

**Minutes of the One Hundred and Eleventh Meeting of  
The Equal Opportunities Commission  
held on 17 September 2015 (Thursday) at 2:30 p.m. in the  
Equal Opportunities Commission's Conference/Training Room**

**Present**

Dr. CHOW Yat-ngok, York	Chairperson
Mr. CHAN Chi-kin, Ivan	
Prof. CHOI Yuk-ping, Susanne	
Dr. KOONG May-kay, Maggie, B.B.S.	
Dr. Trisha LEAHY, B.B.S.	
Prof. Hon LEE Kok-long, Joseph, S.B.S., J.P.	
Ms LEUNG Chung-yan, Juan	
Ms Shirley LOO, M.H., J.P.	
Mr. Amirali Bakirali NASIR, J.P.	
Mr. Zaman Minhas QAMAR	
Ms Su-Mei THOMPSON	
Mr. YIP Siu-hong, Nelson, M.H.	
Mr. Michael CHAN Yick-man	Secretary Director, Corporate Planning & Services [DCPS]

**Absent with apologies**

Ms CHIU Lai-kuen, Susanna, M.H.  
Mr. CHOW Ho-ding, Holden  
Ms Elizabeth LAW, M.H., J.P.  
Dr. TSANG Kit-man, Sandra, J.P.  
Miss YU Chui-yee, M.H.

**In attendance**

Ms Agnes MAN Ngar-yin	Director, Complaint Services [DCS]
Mr. Ivan LUK Chi-cheung	Chief Legal Counsel [CLC]
Dr. Ferrick CHU Chung-man	Head, Policy, Research and Training [HPRT]
Ms Shana WONG Shan-nar	Head, Corporate Communications [HCC]
Mr Peter READING	Legal Counsel [LC4] (For Agenda Item 3 only)
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 111<sup>th</sup> Meeting. Apologies for absence were received from Ms Susanna CHIU, Mr Holden CHOW, Ms Elizabeth LAW, Dr. Sandra TSANG and Miss YU Chui-yea due to clash of meeting schedules / 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 draft minutes of the 110<sup>th</sup> EOC Meeting which incorporated the proposed amendments by Mr Holden CHOW and Dr Trisha LEAHY issued to Members on 14<sup>th</sup> August and 10<sup>th</sup> September 2015 were confirmed.

**III. Matters Arising (Agenda Item No. 2)**

4. Members noted that matters arising from the last meeting requiring 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. 19/2015; Agenda Item No. 3)

5. The latest progress of the Discrimination Law Review (DLR) was stated in EOC Paper No. 19/2015. LC4 informed Members that the EOC was analyzing the approximately 130,000 responses received. The analysis of the responses received from organizations would be separated from those of

individuals given that the nature of their responses was generally quite different. A draft report summarizing the public consultation process and the responses received was being prepared. It would provide both statistics on the quantitative number of responses and the qualitative reasoning for responses to all the questions. In relation to developing the submissions to the Government, the EOC's internal DLR Taskforce had made arrangements for internal meetings of all the Divisions in the EOC to obtain their views on the priorities for the submissions. After the DLR Taskforce had discussed the views of staff and possible priorities, it would make recommendations to the EOC senior management and EOC Members on the priorities and structure of the submissions to Government. Similar to the process employed in developing the DLR consultation document, special EOC meeting(s) would be held in order that Members' comments and suggestions on the priorities and submissions to the Government could be taken into account fully.

6. C/EOC said that the submissions to Government needed to be prioritized with detailed reasoning for EOC's positions. Although the Government might not take on board our recommendations quickly, communicating EOC's priorities in the submissions to stakeholders, the media and the Government was by itself a wide public education exercise to raise awareness and increase understanding of the various discrimination issues faced in Hong Kong. In response to a question raised by Ms Su-Mei THOMPSON, LC4 said that from the responses analyzed so far, it was noted that for many of the questions, there were more than 50% of the responses from organizations which agreed to the consultation proposals. In relation to responses from organizations, evidence and reasons were more often provided to substantiate the arguments in cases where they supported or not supported the consultation questions. For submissions from individuals, they were mostly template answers that might indicate misunderstanding of the consultation questions and the issues concerned. C/EOC remarked that protection from discrimination was mainly for the minorities in the society, hence, the major focus should be on the reasons behind instead of the number of responses received.

