

**Minutes of the One Hundred and Ninth Meeting of
The Equal Opportunities Commission
held on 19 March 2015 (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.	<i>(via telephone conference)</i>
Ms CHOI Hing-shi, M.H.	
Mr. CHOW Ho-ding, Holden	
Dr. KOONG May-kay, Maggie, 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	
The Hon TSE Wai-chun, Paul, J.P.	
Dr. TSE Wing-ling, John, M.H.	
Ms WONG Ka-ling, Garling	
Mr. Michael CHAN Yick-man	Secretary Director, Planning & Administration [DPA]

Absent with apologies

Dr. Trisha LEAHY, B.B.S.
Prof. Hon LEE Kok-long, Joseph, S.B.S., J.P.
Dr. TSANG Kit-man, Sandra, J.P.
Mr. YIP Siu-hong, Nelson, M.H.

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 [HPR]
Ms Shana WONG Shan-nar	Head, Corporate Communications & Training [HCCT]
Miss Kerrie TENG Yee-san	Accountant [ACCT]
Mr Raymond HO	Senior Equal Opportunities Officer, EM Projects [SEMP]

Mr Peter READING

Miss Gloria YU Wai-ling

Prof. SUEN Yiu Tung

Prof. Angela WONG Wai Ching

Legal Counsel [LC4] (For Agenda Items 3, 4 only)

Senior Equal Opportunities Officer,
Administration & Personnel [SAP]

} Gender Research Centre, The

} Chinese University of Hong Kong

} For
Agenda
Item 4
only

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) and the representatives of the Gender Research Centre (GRC), The Chinese University of Hong Kong (Prof. SUEN Yiu Tung and Prof. Angela WONG Wai Ching), the external research team commissioned by the EOC to conduct the Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status, to the 109th Meeting. Apologies for absence were received from Dr. Trisha LEAHY, The Prof. Hon. Joseph LEE, Dr. Sandra TSANG and Mr. Nelson YIP 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 4 on “Progress Report on Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status” first so that representatives from GRC could leave the meeting when discussion on this item was finished.

II. Progress Report on Feasibility Study on Legislating against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status (EOC Paper No. 2/2015; Agenda Item No. 4)

4. EOC Paper No. 2/2015 provided background information of the Feasibility Study on Legislating against Discrimination on the Grounds of

Sexual Orientation, Gender Identity and Intersex Status (“the Study”). The Gender Research Centre of the Hong Kong Institute of Asia Pacific Studies of The Chinese University of Hong Kong (“the Research Team”) was commissioned to conduct the Study in April 2014. The Study commenced in April 2014 and both qualitative and quantitative approaches were employed which included: literature review; 3 public forums; in-depth interviews with legal experts; 11 focus group meetings for LGBTI individuals; 13 focus group meetings for the public; and a representative territory-wide telephone survey of more than 1,000 participants. Prof. SUEN Yiu Tung and Prof. Angela WONG were invited to the meeting to brief Members on the current status of the Study and the preliminary findings from the focus group meetings with LGTI people and the public.

(Ms Susanna CHIU joined the meeting via telephone conference at this juncture.)

5. Prof. SUEN Yiu Tung gave a PowerPoint presentation on the objectives of the Study, the research method employed, the tasks completed and the preliminary findings based on focus group discussions with LGBTI people invited through NGOs and the public invited through open recruitment. Members were also briefed on the upcoming tasks of the Research Team.

6. Dr John TSE thanked Prof. SUEN for a very detailed update. As there was a lot of information from the Study, he suggested that the information available from the Study could be released by phrases and the executive summary of the Study should be carefully written to include all salient points. In addition, C/EOC said that the release should be done when the Study was completed and all relevant information was available. Since the issues involved were very controversial and enactment of legislation was the duty of the Government, he said that the EOC should work on raising awareness and increasing public understanding of the issues. Hence, a well-thought out release plan was important to facilitate public discussion.

