

**Minutes of the One Hundred and Seventh Meeting of
The Equal Opportunities Commission
held on 18 September 2014 (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.	[via telephone conference]
Ms CHOI Hing-shi, M.H.	
Dr. KOONG May-kay, Maggie, B.B.S.	
Dr. Trisha LEAHY, B.B.S.	
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.	
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
Prof. Hon LEE Kok-long, Joseph, S.B.S., J.P.
The Hon TSE Wai-chun, Paul, 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 Officer [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 107th Meeting. He informed the Meeting that Ms CHIU Lai-kuen, Susanna would join the meeting via telephone conference. Apologies for absence were received from Mr. CHOW Ho-ding, Holden, Prof. Hon LEE Kok-long, Joseph, and The Hon TSE Wai-chun, Paul, due to clash of meeting schedules/other business engagements/out of town business. Also, Ms NG Wing-mui, Winnie and Mr Amirali Bakirali NASIR had to leave the meeting earlier to attend to other 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. Draft minutes of the 106th EOC Meeting issued to Members on 18 July 2014 were confirmed without amendment.

III. Matters Arising (Agenda Item No. 2)

4. Members noted that matters arising from the last Meeting requiring immediate attention had been placed under the new agenda for this meeting for consideration.

IV. New Agenda Items

Progress on The Discrimination Law Review

(EOC Paper No. 18/2014; Agenda Item No. 3)

5. EOC Paper No. 18/2014 reported on the progress of the Discrimination Law Review (DLR). CLC said that the DLR public consultation started on 8

July 2014 was now proceeding at full speed. As the feedback form designed for the public to provide their views on the DLR was easy to use, up to the present, more than 2000 submissions were received though many of the views expressed were not in-depth. The issues of “extending coverage for nationality, citizenship and Hong Kong residency status” and “clarifying coverage for de facto spouses” had generated intense discussion at the public consultation sessions held.

(Mr ZM QAMAR joined the meeting at this juncture.)

6. C/EOC supplemented that the 4 public consultation sessions were successfully held according to plan and the meetings with stakeholder groups were on-going. The 3 month-consultation period would end on 7 October 2014. However, there might be individual stakeholder meetings arranged before the end of the consultation period to be held on a date after 7 October 2014. Nevertheless, all views from the public collected from the public sessions, stakeholder meetings and the submissions would be systematically analyzed, and a report with recommendations would be prepared for submission to the Government earliest in the 2nd Quarter of 2015 to consider for appropriate enhancements in the law.

7. In response to questions posed by Ms Susanna CHIU, CLC said that the participants of the stakeholder meetings included all concerned parties invited by the respective stakeholder groups, and same as those of the public consultation sessions, the most concerned areas of the participants in the stakeholder group meetings were also on the issues related to extending coverage for nationality, citizenship and Hong Kong residency status as well as de facto spouses.

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

8. Members noted EOC Paper No. 18/2014.

(Post-meeting note: Owing to the intense interest of the public, the EOC has announced that it would receive written opinions until 31 October 2014)

Progress on the setting up of a dedicated Multi-ethnic Task Force

(EOC Paper No. 19/2014; Agenda Item No. 4)

9. EOC Paper No.19/2014 reported on the progress of setting up of a dedicated multi-ethnic Task Force.

10. It was reiterated that the objective of setting up the Task Force was to promote racial integration and advance equal opportunities for EMs, with recurrent funding of \$4.69M from the Government. C/EOC reported that 7 new staff handling various functions would be recruited into the Task Force and existing staff would also join the Task Force for specific projects when the need arose. The new posts had been advertised and response was encouraging. The senior officer post in the Task Force would be recruited first. When a suitable candidate was on board, he/she would then assist in the recruitment for the other staff. It was hoped that all suitable staff would be identified together with a work plan to be mapped out in the next 3 months.

(Mr Nelson YIP joined the meeting at this juncture.)

11. Members noted EOC Paper No. 19/2014.

Report on LGBTI Symposium held on 28, 29 August 2014

(EOC Paper No. 20/2014; Agenda Item No. 5)

12. C/EOC highlighted to Members the salient points contained in EOC Paper No. 20/2014 which reported on the LGBTI Symposium held on 28, 29 August 2014.

13. Members noted that the symposium was successfully held on 28 and 29 August 2014. Feedback collected from participants on the symposium was very positive. Over 80% of the respondents considered the speakers/moderators very informative, clear and well prepared. The respondents were also especially impressed by the content of the symposium with 90% rating it as excellent or good. Members also noted that there were a

few respondents considered the symposium “very unsatisfactory” stating that the speakers were all pro-LGBTI and the content of the symposium was one-sided.

