

**Minutes of the One Hundred and Twenty-sixth Meeting of
The Equal Opportunities Commission
held on 20 June 2019 (Thursday) at 2:30 p.m. in the
Equal Opportunities Commission's Conference Room**

Present

Mr Ricky CHU Man-kin, IDS	Chairperson [C/EOC]
Prof Cecilia CHAN Lai-wan, JP	
Hon Vincent CHENG Wing-shun, MH, JP	
Prof Andy CHIU Man-chung	
Prof Susanne CHOI Yuk-ping	(via telephone-conferencing)
Mr Mohan DATWANI	
Ms Maisy HO Chiu-ha, BBS	
Ms Juan LEUNG Chung-yan, MH	
Ms Shirley LOO, BBS, MH, JP	
Dr Henry SHIE Wai-hung	
Ms Anna THOMPSON	
Dr Rizwan ULLAH	
Mr Gary WONG Chi-him	
Miss YU Chui-ye, BBS, MH	
Dr Ferrick CHU Chung-man	Secretary Acting Chief Operations Officer [Ag COO]

Absent with apology

Mr Samuel CHAN Ka-yan, JP
Ms Elizabeth LAW, MH, JP
Dr Sigmund LEUNG Sai-man, BBS, JP

In attendance

Mr Ivan LUK Chi-cheung	Chief Legal Counsel [CLC]
Mr Oska LI Kam-hung	Director, Corporate Planning and Services [DCPS]
Mr Tony SIU Kit-hung	Director, Complaint Services [DCS]
Ms Shana WONG Shan-nar	Head, Corporate Communications [HCC]

Mr Raymond HO Wing-keung	Senior Equal Opportunities Officer, Ethnic Minorities Unit [SEOO(EMU)]
Miss Gloria YU Wai-ling	Senior Equal Opportunities Officer, Administration & Personnel [SAP]
Miss Kerrie TENG Yee-san	Senior Accounting Manager [SMA]
Ms Hollis LING Yin-har	Equal Opportunities Officer, Administration & Personnel [EAP]

I. Introduction

1. Mr Ricky CHU Man-kin, the new Chairperson (C/EOC) welcomed all EOC Members (Members) to the 126th Meeting, in particular Hon Vincent CHENG, Ms Anna THOMPSON and Mr Gary WONG who were new Members joining the meeting for the first time. C/EOC said that Hon Vincent CHENG would join the meeting later and apologies for absence were received from Mr Samuel CHAN, Ms Elizabeth LAW and Dr Sigmund LEUNG due to other prior engagements/out of town business. Prof Susanne CHOI would attend the meeting via telephone.

2. C/EOC said that there was no special item for informing the media, hence no press briefing would be held after the meeting.

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

Confirmation of Minutes of the 125th Meeting on 21 March 2019

3. Draft minutes of the 125th EOC Meeting held on 21 March 2019 were issued to Members on 18 April 2019. No request for amendment was received. Members confirmed the draft minutes issued on 18 April 2019 without amendments.

III. Matters Arising (Agenda Item No. 2)

4. There were no matters arising from previous meetings that required Members' attention in this meeting.

IV. New Agenda Items

Opening up EOC Meetings

(EOC Paper No. 7/2019; Agenda Item No. 3)

5. C/EOC briefed Members on the salient points contained in EOC Paper No. 7/2019 on the subject of Opening up EOC Meetings, including the pertinent pros and cons to be brought about.

6. Members were informed that C/EOC had attended the meeting of the Panel on Constitutional Affairs of the Legislative Council (LegCo) on 20 May 2019. In the meeting, a LegCo Member suggested opening up EOC meetings for better transparency. Noting that this subject matter had been deliberated by the Board on various occasions in the past and drawing reference to the practice of other similar public bodies, such as the Independent Police Complaints Council (IPCC), Members acknowledged the pros and cons set out in EOC Paper No. 7/2019 if EOC meetings were to be opened up to the public and the media.