7. Members noted EOC Paper No. 19/2015.

*(LC4 left the meeting at this juncture.)*

**Six Monthly Review of EOC's Work (January – June 2015)**

(EOC Paper No. 20/2015; Agenda Item No. 4)

8. DCPS introduced EOC Paper No. 20/2015 to Members. In response to a question raised by Mr ZM QAMAR, DCS said there had been a surge in the number of enquiries received from January to June last year related to sexual orientation discrimination and the number of enquires received for the same period this year was back to normal level. C/EOC added that the major topical social issues of concern to the public in the relevant period could also have a bearing on the number of enquiries recieved.

9. In response to comments and suggestions expressed by The Hon Prof Joseph LEE, Mr AB NASIR and Mr Ivan CHAN, DCS said that there were pledges and indicators measuring the performance of EOC's services, such as the conciliation rate, timing for concluding a complaint, and the customer satisfaction survey could also reflect EOC's performances. In response to a question from The Hon Prof Joseph LEE, DCPS said that the heading of Annex I to EOC Paper No. 20/2015 could be revised to better describe the information provided and a footnote or remark could be inserted to explain the probable reasons behind the changes recorded.

10. In response to a question raised by Mr Ivan CHAN, C/EOC said that he had started the networking meetings with the Presidents or their representatives of local tertiary education institutes in 2013 with a view to further enhancing the promotion of equal opportunities in the institutes. Senior staff members from these institutes had since been nominated to join a network group initiated by the EOC. Regular meetings of the network group were held to discuss issues like prevention of sexual harassment in orientation camps and support provided to students with special educational needs etc. The network group was a long-term platform for collaboration of efforts and sharing of new initiatives undertaken to further equal opportunities in tertiary education institutes. As regards student participation in the network group, the Office could explore if there were any networking possibilities with the student unions of these

institutes. Members were informed that the number of participants in the training offered to students on the prevention of sexual harassment in organizing student activities had significantly increased this year. The EOC would continue its work in this area.

11. Members noted EOC Paper No. 20/2015.

**EOC Annual Forum 2015**

(EOC Paper No. 21/2015; Agenda Item No. 5)

12. DCPS briefed Members on the objectives, the themes, proposed date, time, venue and the draft programme rundown for the EOC Annual Forum 2015 as contained in EOC Paper No. 21/2015.

13. Members noted that the EOC Annual Forum 2015 has been proposed to be held on 24 November 2015 from 1:15pm to 6:30pm at the auditorium of the Hong Kong Federation of Youth Groups Building at North Point. C/EOC requested Members to mark their diary to attend the Forum which was a good channel to exchange views with stakeholders. In response to a question raised by Ms Su-Mei THOMPSON, C/EOC said that the findings of the research projects under the Research Funding Programme 2013/14 would be reported in the coming Forum as part of the work of the Policy, Research and Training Committee.

14. Members noted EOC Paper No. 21/2015.

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

(EOC Paper No. 22/2015; Agenda Item No. 6)

15. Dr Maggie KOONG, Convener of CPPC; Prof Susanne CHOI, Convener of PRTC and DCPS highlighted to Members the major work of the CPPC, PRTC and A&FC in the past quarter respectively.

16. Regarding the work to promote equal opportunities for English-speaking students with special educational needs, C/EOC said that there was a training scheduled for the following week for English school principals and teachers to introduce EO laws to them with the aim that they would become more supportive to equal opportunities for students with special needs. On the promotion of EO to private kindergartens, HPRT said that the Education Bureau had arranged for the EOC to conduct two seminars in July for principals and directors of kindergartens before this year's student admission. C/EOC said that the subject would be one of the topics for discussion in the meeting with officials of the Education Bureau scheduled for mid October.

17. On the work to prevent sexual harassment in the business sector, Members noted that to secure co-operation from employers, instead of saying that employers should prevent sexual harassment, otherwise they would violate the law, a better approach would be to say that it made good business sense to prevent and to deal with sexual harassment cases, as a good employer. A questionnaire survey would also be conducted for the health and welfare sector in the coming year. On the EOC's manpower to support research work, C/EOC said that the vacant post from the recently resigned staff would be filled as quickly as possible and Prof Susanne CHOI said that given the manpower constraint, there would be a need to prioritize but the overriding consideration was that the quality of the research work should not be compromised.

18. Ms Shirley LOO said that she had recently had discussions with several middle level female ex-members of the restaurant industry who expressed that they all had experienced sexual harassment but they did not know they could lodge complaints with the EOC. More promotional work needed to be done in this area. She also supported the suggested approach to promote anti-sexual harassment in the business sector as it would be more effective.