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

14. C/EOC said that the few respondents expressing dissatisfaction on the symposium was understandable. On the way forward, more exchange forums could be arranged inviting more Hong Kong and Asian speakers from various sectors with different views to share knowledge and experiences on how to advance the rights of LGBTI people and protect them from discrimination. The coming public forum scheduled for 27 September 2014 arranged by the Gender Research Centre of the HK Institute of Asia Pacific Studies of CUHK, the research team conducting the “Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status” commissioned by the EOC, was a good forum for hearing out different views on LGBTI from various sectors. In addition, the EOC Office had invited Rev Duncan Dormor, who was President and Dean of Chapel of St. John’s College in the University of Cambridge to conduct a talk to EOC Members and staff on 8 October 2014 afternoon. Rev Dormor lectured on sociology of religion in the Divinity Faculty. He was one of the expert speakers in the symposium, at which he spoke on “The Christian Churches and LGBTI Rights: Negotiating the Challenges to Inclusivity”. The talk to be held on 8 October 2014 would be another good chance to learn more about LGBTI and exchange views. The Office would consider extending invitations to religious groups for attending the talk by Rev Dormor.

15. DPA added that there were a number of questions posed by participants of the symposium that had not been addressed due to time constraint. Those questions had been passed to the speakers for responses. Responses on the questions from the speakers when received would be put on the special website created for the symposium for participants’ as well as the public’s reference.

Six Monthly Review of EOC’s Work (January – June 2014)

(EOC Paper No. 21/2014; Agenda Item No. 6)

16. EOC Paper No. 21/2014 provided a statistical representation of the Commission's work and major work/project progress and court actions undertaken between January and June 2014.

(Dr Maggie KOONG joined, Mr AB NASIR left the meeting at this juncture.)

17. D(Ops), CLC, HCCT and HPR highlighted to Members the work progress of their respective division/unit as contained in the paper. In response to a question raised by Mr ZM QAMAR on the decrease of visitors and hit rates to EOC's website, DPA said that although the exact reasons were not known, the position would be monitored. Additionally, the EOC's website had been revamped the year before and visitors should now find it easier to locate and access information. This might possibly explain why there was a decrease in the number of hit rates. C/EOC said that the EOC's website content was rich and up-to-date. To provide a more complete picture on the use of EOC's electronic information, the Office could also include the usage information of EOC's smart phone apps in the next report.

18. On the Planning and Administration side, DPA highlighted to Members that the EOC had been granted 3 awards in 2013/14 which included the "Outstanding Inclusive Organization Award", "ERB Manpower Developer Award" and "Distinguished Family-Friendly Employers Award" and expressed his appreciation to Members and colleagues for their support.

EOC Annual Forum

(EOC Paper No. 22/2014; Agenda Item No. 7)

19. DPA briefed Members on the details contained in EOC Paper No. 22/2014 which presented the proposal on organizing the 2014 EOC Annual Forum.

20. Members noted that the 2014 Annual Forum had been scheduled for Thursday, 13 November 2014 afternoon at the Auditorium on the Shek Mun Campus of the Hong Kong Baptist University. As the EOC has organized

different forums in the current year to collect and exchange views with stakeholders, such as the DLR and the LGBTI study, for this year's Annual Forum, it was proposed that the focus would be to explain the work progress on EOC's strategic priorities specifically on:

- i. "Learning Chinese as a Second Language by EM Students and Integrated Education for Students with Special Education Needs",
- ii. "Age Discrimination in Employment"

21. In addition, committee conveners would also outline EOC's major work achievements.

22. DPA said that the Chief Executive had stated in his policy address that the Government would provide additional resources in 2014/15 and beyond to address the issues faced by the EM students and students with special education needs. Responsible government officials had already accepted EOC's invitation to speak at the forum and would be asked to provide an update on their initiatives taken, yardsticks for measuring effectiveness and the way forward.

23. On Age Discrimination in Employment, Members were informed that it was an issue which stakeholders at the 2013 Forum said that the EOC should accord the highest priority. The findings of our "Study on Discrimination in the Hong Kong Workplace" revealed that 18% of the respondent have alleged to have experienced discrimination or harassment when seeking a job or at work. Among them, the most common type of discrimination was age discrimination (64%). DPA informed the Meeting that Prof Randy CHIU, former EOC Member had kindly agreed to speak on "*Age Smart Management*" at the coming forum. The EOC would also outline its work in relation to the Exploratory Study on Age Discrimination in Employment now in progress.

24. Based on the spending pattern of the past two forums, it was proposed to set aside a budget of \$60,000 for organizing the 2014 Annual Forum.

