

**Minutes of the Ninety-fourth Meeting of
The Equal Opportunities Commission
held on 15 March 2012 (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.	
Ms CHAN Man-ki, Maggie	
Ms CHIU Lai-kuen, Susanna	
Ms CHOI Hing-shi, M.H.	
The Hon FUNG Kin-kee, Frederick, S.B.S., J.P.	
Mr. LEE Luen-fai	
Mr. Amirali Bakirali NASIR, J.P.	
Ms NG Wing-mui, Winnie	
Mr. Zaman Minhas QAMAR	
Dr. TSANG Kit-man, Sandra	
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

Dr. KOONG May-kay, Maggie
Mr. LUI Tim-leung, Tim, B.B.S., 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 Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Miss Kerrie TENG Yee-san	Accountant [ACCT]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 94th Meeting.
2. Apologies for absence were received from Dr. KOONG May-kay, Maggie and Mr. LUI Tim-leung, Tim, due to clash of meeting schedules/other business engagements.
3. C/EOC said that a press briefing would be held after the meeting in accordance with the usual practice.

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

4. The Minutes of the 93rd Meeting held on 15 December 2011 and issued to Members on 11 January 2012 were confirmed without amendment.

III. Matters Arising (Agenda Item No. 2)

Discrimination Claim against EOC Officers (DCEO 8/2011)

5. CLC updated Members the latest position of the discrimination claim against several EOC staff (DCEO 8/2011). Members noted that the claim of the plaintiff was dismissed by consent with no order as to costs and the plaintiff could not put forward any claims on the same issues against the staff concerned or the EOC. However, he had continued to publish insulting remarks on various occasions and channels against a number of EOC staff. After request letters were sent to website owners, most of the insulting remarks against frontline staff had been deleted, though there were still insulting remarks against EOC's more senior staff. As per the Board's advice, for possible better protection to staff, the Legal and Complaints Committee would consider the options available including pro bono services from the legal community.

(Dr. Sandra TSANG joined the meeting at this moment.)

IV. New Agenda Items

In-depth Study on Racial Encounters and Experience in Discrimination

(EOC Paper No. 1/2012; Agenda Item No. 3)

6. HPR explained the objective, methodology and key findings of the project “In-depth Study on Racial Encounters and Experience in Discrimination” as contained in EOC Paper No. 1/2012. The findings revealed that education and employment were the two major challenges faced by EMs mainly due to language and cultural barriers.

(Mr. LEE Luen-fai and Mr. A B NASIR joined the meeting respectively at this moment.)

7. C/EOC said that the draft survey report including recommendations and follow-up actions prepared by the research team had been considered by the Policy and Research Committee (PARC). Based on the comments provided by the PARC, the draft report had been revised and attached to the said EOC Paper for Members’ comments. He added that the EOC would follow up with the Government on the recommendations in the report as only the Government had the network and resources to make changes. EOC would provide the necessary support as required.

(Ms Susanna CHIU joined the meeting at this moment.)

8. Members deliberated on the findings and the presentation of the survey report. Ms Maggie CHAN opined that the Government should do much more to facilitate the integration of EMs into the society. Mr. Z M QAMAR said that it was increasingly difficult for EMs to make a living in Hong Kong as compared to the time before 1997. C/EOC replied that there after 1997 the requirement for Chinese proficiency for entering into the civil service has been raised which was far beyond the reach of EMs. The Government had said that EMs were still recruited but the threshold had become very high. The EOC had been regularly liaising with the CMAB and some disciplined forces on this

issue and some improvements were made but the help was minimal as the number of civil service jobs for outside recruitment was not that many as compared with the private sector. Moreover, many EMs such as the Pakistanis and Nepalese migrated to Hong Kong from their home country after 1997 (not since birth) and in view of the different cultural background, integration was even more difficult.

9. Dr. John TSE, Dr. Sandra TSANG and Ms Susanna CHIU suggested beefing up the draft report before it was released to the public, including insertion of key subheadings to create more sound bites, making the executive summary more concise, giving more concrete examples of discrimination encountered by the ethnic minorities and re-titling of the report to more accurately reflect that the study was focusing on the discrimination experiences of South Asians, among the ethnic minorities in Hong Kong. Ms Susanna CHIU also commented that the report made no mention of media's role and influence on this issue which could be an area to pay attention to in further surveys.

(The Hon Frederick FUNG and The Hon Paul TSE joined the meeting at this moment.)

10. C/EOC said that as far as possible, the executive summary and the report would be beefed up based on Members' suggestions for release to the public. In future, more specific guidelines would be provided at an earlier stage on the writing of research report to the research organization concerned.

11. Members endorsed EOC Paper No. 1/2012. The revised report on the key findings based on Members' suggestions would be released to the public in the press briefing by the PARC at the end of March 2012.

Review of Work of the EOC in 2011

(EOC Paper No. 2/2012; Agenda Item No. 4)

12. EOC Paper No. 2/2012 provided a statistical representation of the work

of the EOC in 2011, work/project progress and conduct of legal assistance actions in the second half of 2011. Members noted that the number of public enquiries, in particular specific enquiries, and the number of legal assistance granted in 2011 had increased considerably as compared with the 2010 figures. Members also noted that the EOC had devoted much effort in public education and promotion in the past year. Communications with ethnic minority communities were also enhanced by the EOC contributing to monthly articles to various EM languages newspapers and taking part in EM broadcasting channels to explain the anti-discrimination ordinances including the use of some conciliated cases.