19. C/EOC added that a consultation being conducted by the Hong Kong Exchanges and Clearing Limited (HKEx) on some proposed changes to its Environmental, Social and Governance Reporting Guide aimed at strengthening the disclosure requirements included compliance to Hong Kong law, such as discrimination law. The EOC had written to support the amendments of the

wordings to compliance with relevant laws and legislation that have a significant impact relating to equal opportunities, diversity, anti-discrimination, amongst others. If directors of listed companies were required to disclose what they had done to prevent discrimination including sexual harassment, it would be useful in driving positive changes in the business sector. Mr AB NASIR added that the new Companies Ordinance that would take effect next year also required companies to prepare in their annual reports a business review that is more analytical and forward-looking to help assess how the directors have performed their duties. In particular, there is a requirement to include information relating to environmental and employee matters that have a significant impact on the company which is in line with international trends to promote corporate social responsibility. As suggested by Mr AB NASIR, C/EOC said the Office would follow up with the HK Institute of Directors to see if statistics and information relating to discrimination issues and equal opportunities would be disclosed as part of the performance assessment for directors.

20. On the formation of an Advisory Committee on EOC's work related to the promotion of EO for EMs, DCPS said that 6 to 7 Members already signed up to join and C/EOC said that he hoped there would also be external advisers joining the Advisory Committee to help steer the work in this area. The first meeting would be held after the Committee's membership has been finalized. In response to a suggestion from Mr ZM QAMAR, DCPS said that in addition to reporting at EOC Committees where required, a separate report on the work of the EM Unit could be provided on a quarterly or half yearly at the EOC meetings in future.

21. Members noted that the renovation work of the additional leased office at 13/F, Cityplaza Four had been completed. The Policy, Research and Training Division would be relocated to the newly leased office on 19 September 2015.

22. Members noted that the A&FC had considered a draft Policy on Handling Particular Situations – Habitual or Vexatious Behaviors of clients which would be put on pilot run first. Based on experience gathered in the pilot run, the A&FC would further consider the draft policy and procedures

before they incorporating into the EOC's Human Resources & Administration Manual as a standing policy. On the use of the word "clients" in the draft policy, Prof Susanne CHOI said that it should be replaced by "service users" to more accurately reflect that the policy was referenced to those who required EOC's service.

23. Members noted EOC Paper No. 22/2015.

**Chairperson's Quarterly Report**

(EOC Paper No. 23/2015; Agenda Item No. 7)

24. Members noted that EOC Paper No. 23/2015 on a summary of the Chairperson's work for the period from mid June to mid September 2015. C/EOC said that the main purpose of the paper was to keep Members abreast of the major work he had done and the position statements issued on topical issues, line-to-take in response to media reports and some key observations/comments made by him and the public functions he attended related to EOC's work. Comments and advice from Members were always welcome.

*(Mr ZM QAMAR left the meeting at this juncture.)*

**Implementation Progress of the Review of EOC Staff and Functional Structure** (EOC Paper No. 24/2015; Agenda Item No. 8)

25. C/EOC briefed Members on the latest progress on the implementation of the EOC Staff and Functional Structure as contained in EOC Paper No. 24/2015.

26. Members noted that the recruitment of the Chief Operations Officer (COO) was near completion following an open and competitive recruitment process with the help from 5 EOC Board Members to form the selection board together with the Chairperson. When the COO was in post, the revised authorities and powers approved by the Board at the last meeting would take effect. Recruitment of other posts under the new structure was in progress. Some functional titles of EOC officers had also been changed to better reflect their duties and facilitate their daily work. Mr AB NASIR suggested the EOC



could describe itself as a “socially responsible organization”. HCC was asked to consider the suggestion for use on EOC’s website and other appropriate areas.

27. Members noted EOC Paper No. 23/2015.

**V. Any Other Business**

**EOC Annual Staff Gathering scheduled for 17 December 2015**

28. C/EOC said the EOC’s Annual Staff Gathering had been scheduled for 17 December 2015 evening. The next regular EOC Board Meeting would also be held on the same afternoon. He cordially invited Members to join the gathering and details would be provided in the near future.

29. There being no other business, the meeting was adjourned at 5:35 p.m.

**VI. Date of Next Meeting**

30. The next regular EOC meeting has been scheduled for **17 December 2015 (Thursday) at 2:30 p.m.**

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*Equal Opportunities Commission  
September 2015*