

**Minutes of the One Hundredth Meeting of
The Equal Opportunities Commission
held on 21 March 2013 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

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| Mr. LAM Woon-kwong, G.B.S., J.P. | Chairperson |
| Ms CHAN Ka-mun, Carmen, J.P. | |
| Ms CHAN Man-ki, Maggie, M.H. | |
| Ms CHIU Lai-kuen, Susanna | |
| Ms CHOI Hing-shi, M.H. | |
| Mr. LEE Luen-fai | |
| Ms NG Wing-mui, Winnie | |
| Mr. Zaman Minhas QAMAR | |
| Dr. TSANG Kit-man, Sandra | |
| The Hon TSE Wai-chun, Paul | |
| 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.
Mr. Amirali Bakirali NASIR, J.P.
Dr. TSE Wing-ling, John, M.H.

In attendance

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|---------------------------|-------------------------------------------------------------------------|
| 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] |
| Mr. Peter Charles READING | Legal Counsel [LC4] |
| 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 100th Meeting. Apologies for absence were received from Dr. KOONG May-kay, Maggie, Mr. LUI Tim-leung, Tim, BBS, JP, Mr. Amirali Bakirali NASIR, JP and Dr. TSE Wing-ling, John, MH due to clash of meeting schedules/other business engagements/out of town business.

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 99th Meeting held on 20 December 2012 and issued to Members on 17 January 2013 were confirmed without amendment.

III. Matters Arising (Agenda Item No. 2)

4. There were no matters arising from the last meeting that required Members' immediate attention in this meeting.

IV. New Agenda Items

Review of Work of the EOC in 2012

(EOC Paper No. 1/2013; Agenda Item No. 3)

5. EOC Paper No. 1/2013 provided a statistical representation of the work of the EOC in 2012, work/project progress and conduct of legal assistance actions in the second half of 2012.

(Ms Susanna CHIU, Dr Sandra TSANG, Mr. Nelson YIP and SAP joined the meeting at this juncture.)

6. In response to questions raised by Ms Maggie CHAN, CLC said that the full year figure on the number of applications for legal assistance received for 2011 and 2012 were 63 and 32 respectively as stated in Annex 1 of EOC Paper No. 1/2013 and budget was never a criterion for consideration in the granting of legal assistance. The reduction in the number of applications would in part be due to the higher conciliation success rate. In response to questions raised by Mr. Nelson YIP, HCCT said that the EOC offered consultancy service at a fee to organizations asking for assistance in establishing/reviewing their equal opportunities policy. In the past years, there were only a few requests received for such service, e.g. in 2011 there was no such request whereas in 2012, 2 consultancy service were provided.

7. Members noted EOC Paper No. 1/2013.

EOC's Thematic Work Plan for 2013/14

(EOC Paper No. 2/2013; Agenda Item No. 4)

8. Members considered EOC's thematic work plan for 2013/14 as contained in EOC Paper No. 2/2013. Members noted that the work plan had taken into account operational experience and new initiatives required and as discussed in the 4 Committees and by the Board. One of the major work priorities for 2013/14 was the review of discrimination law which had been put under Agenda Item 6 for Members' consideration. It was also noted that when the new Chairperson was on board, he might review and propose adjustments to the priorities as appropriate.

9. Members expressed their views on the EOC's future work direction. Ms Maggie CHAN suggested that the EOC should seek more resources to back up its work on a wider scope beyond the existing 4 legislation to meet the rising expectation of the public. Mr. LEE Luen-fai expressed that the EOC could consider enhancing and promoting its services aimed at appropriately helping more aggrieved persons. He said that it would be important for the public to more clearly understand EOC's role and service, and in what ways and how we could help them, for example, in understanding the protected areas and lodging a

complaint. Ms Winnie NG opined that the EOC should consult the public on the need for new protected attributes under the discrimination law like age and sexual orientation, which appeared to be prevailing important concerns in the society.

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

10. The Hon Paul TSE suggested that more education and promotion could be done to promote equal opportunities for people with different sexual orientation and new migrants, which were currently outside EOC's jurisdiction. Ms Susanna CHIU opined that it was essential to promote equal opportunities from childhood and cultivate an awareness of equal opportunities in children and young people. Concepts of equal opportunities should be incorporated into the school curriculum. She also suggested the EOC to organize more in-depth promotional programmes targeting specific groups and using different means in effectively reaching out to them. Mr. Zaman QAMAR and Ms Garling WONG also suggested more publicity and educational programmes to promote cultural diversity and increase public understanding of EMs in Hong Kong.

11. On EOC's training and consultancy work, Mr. Nelson YIP viewed that although there has not been much consultancy work, all employees from the organizations concerned would benefit. He added that for the purpose of EO mainstreaming, instead of imposing a monetary charge for our consultancy work, the organization concerned could reciprocate in kind through "extended delivery" by organizing training courses for their own staff through their in-house trainers, after acquiring the knowledge from the EOC. In response to questions raised by Dr. Sandra TSANG on EOC's staffing resources in the complaints handling function, DPA said that there were several entry level officer vacancies due to staff promotion to a higher rank. To fill the vacancies, the Commission had taken the opportunity to introduce an Officer Trainee Scheme with the objective of building a team of multi-skilled officers. The Officers would have to be exposed to other functional areas outside complaints handling to acquire different knowledge and competencies. To facilitate the rotational posting, two additional posts outside normal establishment were created. The recruitment has taken some time due to the large number of applications and the time

required to work out the details of the Scheme. All vacancies have since been filled and the successful candidates would commence employment in early April. C/EOC added that with more multi-skilled employees in the EOC, its flexibility in staff deployment would be much enhanced.

