

**Minutes of the One Hundred and Nineteenth Meeting of
The Equal Opportunities Commission
held on 21 September 2017 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Prof Alfred CHAN Cheung-ming, SBS, JP	Chairperson [C/EOC]
Prof Cecilia CHAN Lai-wan, JP	
Dr Andy CHIU Man-chung	
Prof Susanne CHOI Yuk-ping	
The Hon Holden CHOW Ho-ding	
Mr Mohan DATWANI	
Miss Maisy HO Chiu-ha, BBS	
Dr Maggie KOONG May-kay, BBS	
Ms Elizabeth LAW, MH, JP	
Dr Trisha LEAHY, BBS	
Ms Juan LEUNG Chung-yan	
Ms Shirley LOO, MH, JP	
Mr Henry SHIE Wai-hung	
Dr Rizwan ULLAH	
Miss YU Chui-yee, MH	
Mr Michael CHAN Yick-man	Secretary Chief Operations Officer [COO]

Absent with apologies

Prof Hon Joseph LEE Kok-long, SBS, JP

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	Director, Policy, Research and Training [DPRT]
Mr Oska LI Kam-hung	Head, Corporate Planning and Services [HCPS]
Ms Shana WONG Shan-nar	Head, Corporate Communications [HCC]
Miss Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Mr Raymond HO Wing-keung	Senior Equal Opportunities Officer, Ethnic Minorities Unit [SEOO(EMU)]

Ms Hollis LING Yin-har

Equal Opportunities Officer,
Administration & Personnel [EAP]

I. Introduction

1. The Chairperson (C/EOC) welcomed all Commission Members (Members) to the 119th Meeting. Apologies for absence were received from Prof Hon Joseph LEE due to another engagement.

(Prof Cecilia CHAN joined the meeting at this juncture.)

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

Confirmation of Minutes of the 118th EOC Meeting held on 15 June 2017

2. The draft minutes of the 118th EOC Meeting on 15 June 2017 were confirmed without amendments.

III. Matters Arising (Agenda Item No. 2)

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

IV. New Agenda Items

Progress Update on EOC Office Relocation

(Confidential EOC Paper No. 16/2017; Agenda Item No. 3)

4. HCPS reported to Members on the updated progress of the EOC's office relocation exercise as contained in EOC Paper No. 16/2017.

5. Members noted that pursuant to EOC Board's endorsement on 15 June

2017, a Tender Board comprising five members including C/EOC, Dr Maggie KOONG, Ms Shirley LOO, Dr Trisha LEAHY, and Ms Juan LEUNG was formed for the selection of the works contractor for the fitting-out works of the new office in Wong Chuk Hang.

6. On 27 July 2017, the Tender Board met and considered four lowest compliant bids shortlisted by Planning Services International (Asia) Limited (PSI), the design and project management consultant. After deliberations, the Tender Board recommended Space Interior Solutions Ltd (SIS), which offered the lowest bid, be appointed as the EOC's contractor of the fitting-out works of the new office. The Tender Board's recommendation was endorsed and approved by the A&FC and the EOC Board via circulation on 1 August and 4 August 2017 respectively.

7. SIS commenced the fitting-out works on-site on 7 August 2017. The works were expected to be completed by mid-October 2017. On-site inspection was conducted on 20 September 2017; and the works were found being carried out in good progress, with about 50% of them being completed.

8. Upon the completion of the fitting-out works, EOC Board Members would be welcome to join a familiarisation visit which had been scheduled for 26 October 2017 (Thursday) right after the Community Participation and Publicity Committee (CPPC) Meeting.

9. With a view to having a seamless transition, the EOC Office would move to the Wong Chuk Hang premises on 4 and 5 November 2017 (Saturday and Sunday), on which setting up works would also be finalised. The Office would open for serving the public as normal on the morning of 6 November 2017 (the day immediately followed the relocation). The office relocation exercise would complete upon the expiry of the existing office leases of Cityplaza on 15 December 2017.

