

**Minutes of the One Hundred and Third Meeting of
The Equal Opportunities Commission
held on 19 September 2013 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

Dr. CHOW Yat-ngok, York	Chairperson
Ms CHIU Lai-kuen, Susanna, M.H.	
Ms CHOI Hing-shi, M.H.	
Dr. Trisha LEAHY	
Prof. Hon LEE Kok-long, Joseph, S.B.S., J.P.	
Mr. LUI Tim-leung, Tim, B.B.S., J.P.	
Mr. Amirali Bakirali NASIR, J.P.	
Ms NG Wing-mui, Winnie	
Mr. Zaman Minhas QAMAR	
Ms Su-Mei THOMPSON	
Dr. TSANG Kit-man, Sandra, J.P.	
The Hon TSE Wai-chun, Paul, J.P.	
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

Mr. CHOW Ho-ding, Holden
Dr. KOONG May-kay, Maggie, B.B.S.

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 Officer [HPR]
Ms Shana WONG Shan-nar	Head, Corporate Communications & Training [HCCT]
Miss Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Mr. Peter Charles READING	Legal Counsel [LC4]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 103rd Meeting. Apologies for absence were received from Mr. Holden CHOW and Dr. Maggie KOONG, due to clash of meeting schedules/other business engagements/out of town.

2. 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)

3. The Minutes of the 102nd EOC Meeting issued to Members on 18 July 2013 were confirmed without amendment.

III. Matters Arising (Agenda Item No. 2)

4. Members noted that matters requiring their immediate attention from the last meeting had been included under the new agenda for this meeting. In view that some Members had to leave the meeting early, C/EOC suggested and the Meeting agreed to consider Agenda Item 4 first followed by Agenda Item 3 and the remaining Agenda Items.

IV. New Agenda Items

Progress Update on Organizing of the EOC Forum 2013

(EOC Paper No. 16/2013; Agenda Item No. 4)

5. DPA informed the meeting that responses from stakeholders to participate in the Forum were overwhelming. Around 400 representatives from a wide spectrum of stakeholder groups had enrolled, which exceeded the capacity of the Auditorium booked for the Forum. An additional room had therefore been arranged to house participants registered after the deadline, to

view live-broadcast of the proceedings held at the Auditorium.

(Dr John TSE joined the meeting at this juncture)

6. Presentation materials for the Forum were shown at the meeting, a copy of which was also tabled for Members' easy reference. Since the programme was very packed, EOC presenters at the Forum were requested to contain their presentations within the time limit set. Participants wishing to raise questions/share their views would be asked to do the same. C/EOC added that apart from hearing the views of participants, the Office would prepare a questionnaire for collecting participants' feedback on our work, as was suggested at the Retreat held on 6 September 2013.

(Mr Zaman QAMAR joined the meeting at this juncture)

7. In response to questions raised by Mr Tim LUI, DPA said that the number of enrollees was more than doubled that of last year. The enrollees included women groups, rehab groups, EM organizations, LGBT groups and human rights organizations, etc and the majority of which was from rehab groups. There were also a number of Legislative / District Councillors and some consulate officials in Hong Kong who had enrolled. Details were on page 2 of the Appendix to EOC Paper No. 16/2013. DPA also confirmed that the master of ceremony has been adequately briefed to ensure that participants wishing to give views should focus on EOC's strategic work plan and major on-going undertakings.

(Mr A B NASIR joined the meeting at this juncture)

8. Since the programme schedule was tight, it was expected that the Forum would start on time at 2:30 pm and it was suggested that Members should arrive at around 2:00 pm.

[Post-meeting note: In spite of the bad weather due to Typhoon Usagi in the early morning on 23 September 2013, the EOC Forum 2013 was successfully held in the afternoon on the same day. More than 300 participants attended the

Forum.]

Progress on The Discrimination Law Review

(EOC Paper No. 15/2013; Agenda Item No. 3)

9. CLC highlighted the salient points contained in EOC Paper No. 15/2013 to Members. Members noted that since the last meeting on 20 June 2013, some of the major items under consideration in the Discrimination Law Review (DLR) were discussed in separate briefing sessions held in August for Members who were available. The steps and rough timelines in preparing for an intended public consultation were also discussed. The DLR was further discussed in the Members Retreat held on 6 September 2013. There was consensus that the DLR needed to be conducted to improve on deficiencies and enhance equality protection under the current law. There was also consensus that discrimination legislation on sexual orientation and gender identity should be introduced. One issue to be further discussed was whether the Commission would seek to propose consolidation of different ordinances into a single ordinance. The advantages and disadvantages of a single ordinance were set out in paragraph 4 of the said paper.