7. In response to a question raised by Ms Susanna CHIU related to same sex marriage and child adoption, Prof SUEN Yiu Tung and Prof Angela WONG

said that there was a question related to same sex relationship in the survey questionnaire but not child adoption, and such subjects were not the main focus of the Study. C/EOC commented that from his discussions with religious groups, it was noted that their major concerns were related to same-sex marriage, child adoption and reproductive technology. However, he said that the Study should not deviate from the main focus of eliminating discrimination on the current six areas which was EOC's work. Nonetheless, when the Study was completed, it might reveal other warranting issues that required attention. In such case, they could be referred to the Government.

8. Mr Holden CHOW thanked the Research Team for a very comprehensive progress report. In response to his question on the views collected from focus groups, Prof Angela WONG said that there were 2 main types of focus group meetings, 1 for LGBTI people and 1 for the public. For the focus group meetings for the public, there were more participants and they were invited through open recruitment and divided into groups according to their age, education, religion and whether they had children or not. There was also a special meeting for religious groups in which very comprehensive views were provided to the Research Team. All the views expressed by these groups, including those from vocal groups would be taken into account in the analysis. On the question related to the time table and the next step, Prof SUEN Yiu Tung said that in the coming months the Research Team would conduct a comprehensive analysis based on findings followed by recommendations. C/EOC said that the Research Team would work in accordance with the timeline in the research contract. Members would be duly informed at the appropriate stages. When the Study report was ready, Members' views on the recommendations would be sought, and appropriate exchange would be made with the Government's Advisory Group on Eliminating Discrimination against Sexual Minorities.

9. In response to a question raised by Mr AB NASIR, Prof Angela WONG and Prof SUEN Yiu Tung said that issues like the use of toilets and changing rooms did come up a lot during the focus group discussions; however, in their report, they would only provide recommendations on the general directions and suggestions on how to make the workplace more LGBTI-friendly, but not

detailed item-by-item suggestions like provisions of the law.

10. In response to a question raised by Dr Maggie KOONG, Prof Angela WONG said that there were teachers and representatives from the education sector present at the focus group meetings for LGBTI people as well as for the public.

11. Prof SUEN Yiu Tung and Prof Angela WONG added that international dimensions would be included in the legal review and the preliminary findings presented would be based on the views expressed by the participants.

12. In response to a question raised by Ms Su-Mei THOMPSON, C/EOC said that some of the discussions in the Study might link to the Discrimination Law Review (DLR). However, the EOC intentionally separated the Study and the DLR to avoid confusing the public. Dr John TSE echoed the Chairperson's views. Prof. Angela WONG added that views obtained on de facto relationship would be organized and sent to the EOC for reference.

13. C/EOC thanked Members' views expressed and thanked Prof. SUEN Yiu Tung and Prof Angela WONG for their detailed presentation. When the full study report was ready, Prof. SUEN and Prof. WONG would be invited to present the findings and recommendations to Members. Members' views would then be sought again before the report was publicly released.

(Prof. SUEN Yiu Tung and Prof Angela WONG left the meeting at this juncture.)

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

14. The draft minutes of the 108th EOC Meeting were issued to Members on 16 January 2015. Proposed amendments by Dr Trisha LEAHY, Mr Holden CHOW and Ms Su-Mei THOMPSON were subsequently incorporated in paragraph 9, 18 and 39 of the draft minutes, issued to Members on 21 and 26 January 2014. The revised minutes of the 108th Meeting were confirmed.

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. 1/2015; Agenda Item No. 3)

16. Ag. CLC briefed Members the latest progress of the Discrimination Law Review (DLR) as detailed in EOC Paper No. 1/2015. Members noted that there were approximately 122,000 submissions received. There were about 120 submissions from organizations and the remainder were from individuals. Given the large number of submissions received, in addition to the full time staff, up to 24 part-time helpers were being recruited to assist in recording the responses and conducting the analysis. The EOC had provided an update to the Legislative Council on the progress of the DLR on 16 March 2015. The EOC planned to provide a quantitative and qualitative analysis of the responses received in about mid 2015 if possible, and submit our findings and recommendations to the Government by the end of 2015.