10. Members noted the progress update on EOC Office Relocation as detailed in EOC Paper No. 16/2017.

(The Hon Holden CHOW and Ms Elizabeth LAW joined the meeting at this juncture.)

Half-Yearly Progress Report of the Ethnic Minorities Unit

(EOC Paper No. 17/2017; Agenda Item No. 4)

11. Members noted that the half-yearly progress report of the Ethnic Minorities Unit (the Unit) was contained in the EOC Paper No. 17/2017. SEOO(EMU) highlighted salient points about the policy initiatives, and future development focus for Members' information.

12. On policy recommendation, the Unit had made 12 submissions to the Legislative Council since November 2016 and met seven Government departments and public bodies on various EM concerns during the reporting period. In response to the EOC's advocacy to support non-Chinese speaking (NCS) students in learning Chinese language, the Education Bureau (EDB) had planned to develop textbooks for certain levels pursuant to the "Chinese Language Curriculum Second Language Learning Framework".

13. Regarding employment of EMs, the Unit had worked with six business groups/networks and seven NGOs to run a pilot job referral platform. As Chinese language requirement remained a major barrier for EM in employment, the Unit would discuss with the Civil Service Bureau (CSB) and urge the Government to conduct regular reviews on the Chinese language requirement of all government posts, and to also consider adopting an alternative Chinese assessment for EM job applicants.

14. The collaboration with the Hong Kong Monetary Authority (HKMA) and the Hong Kong Association of Banks (HKAB) to translate a list of essential

information on getting banking services into seven EM languages would be completed in the next quarter (i.e. Q4 of 2017). Further to the agreement of HKAB and HKMA to upload the information onto their websites upon completion, the Unit would invite other major banks and EM communities to promote ways to access to banking services. Ms Juan LEUNG suggested the Unit to set up a dedicated web link for easy access.

15. Two network groups with Pakistani women leadership, and for Nepalese leaders, and one empowerment group entitled Youth Consultative Group for Racial Equality and Integration had been formed with a view to nurturing ambassadors within the communities and obtaining their views on policy recommendations and public education.

16. The “EMbRACE” Campaign was launched in March which had been promoted to public via a dedicated Facebook page. SEOO(EMU) invited Members to be guest speakers in short videos for this Facebook page. Ms Shirley LOO and Mr Mohan DATWANI said that they could also help invite some NGOs and professional bodies to produce video messages.

17. Members noted the key strategic plan of the Unit in the second half year. SEOO(EMU) highlighted the strategies for reactivating the Working Group on EM Education, and undertaking a survey to gauge fairness in Kindergarten admission practices and policies.

18. SEOO(EMU) continued to report on the intervention in two cases seeking EOC’s assistance, one on 11 asylum-seeking children from Vietnam who sought permission to attend regular schools, and the other on a few Muslim Pakistani girls studying in a Christian school who were not allowed to wear hijab.

19. Dr Rizwan ULLAH appreciated EOC’s prompt response to the Islamic girl case which was settled quickly and properly and yielded positive feedback in the community.

(Mr Henry SHIE joined the meeting at this juncture.)

20. The Hon Holden CHOW suggested and some members, including Prof Susanne CHOI, Dr Maggie KOONG, Prof Cecilia CHAN agreed that consideration should be given to roll out an award scheme to provide encouragement and incentive to business service providers which had been actively implementating equal opportunities polices and practices in workplace. Mr Mohan DATWANI said that large corporations like listed companies could be the target group in its initial launch. EOC could seek through the government's bid for the funding and relevant resources including manpower for the award scheme.

21. The Meeting discussed various options to take forward the scheme and was of the view that such a scheme would be useful and effective in promoting equal opportunities values and good practices. Prof Susanne CHOI said that a timeline and roadmap for the award scheme should be set out. This suggestion was endorsed by all board members. C/EOC said that the EOC Office would examine the practicality issues and draw up a suggested way forward for the Board's consideration.

