/2011 reported the progress of the stakeholder consultation exercise on EOC's proposal to establish an Equal Opportunities Tribunal (EOT).

9. C/EOC said that stakeholders consulted generally welcomed the overall objective of making the adjudication system more user-friendly by reducing legal costs and time. There was general agreement that rules and procedures for claims under discrimination legislation should be simplified.

10. C/EOC highlighted the major views collected as detailed in the paper. Members noted that there was a view that simplification of rules could be done within the current District Court system, as this might involve the least degree of change and thus more cost effective. However, this was balanced by the view that a new specialized tribunal would provide better focus and a shift in attitude so as to lead to actual changes. Other major views related to whether legal representation should be permitted and whether the EOT should have power to transfer cases to the EOC for investigation and conciliation first before the case was handled by the EOT. Although some stakeholders had yet to provide their views in written form, their views provided verbally had been included in the paper.

11. Members agreed that the 2009 proposal be refined as necessary in the light of the consultation and be forwarded to the Government together with a report of the exercise, with a view to secure the Government's policy support now, followed by the legislative process in due course.

Full Findings and Follow-up Actions of the Customer Satisfaction Survey on EOC's Complaints Handling Mechanism

(EOC Paper No. 4/2011; Agenda Item No. 5)

12. D(Ops) briefed Members the key findings of the 2010 Customer Satisfaction Survey (Survey), including an analysis on individual aspects of service, service implication of findings, and improvement measures, as detailed in EOC Paper No. 4/2011. He added that copies of the full report on the Survey were available at the Secretariat for Members' reference. Electronic copies of the full report could be forwarded to Members if required.

13. Members noted the Operations Division would strive to achieve better performance in all areas of improvement identified. Case officers and supervisors would exert tighter control over case management, in particular the handling time. Allowance for time extension to respond would only be given to genuine requests. Where appropriate, parties to dispute would be encouraged to participate in early conciliation before undergoing full investigation. Fast-track handling would be attempted where situations warranted. Members also noted that the Efficiency Unit had conducted an initial study on EOC's complaint handling system. It was expected that recommendations on improving case time management would be offered to the EOC. Members would be updated on the matter in due course.

14. At Prof. Randy CHIU's request, electronic/hard copies of the full survey report would be circulated to Members for detailed study after the meeting. In response to Mr LEE Luen-fai's question, C/EOC said that the purpose of the survey was for internal monitoring of service. Members were welcome to provide further views and recommendations after reading the full

survey report.

(Prof. Randy CHIU left the meeting at this juncture.)

TV Docu Drama 2013

(EOC Paper No. 5/2011; Agenda Item No. 6)

15. EOC Paper No. 5/2011 sought Members' approval on the production of a new series of TV Docu-drama, "A Mission for Equal Opportunities" in 2012/13. HCCT explained that the EOC and the RTHK had jointly produced seven series of educational TV docu-drama on equal opportunities since 1998. Each docu-drama series ranged from 6 to 9 half-hour episodes comprising different stories based on real-life cases. The last 4 docu-drama series were also developed into educational modules composed of DVD packages and information booklets. These educational modules were distributed to teachers, human resources practitioners and NGO workers for conducting training on equal opportunities.

16. The Docu-drama 2012/13 being planned was expected to be broadcast in 2013 and preparation work would start in 2012. Same as previous arrangements, EOC officers would man a hotline to receive public enquiries after the broadcast of each episode to gauge public response to the series. Owing to the fact that all TV programmes were enhanced to hi-definition production and to other cost increases, the production cost for the new series would be increased to \$300,000 per episode. The budget for the production of six episodes, at \$1.8M, had been included in the Work Plan on Community Participation, Publicity and Training for 2011/12 and endorsed by the Community Participation & Publicity Committee (CPPC) at its 50th Meeting. As the total cost of production exceeded \$1.3M, the EOC Board's approval was required.

17. In response to a question raised by The Hon Paul TSE, DPA said that partnership with the RTHK to produce the TV Docu-drama Series had been considered and approved by the Board in previous meetings. The Board's

approval was now sought as the total production cost exceeded \$1.3M in the new series. Under EOC's normal procurement policies, the EOC would seek quotes to select an appropriate supplier for services or goods required, unless the required services or goods could only be provided by a sole supplier or there were other special circumstances.

18. Members approved the budget of \$1.8M for the new TV docu-drama series jointly produced by EOC and RTHK for 2012/13 as detailed in EOC Paper No. 5/2011.

(The Hon Paul TSE left the meeting at this juncture.)

Review of Work of the EOC in 2010

(EOC Paper No. 6/2011; Agenda Item No. 7)

19. In response to a question raised by Ms Carmen CHAN related to the production of the Training Module for Children Attending Kindergartens and Child Care Centres (vide page 6 of Annex 2 to EOC Paper No. 6/2011), HCCT said that some improvements to the Training Module were necessary based on the suggestions of the kindergartens which participated in the pilot tests. The launching of the Module was hence deferred to August 2011.

20. Members noted EOC Paper No. 6/2011.

EOC's Thematic Work Plan for 2011/12

(EOC Paper No. 7/2011; Agenda Item No. 8)

21. Members noted that a thematic and goal attainment approach had been adopted for the annual work plan and the major themes for 2011/12 were as follows:-

- I. Mainstreaming the culture of equal opportunities in Hong Kong
- II. Promoting understanding and addressing needs of persons with

disabilities

III. Strengthening awareness and achieving realization of gender equality

IV. Enforcement and promoting understanding and compliance of the Race Discrimination Legislation

V. Strengthening Organizational Capacity

22. Members were informed that the work plan as outlined in the Appendix to EOC Paper No. 7/2011 provided information on areas which the EOC would accord priority attention, in addition to other regular work.

23. Members noted EOC Paper No. 7/2011.

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

(EOC Paper No. 8/2011; Agenda Item No. 9)

24. EOC Paper No. 8/2011 contained information on the work of the respective EOC Committees. ACCT went through with Members the Draft Annual Budget of the Commission for 2011/12 considered by the Administration and Finance Committee in its 56th Meeting. Major items of the Draft Budget were detailed at Annex of Appendix 4 to the paper.

25. Members noted EOC Paper No. 8/2011.

V. Any Other Business

26. There being no other business, the meeting was adjourned at 5:25pm.

VI. Date of Next Meeting

27. The next regular EOC meeting was scheduled for 16 June 2011 (Thursday) at 2:30 p.m.

Equal Opportunities Commission
March 2011