

**Minutes of the One Hundred and Eighth Meeting of
The Equal Opportunities Commission
held on 18 December 2014 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference/Training Room**

Present

Dr. CHOW Yat-ngok, York	Chairperson
Ms CHOI Hing-shi, M.H.	
Mr. CHOW Ho-ding, Holden	
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.	
Mr. LUI Tim-leung, Tim, B.B.S., J.P.	
Mr. Amirali Bakirali NASIR, J.P.	
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

Ms CHIU Lai-kuen, Susanna, M.H.
Ms NG Wing-mui, Winnie

In attendance

Miss LAM Siu-wai	Acting Director, Operations [Ag. D(Ops)]
Mr. Ivan LUK Chi-cheung	Acting Chief Legal Counsel [Ag. 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]
Mr Peter READING	Legal Counsel [LC4]

Miss Gloria YU Wai-ling

Senior Equal Opportunities Officer,
Administration & Personnel [SAP]

Mr Robert LI

Consumer Search HK Ltd. }

For Agenda
Item No. 6
only

Miss Peggy WONG

Consumer Search HK Ltd. }

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) and the representatives of Consumer Search Hong Kong Limited (CSG), the external consultant (Mr Robert LI and Miss Peggy WONG) engaged by the EOC to conduct the Customer Satisfaction Survey 2014 to the 108th Meeting. Apologies for absence were received from Ms CHIU Lai-kuen, Susanna and Ms NG Wing-mui, Winnie 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.

3. C/EOC proposed and Members agreed to consider Agenda Item 6 on “Findings of the 2014 Customer Satisfaction Survey on EOC’s Complaints Handling Mechanism” first so that representatives from CSG could leave the meeting when discussion on this item was finished.

II. Findings of the 2014 Customer Satisfaction Survey on EOC’s Complaints Handling Mechanism

(EOC Paper No. 29/2014; Agenda Item No. 6)

4. EOC Paper No. 29/2014 presented the key findings of the Customer Satisfaction Survey on EOC’s Complaint Handling and Enquiry Service conducted for the period from 1 August 2013 to 31 July 2014 (CSS-2014). Members noted that as a regular monitoring exercise, the EOC had been conducting Customer Satisfaction Survey (CSS) annually since 2009. Following the recommendation of the Efficiency Unit of the Hong Kong

Government, the administration of the CSS has from 2011 been co-ordinated by the Planning and Administration Division instead of the Operations Division and an independent external consultant, Consumer Search Hong Kong Limited (CSG), was engaged to improve and conduct the survey. The findings of the CSS-2012 were presented to Members at the 99th EOC Meeting. Members at the meeting found that CSS-2012 was conducted with a high standard and the findings could be used as a baseline benchmark for comparison in future surveys. CSG was engaged again to conduct CSS-2013 as well as CSS-2014 in accordance with EOC's procurement policies and procedures. The survey report of CSS-2014 has been submitted by CSG and representatives from CSG, Mr Robert LI and Miss Peggy WONG were invited to attend this meeting to present the key findings to Members.

5. Mr Robert LI presented to Members the major highlights of the CSS-2014 including the methodology and enumeration results, key findings, suggestions for consideration and administration of future surveys. Overall speaking, there was improvement in all ratings by Complainants when compared to the CSS-2013 except in "Simplicity of Procedures" while the ratings of respondents were slightly lower compared to 2013. On enquiry service, there was an increase in all ratings compared to both CSS-2012 and CSS-2013.

(Mr Holden CHOW and Mr Z M QAMAR joined the meeting at this juncture.)

6. Ag, D(Ops) said that staff of the Operations Division welcomed the report and looked forward to the findings to help improve their complaint handling and enquiry services. She also explained the difficulties staff faced in their work which included the different expectations on the case outcome from parties to complaints, the possible consequences for respondents that made it difficult for case officers to obtain information during the complaint handling process and that staff's impartiality in complaint handling and enquiry was a difficult concept to understand by clients in general. Despite these difficulties, she was happy to note that staff had done well on areas that were under their control like friendly attitude, clarity of explanation which had been reflected in the ratings in CSS-2014.

(Ms H S CHOI, The Hon Joseph LEE and Mr A B NASIR joined the meeting at this juncture.)

7. In response to a question raised by Dr Maggie KOONG, Mr Robert LI said that all the qualitative feedback was written by the survey respondents on the questionnaires returned. Regarding the suggestion from the survey respondents that more information could be made available for reference on EOC's website such as previous cases, Dr KOONG was in support of the suggestion. However, C/EOC reminded that each precedent case had its own specific circumstances and merits, similar situations in other cases might not lead to similar outcomes.