(Ms Susanna CHIU joined the meeting at this juncture)

10. Members noted that the internal work on the DLR now reached a stage where different areas for changes in the current law had been identified and preliminary options for amendment had been proposed. For the purpose of obtaining feedback on the structure and contents of a consultation document and to refine the options, preliminary meetings with representative stakeholder groups would be held. One of the meetings had been held on 16 September 2013 in which 16 representatives from various stakeholder groups had attended. A summary of the meeting and a preliminary outline of the proposed DLR consultation document were tabled as Supplementary Information to EOC Paper No. 15/2013 for Members' information.

11. Although the Commission had yet to consider whether it would seek to propose consolidation of different ordinances into a single ordinance, in the

discussion with stakeholder groups in the preliminary meetings, CLC said that the subject would inevitably be raised and discussed. Dr John TSE reckoned that the Government might not be very enthusiastic in taking forward the work related to the consolidating of different discrimination ordinances into one. Since amending the law was a government duty, he suggested the EOC could pragmatically accord a higher priority to tasks with a higher chance of getting done through the Government, for example, the legislation on sexual orientation and gender identity. In response, C/EOC said that the EOC could now work on both the DLR and the legislation on sexual orientation and gender identity in parallel, provide more details on the related matters, address the questions of common concern, and beef up the document for consideration and consultation with the public. Members' comments and inputs to the consultation document would be welcome. The consultation with the public was hoped to be conducted in 2014. Depending on the feedback from the public, the EOC could refine its work and priorities. Members' approval would be sought on the consultation document when it was ready.

(Mr Nelson YIP joined the meeting at this juncture)

Report on the Strategic Retreat held on 6 September 2013

(EOC Paper No. 17/2013; Agenda Item No. 5)

12. EOC Paper No. 2017/2013 reported to Members the Strategic Retreat held on 6 September 2013. The major agreement at the Retreat included the endorsement of the EOC's 5 priority work areas and 3 on-going major undertaking; the roles of the EOC Board (i.e. Governance Role, Leadership Role, Advisory and Key Supporter Role and Ambassador Role); and that the EOC had a general duty to promote equal opportunities outside the existing 4 discrimination ordinances, such as age discrimination and discrimination against new migrants and foreign domestic helpers; and that performance measurement and yardsticks for Members and the EOC's work should be drawn up. C/EOC thanked Members for attending the Retreat which provided a clear endorsement on our current work and future work directions.

13. Dr Sandra TSANG reminded that additional to the above, it was also

agreed in the Retreat that special attention and effort would be paid to strengthen internal capacity through training and development for staff and Members. Ms Susanna CHIU remarked that the Retreat conducted was a good opportunity for the EOC to agree on its strategies and work plan. She suggested that similar event should be conducted regularly.

14. The Meeting noted that the Office would form internal task groups to work on the strategic work areas which had been agreed, and give consideration to issues identified and recommendations made in the Retreat, including the strengthening of internal capacity. In response to Ms CHIU's suggestion, C/EOC said that similar event could be held annually with consideration for a mid-year review on the progress of the agreed work. The mid-year review could be a half-day event or an internal review carried out by the Office for bringing to the Board's attention. Members expressed their appreciation to the Office for a well-organized Retreat.

Endorsement of Co-opted Member of CPPC

(EOC Paper No. 18/2013; Agenda Item No. 6)

15. Ms Garling WONG, Convener of the Community Participation and Publicity Committee (CPPC) introduced the background of Prof. T H TSE to Members, the nominee for CPPC co-opted membership and sought their approval on the appointment. Members noted that Prof TSE has been recognized internationally as the pioneer in integrating formal and practical methods in software engineering. He is a person with mobility difficulties and has been involved in various community organizations serving persons with disabilities. It was considered that Prof TSE's qualifications and wealth of experience would add value to the work of the CPPC.