17. In response to the request raised by Mr Holden CHOW, LC4 reiterated that as said at the last meeting, a briefing could be arranged to explain how the responses were handled at some point. He explained that submissions from organizations were generally more substantial than those from individuals because in the former there were reasons and justifications provided for their views, and in the latter templates were used in many cases and some of them were just copying each other and a number of them even answered the wrong questions. The EOC Office had developed a manual to summarize the responses to facilitate the analysis. C/EOC added that in the analysis, the reasoning was more important. By and large, the 120 submissions from various organizations were provided with detailed reasons and justifications.

18. Members noted EOC Paper No. 1/2015.

(LC4 left the meeting at this juncture.)

Updated Status of EOC's Strategic Priorities

(EOC Paper No. 3/2015; Agenda Item No. 5)

19. EOC Paper No. 3/2015 presented to Members the updated status of the EOC's Strategic Priorities. C/EOC went through the latest updates on the 5 strategic priority work areas with Members which included the Discrimination Law Review, Legal Protection for Sexual Minorities from Discrimination on the Basis of Sexual Orientation and Gender Identity, Education and Employment Opportunities for Ethnic Minorities, Integrated Education for Students with Special Education Needs and its impact on Employment Opportunities and Functional approach in addressing the needs of persons with disabilities by the Government.

20. Members noted EOC Paper No. 3/2015.

Proposed Business Plan of the Multi-ethnic Taskforce

(EOC Paper No. 4/2015; Agenda Item No. 6)

21. C/EOC introduced the head of the Multi-ethnic Taskforce Mr Raymond HO, SEOO(EM Projects) to Members and invited DPA and Mr HO to update Members on the work of the Taskforce.

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

22. DPA provided an update on the recruitment progress of the Multi-ethnic Taskforce. Members noted that the recruitment exercise was coming to a close. After several rounds of open recruitment exercises, all suitable candidates for filling the different posts in the Taskforce had been identified. When all candidates were in post by May 2015, the Taskforce would comprise members who were Chinese, Indian, Nepalese and Pakistani. Members also noted existing staff members of the EOC also comprised Thai and Indonesian.

23. DPA and Mr Raymond HO took Members through on the proposed business plan which included the purpose of setting up the taskforce, its goals and objectives, strategies and work plan, performance measurement and timeline as contained in EOC Paper No.4/2015.

(Ms Winnie NG joined and The Hon Paul TSE left the Meeting at this juncture.)

24. C/EOC proposed to set up an advisory committee comprising EOC Members and co-opted Members as well as members of the ethnic minority communities who could contribute to the work of the Taskforce, to provide direction and guidance to the Taskforce.

25. In response to comments made by Dr John TSE, C/EOC confirmed that the main function of the Taskforce was to act as a bridge and arouse interest and awareness on EM issues but not to provide direct service. As regards outreach work, the focus would be to help the ethnic minorities to understand their rights and know where to seek help when required. Building stakeholder networks was also an important outreach task.

26. Members deliberated and provided their comments on the proposed business plan of the Multi-ethnic Taskforce.

27. Following discussions, the Board endorsed the proposed Business Plan of the Multi-ethnic Taskforce as stated in EOC Paper No. 4/2015. C/EOC would contact Members to invite them to join the advisory committee. .

Review of Work of the EOC in 2014

(EOC Paper No. 5/2015; Agenda Item No. 7)

28. Members noted EOC Paper No. 5/2015.

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. 6/2015; Agenda Item No. 8)

29. Ms Susanna CHIU, Convener of A&FC highlighted to Members the major work of the A&FC, in particular that the Board's approval was required for the proposed use of the General Reserve which would be considered under Agenda Item 11, the EOC's need of a permanent office premises and in respect of the downward trend observed in the number of complaints received, the Office would take proactive measures to promote the services of the EOC.