13. In response to questions raised by The Hon Frederick FUNG, C/EOC said that the small number of overseas seminars/conferences attended by EOC staff/Members in the past year was because the invitations we received on seminars and conferences were not particularly relevant to EOC's work. Members could rest assured that the EOC would not restraint itself in participating in overseas seminars or conference if they were beneficial in advancing EOC's work. Apart from attending overseas seminars and conferences, Mr. FUNG suggested the EOC to consider organizing study tours to overseas jurisdictions to broaden Members and staff's horizons on human rights and equal opportunities issues. The EOC Office would consider Mr. FUNG's suggestion.

14. On the subject of research and policy advice work performed by the EOC, both Ms Susanna CHIU and The Hon Frederick FUNG suggested that the EOC should do more, for example, on the subject of age discrimination, and hence, more manpower support should be deployed for this purpose. On the other hand, Dr John TSE opined that research programmes and studies might not necessarily be conducted in-house. He suggested the EOC to consider setting up a research fund for inviting outside interested parties to initiate proposals related to EOC's work. This would be more flexible in terms of deploying resources and the EOC would have the opportunity to consider a broader range of topics for research purposes. Members suggested that the idea should be considered further by the Policy and Research Committee.

15. The Hon Paul TSE spoke on the recent incidents related to the conflicts between Mainlanders and Hongkongers, such as the D&G issue, of which there was a large number of hate speeches from different people appearing on the internet. As the issue concerned was outside the remit of the race law, he suggested the EOC to consider submitting proposal to the Government to revise the relevant parts of the Race Discrimination Ordinance to increase its coverage, or to step up efforts for the purpose of ensuring harmony between Mainlanders and Hongkongers. Dr. John TSE echoed that the EOC should proactively exert more efforts on promoting an inclusive culture in the society. Apart from revision of the relevant law, he suggested that more promotional work and public education could be done, for example, by designing more campaigns to promote inclusion, understanding and acceptance of diversity that were conducive to social harmony. Members' views expressed were noted.

16. Members noted EOC Paper No. 2/2012.

Brainstorming Session held on 7 January 2012

(EOC Paper No. 3/2012; Agenda Item No. 5)

17. C/EOC said that in the Brainstorming Session held on 7 January 2012, 11 EOC Members and 6 EOC staff had participated and various challenges faced by the EOC were identified and possible measures in tackling those challenges had been suggested. These were outlined in EOC Paper No. 3/2012 for Members' further consideration.

(Ms Maggie CHAN left the meeting at this moment.)

18. Mr. LEE Luen-fai said that he was not able to attend the Brainstorming Session on 7 January 2012, but he agreed with the challenges identified and the improvement measures particular the EOC should do more in advocating equal opportunities including those areas outside EOC's jurisdiction, through more public education and promotion. He also suggested that more research programmes could be carried out to understand the relationship amongst social mobility, discrimination and social harmony.

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

19. With respect to the challenges identified and improvement measures proposed in EOC Paper 3/2012, Ms Susanna CHIU, Ms Garling WONG and The Hon Frederick FUNG further suggested that strategic implementation plans be drawn up with timelines and priorities assigned to the programmes for consideration by the respective committees. The EOC Office would follow up with the suggestion.

EOC's Thematic Work Plan for 2012/13

(EOC Paper No. 4/2012; Agenda Item No. 6)

20. Members considered EOC's work plan for 2012/13 as contained in EOC Paper No. 4/2012. The Hon Frederick FUNG and Ms Susanna CHIU suggested re-considering the subject of organizing an annual open forum for the EOC Board to meet with the public to highlight the EOC's past performance and introduce new directions and initiatives. This could increase EOC's transparency and further improve its governance. Dr. John TSE agreed to the suggestion and added that the open forum should be carefully planned with the appropriate agenda/topics to appeal to the public's interest and arouse further public discussions. Dr. Sandra TSANG also proposed that the open forum be scheduled for a date to be named as Hong Kong EO Day to increase public's awareness on equal opportunities. C/EOC said that Members' suggestions were noted and the EOC Office would prepare a paper based on their suggestions for consideration in the next meeting.

21. Members noted EOC Paper No. 4/2012.

Reports of the Legal & Complaints Committee (LCC), Community Participation & Publicity Committee (CPPC), Policy and Research Committee (PARC) and Administration & Finance Committee (A&FC)

(EOC Paper No. 5/2011; Agenda Item No. 7)

22. Members noted EOC Paper No. 5/2012.

V. Any Other Business

The Movie- My Name is Khan

23. Ms Winnie NG said that the movie “My Name is Khan” was closely related to EOC’s work and highly recommended it to Members.

An Under-aged Marriage Case

24. Ms Garling WONG suggested the EOC to look into a case mentioned to her by Ms Fermi WONG of Unison about an under-aged arranged marriage of an EM girl in Hong Kong. The EOC Office would follow up.

Ways to Better Promote EO

25. The Hon Frederick FUNG suggested making good use of discrimination cases that the EOC had handled to arouse media interest in EO issues whereas Ms Susanna CHIU suggested the EOC to consider closer partnership with TV broadcasters to produce TV programmes on topical issues with important implications for better promotion of EO concepts to the public. The EOC Office would consider the suggestions.

26. There being no other business, the meeting was adjourned at 4:50 p.m.

VI. Date of Next Meeting

27. The next regular EOC meeting was scheduled for 14 June 2012 (Thursday) at 2:30 p.m.