8. In response to questions raised by The Hon Paul TSE, Mr Robert LI said that the main difference in the CSS-2014 as compared with CSS-2013 was that a few questions were added to CSS-2014 to obtain a deeper understanding of customers' views towards the service performance of the EOC and possible enhancements. Details were in Appendix 2 to the said paper.

9. Dr Trisha LEAHY commented that the CSS-2014 report was clear and easy to follow. She noted that stepwise linear regressions were conducted and it was found that case outcome was one of the critical factors affecting the satisfaction level of both Respondents and Complainants. She asked if CSG had during the analysis partialled out the variance attributable to "case outcome" to get an indication of the relative strength of this variable in relation to the other variables which were correlated with satisfaction in the regression model. Mr Robert Li replied that this had not been done. He could perform the analysis and provide the findings later.

10. Mr Tim LUI commented that human aspect was an important area in customer satisfaction. He suggested identifying areas on which staff could be further trained for service improvements from comments from clients. In response to Mr LUI's suggestion, C/EOC said that people skills was an important area for staff's further training. In addition, staff's competence would also improve through accumulation of more experience, which would also be conducive to customers' satisfaction.

11. Dr Sandra TSANG expressed appreciation on the CSS-2014 report. For future enhancements, she suggested that the research objectives and questions could be more specifically drawn up so that more concrete suggestions could be made available for consideration.

12. In response to questions raised by Prof Hon Joseph LEE, Mr Robert LI said that there were analyses done on clients' satisfaction by ordinances. In view of the limited time available, they were not presented in this meeting but they were detailed in the full survey report. Prof LEE suggested continuous tracking of the ratings given by clients to observe the trends.

13. C/EOC thanked Members' views and suggestions expressed and thanked Mr. Robert LI and Miss Peggy WONG for their attendance. He said that it was important to make use of the survey findings to identify areas for continuous improvement. In the next year, as suggested by Members, the EOC would sharpen the research questions so that more concrete recommendations for service improvements could be identified.

(Mr Robert LI and Miss Peggy WONG left the meeting at this juncture.)

[Post-meeting note: Further analysis was performed by CSG and the findings showed that customers' satisfaction with "staff competency" was the most critical factor in regard to the overall mean satisfaction rating of both complainants and respondents, where that item alone explained 81.9% and 89.2% of the variability of the overall mean satisfaction rating of the complainants and the respondents respectively. Specific to customers' satisfaction with case outcome which was highly correlated to the overall mean satisfaction rating of both complainants and respondents (as detailed in the full survey report), amongst all critical factors, results of stepwise linear regressions showed that its impact was more prominent among the complainants as it alone helped explain 7.2% of the variability of the overall mean satisfaction rating of the complainants while it alone only helped explain 0.3% of that of the respondents.]

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

14. Draft minutes of the 107th EOC Meeting issued to Members on 16 October 2014. There was one request for amendment by Ms Su-Mei THOMPSON at paragraph 42 of the draft minutes. The revised minutes had since been issued to Members on 27 October 2014. The revised minutes of the 107th Meeting were confirmed without further amendment.

IV. Matters Arising (Agenda Item No. 2)

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

V. New Agenda Items

Progress on The Discrimination Law Review

(EOC Paper No. 26/2014; Agenda Item No. 3)

16. Ag. CLC briefed Members the latest progress of the Discrimination Law Review (DLR) as detailed in EOC Paper No. 26/2014. Members noted that the initial three-month public consultation period started on 8 July 2014 was extended by three and a half weeks to end on 31 October 2014, given that there were quite a few requests for an extension received. After counting the number of responses received, it was noted that a total of 122,089 submissions on the DLR were received (including 27,317 in hardcopy and the rest in softcopy form). In view of the large number of responses received, temporary staff had been recruited to assist in the analysis and data entry of the responses into a comprehensive database. Five existing staff would supervise the work of the temporary staff to ensure quality. The next phase of work would include drafting and publishing a report to provide a quantitative and qualitative analysis of the responses received in the first half of 2015, and internal discussions and the drafting and publishing of a submission to the government on our findings and recommendations in the second half of 2015. Further updates and the draft reports and recommendations would be provided to Members for further

consideration in due course. C/EOC added that the large number of responses included views from more than 100 stakeholder groups/organizations as detailed in Annex to the paper.

17. In response to questions raised by Dr Sandra TSANG, Ag. CLC said that when the comprehensive database was ready, the total number of responses received from individuals as well as from groups of people sharing similar views would all be reported. From an initial glance of the submissions received, it appeared that the majority of the people provided responses shown there was not enough understanding of the current law and the proposals in the DLR.