30. Members noted EOC Paper No. 6/2015.

(Ms Su-Mei THOMPSON left the meeting at this juncture)

Chairperson's Quarterly Report

(EOC Paper No. 7/2015; Agenda Item No. 9)

31. EOC Paper No. 7/2015 presented to Members the Chairperson's third quarterly report. C/EOC said that the paper mainly highlighted the position statements issued on topical subjects, line-to-take on special incidents and some key observations/comments made by him, on EOC's work. Most of them had been sent to Members when they were issued. He invited Members to provide their views, comments and guidance to him whenever they deemed necessary and appropriate.

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

(Mr Z M QAMAR left the meeting at this juncture.)

Implementation Progress of the Review of EOC Staff and Functional Structure (EOC Paper No. 8/2015; Agenda Item No. 10)

33. C/EOC informed Members that Mr. Ivan LUK had been selected for appointment to the Chief Legal Counsel position. Before the Meeting proceeded to discuss EOC Paper No. 8/2015 on the Implementation Progress of the Review of EOC Staff and Functional Structure, Dr John TSE suggested and Members agreed that all EOC staff should be excused from the meeting to avoid any possible and/or perceived conflict of interests.

(All EOC Staff were excused at this juncture.)

34. All EOC Staff re-joined the meeting after Members finished their discussion on this paper.

Proposed New Budget Plan for 2015/16

(EOC Paper No. 9/2015; Agenda Item No. 11)

35. ACCT highlighted to Members the EOC's Proposed New Budget Plan for 2015/16 as contained in EOC Paper No. 9/2015.

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

36. Members noted the comparison of income and recurrent expenditure in 2015/16 versus 2014/15 and the reasons for the major variances as detailed in the paper. It was also expected that there would be no estimated surplus or deficit in 2015/16. It was estimated that there would be savings in the recurrent account from areas such as vacant posts not filled as yet and other recurrent expenditure to cover the increase in office rental of \$5.22M. If the recurrent account had insufficient savings to cover the increase, the reserve funds set aside for this purpose would be used.

37. On the use of reserve funds, it was proposed that \$0.8M to be set aside from the General Reserve to cover i) Funding Programme of Research Projects on Equal Opportunities (\$0.6M) and ii) Knowledge Archiving System (\$0.2M) in 2015/16 and \$4.846M already set aside for the increase in office rental be used for the same purpose in the future, if necessary. Members approved the proposal.

38. On capital expenditure, Members noted that the Government had approved two one-off subventions to the EOC, for the promotion of the Race Discrimination Ordinance (\$2M) and Sex Discrimination Ordinance, in particular sexual harassment (\$1M), and \$0.458M in 2015/16 for replacement of a motor vehicle. Members also noted that according to the Government's

guidelines, the EOC was required to contribute at least 20% of the total cost in the replacement, i.e. \$0.115M which was provided for in the recurrent account.

39. Members approved the proposed new budget plan for 2015/16 and the use of reserve funds as proposed in EOC Paper No. 9/2015.

VI. Any Other Business

Vote of Thanks to Members who would have served the EOC for 6 Years by 19 May 2015

40. C/EOC said that some of the Members would have completed their 6 years of tenure in the EOC by 19 May 2015. He expressed his heartfelt thanks for their participation in the work of the EOC in the past years and hoped that they would continue to join hands with the EOC to advance equal opportunities in their various capacities.

41. Ms Winnie NG, Ms Susanna CHIU and other Members also thanked the Chairperson for his leadership. They expressed that views shared at the EOC's meetings were invaluable, and although there were differences in opinion, the differences were always respected. They all shared the same passion in equal opportunities and would definitely continue to support the work of the EOC in all fronts in the future.

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

VII. Date of Next Meeting

43. The next regular EOC meeting has been scheduled for **18 June 2015 (Thursday) at 2:30 p.m.**