12. Members noted EOC Paper No. 2/2013.

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. 3/2013; Agenda Item No. 5)

13. Members considered EOC Paper No. 3/2013 which presented important matters raised and decisions made at the meetings of the 4 Committees established under the EOC.

14. Ms Susanna CHIU, Convener of A&FC reported that all the EOC performance targets for the calendar 2012 (whole year) had either been met or exceeded. EOC staff's hard work in achieving the good performance on all fronts was much appreciated. In addition, in the last A&FC Meeting, Members had considered the EOC's draft budget for 2013/14, which was now put under Agenda item 7 for discussion. Ms CHIU informed that a deficit budget was expected for 2013/14. Details were contained in EOC Paper No. 4/2013.

15. Members noted EOC Paper No. 3/2013.

(Members proceeded to discuss EOC Paper No. 4/2013 at this juncture)

Draft Annual Budget of the Commission for 2013/14
(EOC Paper No. 4/2013; Agenda Item No. 7)

16. EOC Paper No. 4/2013 outlined the draft annual budget for 2013/14. The draft budget had been considered and endorsed by A&FC. Ms Susanna CHIU, Convener of A&FC reiterated that a deficit budget was expected for

2013/14 as there would be insufficient funds from the recurrent account to cover all the projected expenditures. A large portion of the estimated deficit was due to the increase in office rent as EOC's submission to the Government for additional subvention to cover the rental increase was turned down. A&FC Members considered it unreasonable for the Government not to provide additional subvention for rent increase which was a recurrent expenditure item.

17. ACCT briefed Members on further details on the variance between the EOC's budget for 2012/13 and the draft budget for 2013/14, and explained the need to set aside \$9.42M from the General Reserve to meet the projected expenditures in 2013/14 and 2014/15 as listed in paragraph 7 of EOC Paper No. 4/2013.

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

18. Members expressed their views on EOC's budget. Ms Susanna CHIU said that it was important for the EOC to maintain a balanced budget as would be expected by the public. Mr. LEE Luen-fai said that the EOC should be provided with a permanent office premises so that it could operate independently free from financial risks arising from rental market fluctuations. Dr. Sandra TSANG stressed that the EOC should not need to worry about its recurrent budget in the performance of its functions.

19. After deliberations, Members approved the proposal to set aside \$9.42M from the General Reserve for use as listed in paragraph 7 of EOC Paper No. 4/2013. The EOC Office was requested to arrange a meeting for Members to meet with the relevant Government officials as soon as possible to discuss recurrent subvention for EOC's additional rental, the purchase of a permanent office when its lease expired in December 2014 and if relocating to another office building was required in due course, to request the Government to directly make arrangements to set up the new office.

(Members proceeded to consider EOC Paper No. 5/2013 at this juncture)

The Discrimination Law Review

(EOC Paper No. 5/2013; Agenda Item No. 6)

20. EOC Paper No. 5/2013 provided information on a comprehensive review of the existing four anti-discrimination ordinances to be undertaken with the objective to modernize and harmonize them and to consider whether protections should be given to new groups in the discrimination law. CLC briefed Members on the paper.

21. Members noted that an internal working group would be set up to look into the subject and a draft consultation document was in the process of being produced and stakeholders and the public would be consulted in due course. Members would be kept posted on the developments and they were invited to join the discussion of the working group when more details were available.

[Post-meeting note: A Special EOC Meeting has been scheduled for 18 April 2013 (Thursday) from 4:30pm to 6:30pm in the EOC Conference Room to consider further details of the Discrimination Law Review.]

22. Members noted EOC Paper No. 5/2013.

V. Any Other Business

Tea Gathering to celebrate the 100th EOC Meeting

23. As this was EOC's 100th meeting, Members would have a celebration informally at a nearby venue after the meeting.

Vote of Thanks

24. Ms Susanna CHIU moved and Members supported in expressing their heartfelt thanks to the Chairperson, Mr. W K LAM for his leadership and contribution to the Commission in the past 3 years. Under his leadership, the work of the EOC had been brought to a new height and public's confidence in the EOC had been significantly enhanced. Mr. W K LAM thanked Members for their support in the past years and expressed that his work in the EOC had

been the most meaningful among his past 40 years of work.

25. There being no other business, the meeting was adjourned at 5:00 p.m.

VI. Date of Next Meeting

26. The next meeting would be a Special EOC Meeting scheduled for 18 April 2013 (Thursday) from 4:30pm to 6:30pm in the EOC Conference Room. The next regular EOC meeting has been scheduled for 20 June 2013 (Thursday) at 2:30 p.m.

Equal Opportunities Commission
April 2013