18. Mr Holden CHOW commented that the large number of responses received reflected that the DLR was an important matter of concern by the public. He suggested allowing more time for internal discussion and review on the analysis and recommendations. He also suggested that EOC should explain to Members the mechanism of how EOC would process and analyze the enormous amount of data and responses in order to make conclusion including findings and recommendations to the government; this should be done before drafting and publishing the report in the first half of 2015. Dr Sandra TSANG said that caution should be put on the decisions made in processing the data contained in the responses to ensure their authenticity. Dr John TSE expressed that there was a lot of information in the DLR. He opined that it would be better if the information could be released in phases to facilitate public's understanding.

(Dr Maggie KOONG left the meeting at this juncture.)

19. C/EOC thanked Members' views and suggestions provided. When the analysis of the responses received was done and recommendations on legislative amendments were ready, Members' views would be sought by phases. Members could provide their views on the methodology of the analysis adopted as well as the legislative changes to be proposed.

20. Members noted EOC Paper No. 26/2014.

(LC4 left the meeting at this juncture.)

Progress Report on Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status

(EOC Paper No. 27/2014; Agenda Item No. 4)

21. HPR highlighted the salient points contained in EOC Paper No. 27/2014 to Members. Members noted that the Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status (“the Study”) was to be conducted in 3 phases including three public forums, a number of focus groups meetings and a territory-wide telephone survey of representative sample of 1,000 people aged 18 or above. A dedicated website promoting public understanding on the Study’s purpose and content, offering quick and easy access to essential information about the Study was launched in June 2014. The three public forums were held as scheduled on 29 June, 30 August and 27 September 2014. After the dedicated website had served its purpose, it stopped operating on 30 November 2014. The Research Team was currently conducting focus groups meetings to collect views of key stakeholders including LGBTI people, representatives from religious groups and parent groups. A total of 23 focus groups meetings were scheduled to be completed by the end of December 2014. The draft questionnaire for the last phase was being considered. The report of the Study was expected to be ready for Members’ consideration in the second quarter of 2015.

EOC Annual Forum 2014 – Post-event Review

(EOC Paper No. 28/2014; Agenda Item No. 5)

22. Members noted EOC Paper No. 28/2014 which included the increase in the number of participants compared to the 2013 Annual Forum, and the suggestions for improvement in organizing future forums.

23. Among the feedback received a great majority considered that the forum could enhance EOC’s communication with stakeholders and also viewed that the EOC should continue to organize similar forum in future.

Resolution by EOC Members on using the term “EOC Board”

(EOC Paper No. 30/2014; Agenda Item No. 7)

24. EOC Paper No. 30/2014 was to seek Members’ approval and consent to the proposed resolution on using the term “EOC Board” to mean the same as Equal Opportunities Commission (EOC) in all EOC’s official documents including but not limited to various meeting minutes. DPA explained the background to the proposal.

25. Mr Holden CHOW expressed that he was in support of the proposal. However, consideration should be given to stick to using one term in future to avoid possible confusion. In reply, C/EOC said that the two terms “Members of the Equal Opportunities Commission (EOC)” as stipulated in Section 63 of the Sex Discrimination Ordinance and the “EOC Board” were actually referring to the same governing body. The term “EOC Board” was quite often used at EOC meetings which carried the same meaning as Members of the Equal Opportunities Commission. The proposal was in effect a formality which would not affect the power of the EOC.

26. In response to a question raised by Dr John TSE, C/EOC replied that the proposed resolution was in English with a Chinese translation.

27. Members agreed to the proposed resolution as stated in EOC Paper No. 30/2014. The resolution was signed by C/EOC, Mr A B NASIR and Dr John TSE at the meeting.

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. 31/2014; Agenda Item No. 8)

28. Members noted EOC Paper No. 31/2014.

Chairperson’s Quarterly Report

(EOC Paper No. 32/2014; Agenda Item No. 9)

29. EOC Paper No. 32/2014 presented to Members the Chairperson's second quarterly report. C/EOC highlighted to Members the salient points contained in the paper, in particular the position statements issued in the past quarter on topical and controversial issues for Members' information and attention.

Report on the Review of EOC Staff and Functional Structure

(EOC Paper No. 33/2014; Agenda Item No. 10)

30. At the 105th EOC Meeting, Members were informed that the EOC would conduct a comprehensive review of its structure aiming at improving its efficiency and enhancing its capacity facilitating it to meet the great variety of challenges facing the EOC and taking forward the strategic priorities as agreed by the EOC Board. A full review has been completed and the proposed changes and recommendations were detailed in EOC Paper No. 33/2014. C/EOC presented to Members the details contained in the paper.