[Post-meeting note: After the meeting, C/EOC consulted with the four Conveners via email about developing an EO Award specifically for EM services as a trial. Conveners supported the proposal and regarded it a good way to start and it could be scaled up at a later time. In respect of an EO Award specifically for anti-sexual harassment in corporations (especially SMEs), DPRT consulted with Prof Susanne CHOI and Mr Mohan DATWANI via email and Prof CHOI supported the initiative. PRTC Members noted at its 38th Meeting that the proposal would be presented at the 120th EOC Meeting for endorsement.]

Six Monthly Review of EOC's work (January – June 2017)

(EOC Paper No. 18/2017; Agenda Item No. 5)

22. C/EOC highlighted major work undertaken by the EOC during January to June 2017 as summarized in EOC Paper No. 18/2017.

23. Prof Susanne CHOI enquired about the breakdown of the enquires and complaints respectively in regard to the Discrimination Ordinances. DCS would provide the breakdown accordingly.

24. Members noted EOC Paper No. 18/2017.

Reports of the Legal & Complaints Committee, Community Participation & Publicity Committee and Administration & Finance Committee

(EOC Paper No. 19/2017; Agenda Item No. 6)

25. Conveners took turn to present the important matters raised and decisions made at the meetings of the Committees during the period from June to September 2017.

26. Dr Trisha LEAHY, Convener of Legal & Complaints Committee (LCC) highlighted the endorsement of the revised LCC Terms of Reference to make it more succinct and easier to read. The paper would be put forward to the EOC Meeting for adoption accordingly.

27. Ms Shirley LOO, Convener of Community Participation & Publicity Committee (CPPC) circulated a set of three story books entitled “Tally and Friends”. The series would be published in English and Chinese, targeting kindergarten and primary school students. Tentatively, a press conference would be held in October 2017 to promote the story books. C/EOC thanked Ms LOO for her efforts in providing Chinese editorial support to the publications.

28. Prof Susanne CHOI, Convener of Policy, Research and Training Committee (PRTC), supplemented that several research projects were undertaken by the research teams of some local Universities. In addition to fact-findings, the research projects aimed to identify effective approaches and evidence-based insights for relevant policy recommendations. The Committee

also aimed to collaborate with Government departments and NGOs to reinforce anti-harassment policies and practices in the workplace.

29. Dr Maggie KOONG, Convener of Administration and Finance Committee (A&FC), reported on the progress update on the Labour Tribunal Case (LBTC543/2015), contract renewal of an EOC directorate staff member, and the closure of a staff grievance case. Members also noted that a feasibility study would be conducted on setting up of a telephone recording system for frontline staff who handled public enquiries and complaints made via phone.

30. Members noted that at the meeting in June 2015, the Board had endorsed the then Chairperson's proposal to review the effectiveness of the new directorate structure, with the assistance of an external advisor, in two years' time. In this respect, A&FC recommended that in the light of its handling two staff complaint cases, the scope of the review should be expanded to cover EOC governance. A&FC considered that it would be neither practicable nor desirable for non-executive Members to micro-manage the internal affairs of EOC management, and thereby undermining the authority of EOC management. There is hence a need for an overall review of EOC governance which could form part of the management structure review.

31. Dr Maggie KOONG further reported that on the conduct of a process review on EOC complaint and legal services for the public, two expert consultants in legal field had been approached and both had declined EOC's invitation. It had been considered that instead of hiring an expert consultant in the legal field, a 3-person (Dr Maggie KOONG, Dr Trisha LEAHY and Mr Mohan DATWANI, more was possible) panel could be formed to steer the process review, with the support of a full-time EOC staff, with a view to relieving the panel from administrative/writing work and the incumbent would leave after accomplishing the work.

32. The EOC staff to be appointed should be tasked to take forward the

process review in place of the expert consultant under the steer of the 3-person panel and at the same time, undertake the review of EOC's management structure and governance. The person should have extensive and proven public sector management experience at the directorate level. He/she would be engaged full-time for six months. Considering EOC's stringent financial position, the appointee was proposed to be offered a package below the directorate level.

33. Members noted EOC Paper No. 19/2017.

(Miss Maisy HO joined the meeting at this juncture.)