7. Members noted that the physical presence of the public and the media could inhibit free and candid discussions amongst Members. Further, issues discussed at EOC Board and Committees' meetings were often sensitive/controversial and might involve phased analysis/research projects still in progress. Questions posed by the public or the media based on incomplete analysis/deliberations at a premature stage could induce misunderstanding. In this light, the public and the media might at best be accessible to discussions on a restricted agenda in which they might not be interested. There were also physical

constraints in the current EOC premises and seating capacity which would inevitably limit the number of attendees in meetings. In view of the foregoing, Members were informed that the Commission had taken various measures to enhance accountability and transparency over the past years and in general agreed that opening up EOC meetings would only be one of the ways to this end.

8. To further enhance transparency, C/EOC said that the EOC Office would build on the efforts made in the past and put in place additional measures, including holding annual forums, organizing theme-based seminar(s)/sharing(s) and conducting timely press conferences/media briefings to help engage and inform the public audience of important matters discussed and taken forward at EOC meetings.

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

9. Members noted EOC Paper No. 7/2019.

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

(EOC Paper No. 8/2019; Agenda Item No. 4)

10. Members noted EOC Paper No. 8/2019.

Chairperson's Quarterly Report

(EOC Paper No. 9/2019; Agenda Item No. 5)

11. EOC Paper No. 9/2019 presented to Members a summary of the work of the Chairperson for the period from March to May 2019. C/EOC gave a brief account of the major work he had done since his appointment and an outline of his upcoming work plans which would be greatly dependent on the availability of new resources to be approved and allocated to the Commission through the Government's Resource Allocation Exercise (RAE).

(Hon Vincent CHENG and Miss YU Chui-ye joined the meeting, and Prof Susanne CHOI left the meeting at this juncture.)

12. Members noted that since his assumption of office in April 2019, C/EOC had met with various stakeholders and representatives of different organisations to understand their views on the work of the EOC. He had also briefed the Legislative Council's Panel on Constitutional Affairs on the key work focuses for 2019-20, specifically about eliminating discrimination along a three-pronged approach (i.e. law enforcement, prevention and education), and tackling sexual harassment as well as the barriers to equal opportunities faced by ethnic minorities (EMs) and people with disabilities (PWDs). Subject to availability of funds, the EOC would explore setting up a dedicated anti-sexual harassment unit to provide one-stop support for victims.

13. With regard to LGBTI rights, C/EOC said that the EOC would always play the role of a facilitator to encourage open and rational discussions on the subject, albeit the prevailing anti-discrimination law confined the Commission's powers to cases of discrimination based on sex, marital status, pregnancy, disability, family status and race only. Gathered from the array of ideas from LGBTI organisations and other concern groups, C/EOC reaffirmed the Commission's belief that a strategic approach was crucial for ending stalemates and achieving progress in advancing LGBTI rights. Specifically, it would be apt to first look into issues such as discrimination in employment, education and the use of public facilities, and to recommend legislative and other measures to the Government accordingly.

(Mr Mohan DATWANI joined the meeting at this juncture.)

14. Members exchanged their views on EOC's future work focuses. Some suggested that work areas including pregnancy discrimination, discriminatory acts faced by people with family care responsibilities and PWDs in employment should be given priority.

15. In response to Members' questions, C/EOC said that he was planning to meet with relevant government officials in person, such as heads of the Social Welfare Department, the Police Force and the Immigration Department, etc. to understand the operational concerns impeding the implementation of the EOC's recommendations in the Discrimination Law Review. Also, there would be a Strategic Retreat with an aim to consult Members and senior staff members of the EOC office for drawing up the next Three-Year Strategic Plan for 2020 and onwards. The preparation work for the Retreat would start shortly and Members would be kept posted of the details in due course.

16. In response to clarifications sought by a Member related to the Chairperson's views on LGBTI issues which featured in the press, C/EOC stated that he agreed that legislation was the correct way forward to protect LGBTI groups from being discriminated, and reiterated that he would approach the matter pragmatically by starting with the basic livelihood issues, in particular their rights in employment, education and enjoyment of public services and facilities.