16. Members approved the appointment of Prof. T H TSE as Co-opted Member of the CPPC until 19 May 2015 to coincide with the term of office of EOC Members.

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

Six Monthly Review of EOC's Work (January – June 2013)

(EOC Paper No. 19/2013; Agenda Item No. 7)

17. EOC Paper No. 19/2013 provided a statistical representation of the Commission's work and major work/project progress and court actions undertaken between January and June 2013. With reference to the Conduct of Legal Assistance Court Actions (status as at August 2013) in Annex 3 to the said paper, Dr John TSE noted that 6 out of the 12 cases reported therein were related to pregnancy discrimination in employment. He suggested more educational and promotional work be done targeting specific employer and employee groups where such discrimination was found to be common or blatant. The EOC Office would follow up.

18. In response to questions raised by Ms Susanna CHIU and Mr Z M QAMAR, HCCT said that the EOC provided fee-charging consultancy service to organizations upon request. In the period between January and June 2013, consultancy service was provided to two organizations with a total of 621 employees. The service included assistance provided to the organizations concerned in establishing, reviewing and implementing their EO policies. Members suggested to step up efforts in EOC's consultancy services to complement EOC's training efforts.

19. It was discussed at the Retreat held on 6 September 2013 that the number of organizations which had EO policies in place could be one of EOC's performance measurements. In order to facilitate more SMEs to establish their own EO policy, Ms Susanna CHIU suggested the Office to make ready easy-to-use self-help templates and guides on EOC's website. She also suggested the Office to liaise with professional bodies / associations to include training on EO in their professional training curriculum and promote an equitable workplace in their members' organizations and encourage them to establish EO policies. C/EOC agreed and added that he had recently started meetings with the presidents / vice chancellors of universities in Hong Kong with a view to assisting them to build an EO culture and promote the concepts of EO mainstreaming among the universities and their students, who would be

future leaders of the community.

20. In response to questions raised by Ms Susanna CHIU related to the complaints received in the past 6 months, D(Ops) said that the number and nature of the complaints received were similar to the same period last year. Roughly speaking, around 50% of the complaints received were on DDO, 30-40% on SDO and the rest were on FSDO and RDO. Among the complaints under DDO, most of them were in the field of employment and related to sick leaves and dismissals. For cases under SDO, they were mainly sexual harassment and pregnancy cases. For cases under FSDO, they were for example, related to overtime work in employment, and other non-employment issues such as breast-feeding facilities in shopping malls. As for cases under RDO, around 70% of the cases were related to provision of services and the rest are mainly related to employment issues.

(Ms Winnie NG and Dr John TSE left the meeting at this juncture.)

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. 20/2013; Agenda Item No. 8)

21. Members noted EOC Paper No. 20/2013 which presented important matters raised and decisions made at the meetings of the 4 Committees established under the EOC.

V. Any Other Business

18th Annual Meeting and Biennial Conference of the Asia Pacific Forum of the Asia Pacific Forum of National Human Rights Institutions

22. C/EOC reported that Members' approval had been given for Ms Susanna CHIU, Mr. Michael CHAN and himself to attend the Asia Pacific Forum Annual Meeting and Conference in Doha from 1 to 3 October 2013. The relevant budget for the attendance had also been approved. He would be given the

opportunity to speak on EOC's work at the Meeting.

23. C/EOC said that Members would be invited to represent the EOC to participate in more public functions including local and overseas meetings and conferences in the future so as to actualize the collective leadership role of the EOC Board agreed at the Strategic Retreat on 6 September 2013. Dr Sandra TSANG agreed to this direction which should also be applicable to EOC staff and facilitate capacity building. In response, C/EOC said that the Office would look for more training opportunities for staff, such as visits and short-term attachments.

Audited Accounts of the EOC for the Year Ended 31 March 2013

24. For the record, DPA reported that approval for the Audited Accounts of the EOC for the year ended 31 March 2013 had been given by Members in August 2013 and included in the Annual Report 2012/13.

25. There being no other business, the meeting was adjourned at 3:55 p.m.

VI. Date of Next Meeting

26. The next regular EOC meeting has been scheduled for 19 December 2013 (Thursday) at 2:30 p.m.