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

31. Members noted that the proposed changes and recommendations had been brought to the Administration and Finance Committee's attention informally after its November 2014 meeting and communicated to EOC staff two days before this meeting. The major recommendations included the creation of a Chief Operations Officer (COO) post at D3 level to oversee the administrative and operational matters and to strengthen the governance of the EOC (this was also a recommendation in the Report No. 52 of the Director of Audit and supported by the CMAB); re-grouping of the Training and Consultancy function and the Policy and Research function under a Director (Policy, Research & Consultancy) for better synergy; and renaming of the Operations Division to Complaints Services Division, the Corporate Communications Unit to Corporate Communications & Advocacy Unit and the Planning & Administration Division to Corporate Planning & Services Division to better reflect their scope of work after the restructuring.

32. Members noted that full recurrent budget for the COO post would be provided by the Government, as previously agreed. The actual staff number

and levels in each function and areas of collaboration between divisions were now under active consideration with inputs from the functional heads. There would be some changes in staff duties and postings as a result. The new structure should not result in additional overall staff cost. Focus groups comprising staff and management staff would be set up to provide suggestions in taking the initiatives forward. Members also noted that no staff would be made redundant due to the restructuring and posts of time-limited staff would also be reviewed subject to service need, good performance and funding.

33. In response to a question raised by Mr Holden CHOW, C/EOC replied that there was no requirement to seek funding approval from the LegCo regarding the creation of directorate posts. Prof Hon Joseph LEE suggested the Office to document more clearly the improvements in EOC's governance and capacity to perform its functions from the restructuring. In response to questions raised by Dr Trisha LEAHY and Ms Garling WONG, C/EOC said that there would be some changes to the terms of reference of the current EOC Committees if the proposed structure was confirmed; however, the staffing support to the Committees would remain the same after the re-structuring. Dr Sandra TSANG, Dr Trisha LEAHY, Mr AB NASIR, Mr ZM QAMAR and Ms Su-Mei THOMPSON also provided suggestions on the names of the new Divisions and Units including a suggestion for all functions to be named as Division to ensure consistency. The suggestions would be given consideration by the Office.

34. Members in general supported the proposed structure. C/EOC advised that CMAB would be informed of EOC's new organizational structure. Pending the recruitment of the new and vacant posts, the current acting appointments would continue.

(EOC Staff were excused at this juncture.)

35. Members discussed the implementation of the revised structure and the method of recruitment for the newly created positions. It was decided that all the newly created positions would be filled by open recruitment. The tentative date for completion of the restructuring exercise would be 1 April 2015.

(EOC Staff re-joined the meeting at this juncture.)

Report of EOC's Financial Position as at 31 October 2014

(EOC Paper No. 34/2014; Agenda Item No. 11)

36. ACCT highlighted to Members the EOC's financial position as at 31 October 2014 as contained in EOC Paper No. 34/2014.

(Dr Sandra TSANG and Mr Z M QAMAR left the meeting at this juncture.)

37. Members noted that the actual and estimated expenditures for the year 2014/15 were being closely monitored. As at 31 October 2014, it was estimated that there would be a surplus of \$3.16M still available for use in 2014/15 and for committing programmes or services in 2015/16 or after. The surplus was mainly due to savings from staff costs and fund release from Funding Programme of Research Projects on Equal Opportunities. After taking into account the estimated surplus transferred to the reserve (\$3.16M) and the development cost of HR & Payroll System (\$0.4M), the estimated balance of reserves as at 31 March 2015 was \$22.86 which was \$2.42M below the estimated reserve ceiling of \$25.28M. The financial position of the EOC was sound and healthy.

Tentative EOC Meeting Schedule for 2015

(EOC Paper No. 35/2014; Agenda Item No. 12)

38. Members noted the tentative meeting schedule for 2015 as contained in EOC Paper No. 35/2014 and the revised meeting date for the coming (109th) Meeting as tabled. The 109th EOC Meeting date was revised and scheduled for **Thursday, 19 March 2015**.

VI. Any Other Business

Oral Statement by Ms Su-Mei THOMPSON at the CEDAW Meeting

39. Ms Su-Mei THOMPSON tabled her oral statement made at the CEDAW meeting on 20 October 2014 and shared her thoughts on attending the meeting. She noted that the subsequent recommendations by the UN CEDAW Committee to the Hong Kong Government touched on a number of issues which the EOC had raised in its oral statement and written submission including the need to bring Hong Kong's maternity leave into line with global standards; stronger safeguards for women from violence and harassment; and ensuring better protection and prospects for marginalized communities of women like ethnic minority women, women with disabilities, sex workers and the LGBT community.

(Mr A B NSAIR left the meeting at this juncture.)

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

VII. Date of Next Meeting

41. The next regular EOC meeting has been scheduled for **19 March 2015 (Thursday) at 2:30 p.m.**

*Equal Opportunities Commission
January 2015*