Chairperson's Quarterly Report

(EOC Paper No. 20/2017; Agenda Item No. 7)

34. Members noted EOC Paper No. 20/2017.

V. Any Other Business

Simultaneous Interpretation for the EOC Meetings

35. At EOC and Committee meetings, the frequently used medium of communication was Cantonese. Simultaneous interpretation (SI) service for translating Cantonese to English was all along provided to non-Chinese speaking Members. In view that Board Members of this tenure could speak and listen to Cantonese at ease, COO invited Members to discuss whether there would be a need to engage the outsourced SI service for every EOC meeting. Members noted that Committees would continue to be provided with SI service in their meetings on a need basis. After some discussions, Members agreed that SI service in the future EOC meetings would be arranged based on the agenda items to be discussed and subject to request.

(Prof Cecilia CHAN left the meeting at this juncture.)

Serious Vilification under Race Discrimination Ordinance – raised by the Hon Holden CHOW

36. The Hon Holden CHOW made an enquiry that whether the use of the term “chee-na” in the public would constitute serious vilification as stipulated in Race Discrimination Ordinance (RDO). Although serious vilification was criminal in nature and the handling would be out of the EOC’s jurisdiction, the Hon Holden CHOW would like to know if any cases had been put forth for prosecution. CLC and DPRT explained the legal requirements for a claim of vilification and serious vilification under the RDO. CLC commented that the threshold for vilification claims was relatively high and, in particular, the element of incitement must be proved. Depending on the context and the factual matrix of a case, an aggrieved person might consider invoking the protection of racial harassment instead if the alleged unlawful act was taken place within a prescribed area of activities, e.g. employment, education, under the RDO. CLC further said that serious vilification involved threatening of physical harm or incitement to inflict physical harm to persons or premises and an offence of that nature would most likely also constitute other criminal offences like criminal intimidation or assault etc. From a practical prosecution point of view, a charge of serious vilification might not be attractive to the police for there was one more element of race to be proved to secure a conviction. It was believed that if there were any cases of serious vilification, they would likely be dealt with under other criminal charges and that might explain why no serious vilification case had been put forth for prosecution so far. DCS added that whether the act was unlawful would largely depend on the relevant context.

Conceptual Proposal in Care Workers Training for Ethnic Minorities – raised by Mr Henry SHIE

37. A paper initiating a Youth Employment and Training Programme (YETP) in Residential Care Home for Elderly (RCHE) was tabled. Mr Henry SHIE

briefed Members on the proposal and highlighted the benefits of and the difficulties in the implementation. Ms Elizabeth LAW expressed her strong support to the proposal.

38. Members expressed their appreciation for the proposal to support the EM youth employment which at the same time fulfilled the labour needs in the care worker industry.

39. Dr Rizwan ULLAH agreed to provide training to EM youth but he was uncertain about their employability after receiving the training. C/EOC responded that the major barrier in providing the training to EM youth was the Chinese language requirement posed by the Social Welfare Department (SWD). The EOC Office had been actively negotiating with SWD about establishing alternative qualifications equivalent to functional competence through the Advisory Committee for Integration.

40. Prof Susanne CHOI suggested that the EOC Office could designate a task force comprising the EM Unit to steer the initiative. The Task Force might work on several aspects, including: stock-taking industries that would be suitable for launching similar training programmes, identifying difficulties encountered by EM youth in receiving the training through an evidence-based research, exploring job opportunities available in the market, and setting out the roles to be taken by the EOC Board. Dr Andy CHIU added that a roadmap could be drawn up for further discussion. C/EOC said that the EOC Office would approach Mr Henry SHIE to discuss on the action plan for Members' further consideration.

41. There being no other business, the meeting was adjourned at 4:30 p.m.

VI. Date of Next Meeting

42. The next regular EOC meeting was scheduled for **21 December 2017**

RESTRICTED
(cleared for publication)

(Thursday) at 2:30 p.m.

Equal Opportunities Commission
October 2017