25. C/EOC said that the annual forum was a good chance for the EOC to

outline its progress of work and introduce new initiatives to the public. For the Q&A session following the presentations, participants would be asked to focus on the theme of this year's forum since there were already other avenues to collect stakeholder's views and feedback on areas of work such as the DLR and the LGBTI Study. The previous annual forums were held on the Hong Kong side and this time a location in the New Territories was selected in response to participants' suggestions that future forums could also be held in Kowloon or the New Territories. The venue selected on this occasion was very near to the Shek Mun MTR station and within walking distance. He requested Members to make themselves available for the forum as far as possible.

26. Members endorsed the proposed EOC Forum 2014 and the budget of \$60,000 for the forum as detailed in EOC Paper No. 22/2014.

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. 23/2014; Agenda Item No. 8)

27. EOC Paper No. 23/2014 presented important matters raised and decisions made at the meetings of the 4 Committees established under the EOC.

28. On the report of the CPPC, Ms Garling WONG said that if budget was available, messages on promoting EO could be placed on tram cars which had proven to be very effective. On the work of the LCC and PARC, Dr Sandra TSANG suggested and Dr John TSE agreed that it was worth building up a database of common terminology used related to discrimination to ensure consistency. Ms Susanna CHIU reported that the two sets of EOC's audited accounts for the year ended 31 March 2014 had been endorsed by the A&FC and had since been approved by the Commission. The EOC's financial status was sound and healthy. The A&FC had also noted the progress of the EOC's structural review which would also be considered in this meeting and had endorsed the review and the proposed changes on the staff consultative group constitution and staff representatives election process, which were conducive to good governance.

29. C/EOC thanked the hard work of the 4 EOC Committees. Members noted EOC Paper No. 23/2014.

Chairperson's Quarterly Report

(EOC Paper No. 24/2014; Agenda Item No. 9)

30. EOC Paper No. 24/2014 presented to Members the Chairperson's first quarterly report. C/EOC highlighted to Members the salient points contained in the paper which included the EOC's position statements, review of staff and functional structure, internal communications, important work areas and the public expectation of EOC's role.

31. Members noted that C/EOC had met all the Presidents/Vice Chancellors or their representatives of the local tertiary institutions inviting them to nominate senior staff members responsible for overseeing equal opportunities matters to join a network group coordinated by the EOC to promote equal opportunities in the tertiary institutions. The response was encouraging and nominations have already been received. Dr John TSE commented that the network group was a good initiative and would help the institutions to establish/enhance their EO policies to cater for students with different needs to ensure equal opportunities for all.

32. In response to comments made/questions raised by Members related to the SH problems which were quite common in the orientation camps, HPR said that the EOC Office had organized a workshop in June 2014 for university student leaders on preventing sexual harassment in organizing student activities, such as orientation camps for freshmen. Student leaders from 5 universities had participated. Ms Susanna CHIU suggested communicating with the student leaders in those institutions which had not participated in the above-mentioned workshop to encourage them to participate in similar workshops in the future. C/EOC added that the Office could write to the tertiary institutions that still had issues of SH in their students' activities recently to remind them of their vicarious liability. He would also reiterate this message in the network group.

33. In response to a question raised by Ms Su-Mei THOMPSON, C/EOC said that he had not issued position statements which involved political issues not related to EOC's work, such as those related to Occupy Central.

Interim Report on the Review of EOC Staff and Functional Structure

(EOC Paper No. 25/2014; Agenda Item No. 10)

34. C/EOC provided an update on the Review of EOC Staff and Functional Structure which was now in progress. Members noted that one of the objectives of the review was to provide a clear career path and training opportunities for staff to develop into professionals in equal opportunities. Such professionalism would also be useful in other organizations outside the EOC. As of present, he had met EOC staff at senior, middle and frontline levels to hear their views. Many of them recognized the importance of becoming multi-skilled but were concerned about the impact of restructuring. Many expressed that they did not want to have changes that were too many and too fast. C/EOC also had met a number of Members and would meet with other Members to solicit their views. Two former EOC Members, Prof Randy CHIU and Mr LEE Luen-fai would also assist in the review. Another external expert, who had extensive experience in human rights policy and alternative dispute resolution, had also agreed to help out in this exercise. It was expected that a concrete proposal on an appropriate structure for the EOC would be ready for Members' advice in the December 2014 Board Meeting and when Members' endorsement was given, the proposal could be implemented in early 2015.

35. In response to a question raised by Dr Maggie KOONG, C/EOC said that there were now 6 trainees in the Officer Trainee Scheme who were recruited in one go. He said that EOC would continue to recruit trainee officers with the objectives of developing them into multi-skilled officers. However, as close supervision and comprehensive training had to be provided, the optimal number to be recruited annually would be 1-2 new trainees in future. During their training period in the first 3 years, they would be posted to various functions of the EOC to gain all round exposure and experience and after that, they could settle in a designated post.

