

**Legislative Council Panel on Home Affairs**  
**EOC's Response to the Recommendations Made in the**  
**Report by the Independent Panel of Inquiry on Incidents**  
**Relating to the Equal Opportunities Commission**

**Purpose**

This paper informs Members about the EOC's response to the recommendations made in the report by the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission (the Panel).

**The Recommendations**

2. There is a total of 70 recommendations in the Panel's report. These recommendations are either related to the operation of the EOC or to the Administration.

3. All the recommendations related to the operation of the EOC have been accepted by the EOC (other than 1 recommendation requiring further consideration).

4. EOC's response on recommendations related to its operation is contained in Annex I. The EOC has also provided some initial views on recommendations related to the Administration, which is in Annex II. Subject to the Administration's response, the EOC may offer further views in due course.

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*Equal Opportunities Commission*

*March 2005*

**Recommendations by the Independent Panel of Inquiry**  
**on the Incidents Relating to the EOC**

**Annex I : Recommendations related to the operation of the EOC**

<b>Recommendations</b>	<b>Accepted / Not Accepted / To be Further Considered</b>	<b>Implementation Plan / Current Status</b>
<b><i>Strengthening the Institutional Framework of the EOC</i></b>		
<b>Guiding Principles</b>		
(3) The EOC should be guided by the Paris Principles in performing its functions to the fullest extent permitted by its enabling legislation.	Accepted	EOC's work has always made reference to the Paris Principles. Will consider areas where enhancement is possible.
<b>Independence</b>		
(7) All EOC Members should be required to uphold EOC's overall interest.	Accepted	(a) EOC will take active steps to build consensus among EOC Members and staff through sharing of mission and vision and embracing core values.  (b) EOC will conduct orientation / briefing / brainstorming sessions for new and existing EOC Members focusing on the work of EOC and to reflect upon their statutory roles and how they can contribute fully to the Commission.
<b>Pluralism</b>		
(12) EOC should broaden its network by  (a) increasing the number of co-opted members in	Accepted	On-going efforts.

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(b) sub-committees; establishing and expanding the network of stakeholder groups to discuss topical issues of interest.		
<b>Corporate Governance</b>		
(13) The EOC should examine and where appropriate, implement the guidelines in “Corporate Governance for Public Bodies – A Basic Framework” published by the Hong Kong Institute of Certified Public Accountants.	Accepted	The guidelines published by the Institute will be given consideration for possible implementation, in so far as they are suited to the EOC as a regulatory body dealing with aspects of human rights.
<b>The EOC Chairperson</b>		
(14) The EOC should implement the proposals in its recent Organizational Review to establish a corporate image rather than focusing on the Chairperson.	Accepted	
(19) The powers and responsibilities of the EOC Chairperson should be clearly defined. Specifically, the governing board should reserve strategic and other key matters, such as major decisions in relation to resources and senior appointments, for collective	Accepted	Certain powers and responsibilities of the Commission such as resources and senior appointments are already vested with the Commission.  Existing powers and responsibilities of the Commission and the Chairperson are being revisited to ensure clarity and collective decision making on policy matters.

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decision-making.		How the powers and responsibilities are going to be defined will also be dependent on response to recommendations #15 to 18.
<b>Handover Arrangements</b>		
(28) The EOC should develop and where appropriate, formalize proper handover arrangements for the Chairpersons.	Accepted	What is most important is to have detailed and meaningful briefings by key senior staff as soon as the appointment takes effect. Given that there may be a time gap on the tenure of the outgoing and incoming Chairpersons, snapshot handover note could be prepared by the EOC office to supplement the staff briefings.
(29) The handover between EOC Chairpersons should, as far as possible, be conducted by the EOC without external assistance.		
<b>The Commission</b>		
(31) The EOC may consider designating a spokesperson for specific subjects to enhance public image. Individual Members should refrain from expressing personal views on EOC matters in public.	Accepted	Will consider ways and means to take this recommendation forward.
<b>The Role of EOC Members</b>		
(32) EOC Members should apprise themselves of their basic legal duties and responsibilities and potential liabilities. These duties should include setting directions, overseeing the organization and monitoring	Accepted	EOC will conduct regular orientation / sharing sessions for EOC Members to reflect upon their statutory roles.

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<b>Recommendations</b>	<b>Accepted / Not Accepted / To be Further Considered</b>	<b>Implementation Plan / Current Status</b>
the executive management of the EOC.		
(33) The EOC should conduct orientation, familiarization visits, induction and refresher training as well as brainstorming sessions on a regular basis for the EOC Members.	Accepted	On-going efforts.
(34) Chairpersons of the EOC’s functional committees should consider taking a more active role in giving guidance, directions and support to the EOC Office. EOC Members should also give more support by joining at least one functional committee and participating more actively in public education and community relations activities.	Accepted.	On-going efforts.  All EOC Members are already Members of at least one functional committee. EOC Members will be further encouraged to participate in public education and community relations activities.
(35) EOC Members should be apprised of the need to take collective responsibility for the Commission. EOC Members are expected to support a decision collectively made and protect the corporate identity.	Accepted	Powers and duties of EOC Members will be spelled out clearly.
(39) EOC should consider promulgating a code of ethical conduct for its Members and	Accepted	There is already a code for staff. Will develop a code for Members.