17. C/EOC said that if Members were asked about their views on specific issues on a personal capacity, it would be at their liberty to express their opinions. In his role as the Chairperson, he was the public face for the EOC and would normally be the spokesperson for the Commission. Should there be any media enquiries, Members might direct them to the Commission's Corporate Communications Division for handling. In response to comments raised by Members on whether there was a change in Chairpersons' stance and positions on LGBTI issues, HCC said that there were no major changes in the EOC's positions since the EOC announced the findings of the Study on Legislation against Discrimination on the Grounds of Sexual Orientation, Gender Identity and Intersex Status and Members had agreed on its stance and position on the subject matter in 2016. This could be seen from the statements and press releases issued by the Chairpersons since then.

18. Members noted EOC Paper No. 9/2019.

Report of EOC's Financial Position as at 31 March 2019

(EOC Paper No. 10/2019; Agenda Item No. 6)

19. SMA briefed Members on the EOC financial statements for the 2018-19 fourth quarter ended 31 March 2019 as detailed in EOC Paper No. 10/2019.

20. Members noted EOC Paper No. 10/2019.

V. Any Other Business

Work/Progress Report(s) of EM Unit and the Anti-Sexual Harassment Unit being proposed, be submitted to Policy, Research and Training Committee first

21. C/EOC said that there would be a Working Group Report on Education for Ethnic Minorities which was being prepared by the EOC's EM Unit. He hoped that the report could be released with specific recommendations conveyed to the Government before the Chief Executive's Policy Address for the coming year. In the light that the work of the EM Unit and the proposed new Anti-Sexual Harassment Unit was more relevant to the remit of the Policy, Research and Training Committee (PRTC), C/EOC proposed and Members agreed that the Working Group Report on Education for Ethnic Minorities and the future work progress reports of the two abovenamed Units would be submitted to the PRTC for consideration first. In this connection, the Working Group Report on Education for Ethnic Minorities would be put forth for consideration by the PRTC at its upcoming meeting scheduled for 29 August 2019.

Streamlined Approach in the Provision of EOC Committee Documents

22. DCPS invited Members to consider streamlining the current practice of providing bilingual versions of meeting papers for the three EOC Committees (i.e. the Community Participation and Publicity Committee (CPPC), the Legal and Complaints Committee (LCC), and the Policy, Research and Training Committee (PRTC)). In the past years, the Administration and Finance Committee (A&FC) was all along providing Members with meeting papers in English version only.

23. In consideration of the efficiency gains and manpower savings, there could be room to streamline the current practice in the abovementioned three Committees, i.e. English version papers would be provided to Members as usual while corresponding Chinese version of the papers would be made available to Members upon request. This proposed streamlined approach would not affect the current practice of providing to Members bilingual versions of meeting papers and minutes for EOC Meetings and meeting minutes for the abovementioned three EOC Committees.

24. Members noted that nearly all documents prepared for EOC Committees were drafted in English and then translated into Chinese by the EOC Translation Team which comprised two officers only. The workload of the Translation Team and the Committees' secretariats (who were required to edit and proofread the translated documents) had been on the rise in the recent years due to the increasing volume of meeting papers to be made ready for issuance to Members within tight timelines. The proposed streamlined approach would not only help alleviate the workload of the staff members concerned, but also re-engineer the workflow involved for better efficiency. In response to a question raised by Prof Andy CHIU on why nearly all documents prepared for EOC Committees were drafted first in English but not in Chinese, C/EOC shared the practice of the organisations in which he had worked, such as the IPCC, that documents were often drafted in English, and Chinese version would only be provided upon request. This was mainly because preparing documents in English was less time-consuming and

more convenient on the part of the drafting officers. Ag COO added that English version would be a viable option for the Commission as some EOC Members might have difficulty in reading Chinese.

25. While there might be possible concern about the public perception, Members in general considered that papers prepared for EOC Committees were for internal communication purpose and that the workload involved could be stressful for a small translation team. The Meeting agreed to adopt the proposed streamlined approach in providing meeting papers for the CPPC, LCC and PRTC in the coming future, i.e. English version will be issued to Members as usual and Chinese version be made available to Members on request. C/EOC thanked Members for their understanding and added that in future, Members might request reverting to the status quo if considered necessary.

26. There being no other business, the Meeting was adjourned at 4:00 pm.

VI. Date of Next Meeting

27. The next regular EOC Meeting was scheduled for **19 September 2019 (Thursday) at 2:30 p.m.**

Equal Opportunities Commission
July 2019