(Ms Susanna CHIU left the meeting at this juncture.)

36. Dr. John TSE said that he would like to know more about the details on the formation of a Journal Club, aimed for enhancing staff, skills and knowledge, and where for example staff would explore specific subjects on discrimination and equal opportunities in details and provide evaluations, after the idea has been given further consideration.

37. Dr John TSE and Dr Sandra TSANG agreed to the direction of the review and requested that the final proposal on the structure for the EOC should be fully deliberated by Members before implementation.

V. Any Other Business

Retreat for Members

38. Dr Sandra TSANG opined that the last Members' Retreat was very successful and a good forum for Members to get together to consider future strategic work directions and priorities. She suggested organizing another Retreat for Members. C/EOC agreed and said that the best timing to organize the Retreat would be after the current structural review. The EOC Office to follow up.

Concerns expressed by a number of Religious Groups, Pro-family Value Groups and some Individuals relating to the Chairperson's Decision to relieve an Employee from his DLR Duties (copy of letters and emails tabled)

39. Members considered the concerns expressed by a number of religious groups, pro-family value groups and some individuals via letters and emails relating to the Chairperson's decision to relieve an employee from his DLR duties, as tabled. Members present expressed their views and they all supported the Chairperson's decision on this matter in relation to the employee's views on LGBTI.

40. Ms Garling WONG expressed that the EOC should stand firm to protect LGBTI people from discrimination. Dr John TSE said that C/EOC could attend functions organized by different groups related to anti-discrimination including those organized by LGBTI groups as well as religious and pro-family value groups. Dr Sandra TSANG agreed with Dr TSE and further suggested that the EOC should consider thoroughly all implications of LGBTI matters and educate the public based on findings and evidence from researches and studies. Dr Trisha LEAHY opined that individual's values should be respected but one should not intervene with the others' right to live in their own way.

41. Mr ZM QAMAR and Dr Maggie KOONG were comfortable with what C/EOC was doing and thought that he should continue to do the same. Mr Tim LUI considered it was one of EOC's duties to participate and lead the discussion on matters related to discrimination. C/EOC should accord equal access to all stakeholders to express their views and participate in their discussions. C/EOC responded that he had met and discussed this subject with various stakeholder groups holding different views.

42. Mr Nelson YIP agreed to what C/EOC was advocating regarding LGBTI peoples' right to be free from discrimination. He added that minority groups, such as LGBTI people as well as PWDs, should also be more vocal and voice out their own stance. Ms CHOI Hing-shi supported C/EOC to promote and educate the public on protecting LGBTI people from discrimination and whether new laws should be enacted would be subject to further discussions of the community. Ms Su-Mei THOMPSON said that what C/EOC was doing was highly commendable but just as important was the manner in which C/EOC conducted himself – with humility and a willingness to listen – which reflected well on the EOC. She added that the feedback she had received in particular from the business community was overwhelmingly positive.

43. C/EOC thanked Members' views and support given to his work. Being the public face of the EOC, he would continue to act in accordance with the mission and vision of the EOC to create a pluralistic and inclusive society free from discrimination. Regarding the rights of LGBTI people, he would support

rational discussions and exchange of views by both the pro and anti LGBTI rights groups in the public domain. The EOC respected freedom of belief of our colleagues. They could participate in religious activities and share with friends and family members and have their own position on religion in their private capacity. However, if such views were to be expressed in public and if the subject in question was related to EOC's work, prior declaration to the EOC was necessary and approval given according to EOC's established policies and procedures on Code of Conduct. In accordance with the Code, it would be the employee's responsibility to report to the supervisors on situations when conflict of interest might arise or have arisen and make full disclosure of the interests.

44. Members unanimously agreed that C/EOC has acted in accordance with EOC's mission and vision and fully supported his work in the EOC. An appropriate letter would be issued to the party concern, reiterating EOC's position.

Senior EOC Staff Movements

45. C/EOC informed the Meeting that two senior staff, Messrs Joseph LI, Director (Operations) and Herman POON, Chief Legal Counsel would be leaving the employment of the EOC, shortly on completion of their contract. He thanked both Mr LI and Mr POON for their contributions and dedicated service in the past 18 years since the EOC's establishment. Members also expressed their appreciation for their hard work and support.

46. Mr Joseph LI and Mr Herman POON thanked Members for their guidance and support. They both valued the good working relationship with Members and friendship with colleagues gained in the EOC.

47. There being no other business, the meeting was adjourned at 4:45 p.m.

VI. Date of Next Meeting

48. The next regular EOC meeting has been scheduled for 18 December

RESTRICTED
(cleared for publication)

2014 (Thursday) at 2:30 p.m.

Equal Opportunities Commission
October 2014