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staff to ensure that they will, at all times, observe the highest standards of conduct and integrity.		
(41) The EOC should make an explicit commitment to openness and transparency in all its main activities, subject only to the need to preserve confidentiality.	Accepted	
(42) The EOC to reinstate the practice of conducting a press conference after each EOC meeting to enhance the communication with the media.	Accepted	<p>Will consider ways and means to enhance communication with the media.</p> <p>Actively considering an expanded use of EOC’s website to provide more information than would generally be available in press releases or reports following media briefings.</p>
(43) The EOC may consider releasing the confirmed minutes of the EOC meetings on the Internet for access by Members of the public.	Accepted	Implementation subject to meeting confidentiality and protection of personal data requirements.
(44) The EOC should ensure the relevant and sufficient information is provided to the EOC Members in a timely manner to facilitate discussion and decision.	Accepted	<p>This is being done at present.</p> <p>Discussion Papers are issued to Members at least 7 days before the meeting.</p>
(45) The EOC Management should	Accepted	This is being done.

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<p>consider consulting staff members to identify the most effective means to improve the communication within the EOC Office and between Members and staff of the EOC.</p>		<p>(a) A Staff Consultative Group comprising staff and management representatives has been set up.</p> <p>(b) A formalized and structured “Monday Meeting” for the management team to follow up and discuss all important issues and on-going cases and projects across different functions has also been set up. Will further consider how communication between EOC Members and staff could be improved.</p>
<p>(46) EOC should implement various recommendations of the EOC’s Organizational Review to further improve the EOC’s performance.</p>	<p>Accepted</p>	<p>The recommendations have been agreed by EOC Members in principle. An Implementation Steering Group comprising the Chairperson and EOC Members have been set up to take the recommendations forward.</p>
<p>(47) EOC should follow up on the recommendations of various recent reviews and implement them as appropriate.</p>	<p>Accepted</p>	
<p>(48) The EOC should expand the training and consultancy functions.</p>	<p>Accepted</p>	<p>This matter is under active consideration.</p>
<p>(49) The EOC should implement the recommendations of the</p>	<p>Accepted</p>	<p>An Implementation Steering Group (please refer to #46) has been set up</p>

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<b>Recommendations</b>	<b>Accepted / Not Accepted / To be Further Considered</b>	<b>Implementation Plan / Current Status</b>
HRM Review as soon as possible.		to take the recommendations in the Overall Review and the HRM Review forward.
(50) The EOC should further improve the human resources policies to give more recognition and provide more support and training to its staff.	Accepted	This matter is under consideration. This subject will be discussed in the Staff Consultative Group.
(51) The EOC Management should take active steps to cultivate a forward-looking, positive and harmonious working environment by improving staff morale and staff relations.	Accepted	This subject will be discussed in the Staff Consultative Group.
(52) The EOC should improve its staff performance management system, cultivate a merit-based culture and give sufficient warnings to under-performed staff so that the eventual decision regarding their termination or non-renewal will not be taken by surprise.	Accepted	Training will be provided to line managers in performance management, staff counseling and taking appropriate disciplinary action.
(53) The EOC should reaffirm the importance of the commitment to equal opportunities as a core competency for staff at all levels. It should recruit and retain staff who subscribe	Accepted	Induction and regular training will be conducted for staff to re-affirm the importance of the commitment to equal opportunities.  Commitment to equal opportunities will be included as an assessment

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to the belief of equal opportunities. It should provide comprehensive induction programme and regular staff training in this respect.		criterion for recruiting staff.
(54) The EOC should improve its grievance handling system.	Accepted	Formal Policy and Procedure already in place. Will further review the grievance handling procedure to see if there are rooms for improvement.
(55) The EOC should enhance its skills in managing the exit of staff.	Accepted	This recommendation is similar to recommendation #52.
(56) EOC to continue the secondment arrangements with organizations of similar nature. The EOC should formulate clearer guidelines, submit regular reports to the relevant functional committee and ensure that the secondees work to a programme for the transfer of skills to local staff.	Accepted	Clearer secondment guidelines will be formulated.
(57) The EOC should encourage the staff to strengthen their social ties by such means as forming staff associations or arranging informal gatherings.	Accepted	The Staff Consultative Group will deal with this recommendation.
(58) EOC should continue to demonstrate to be accountable	Accepted	The EOC will continue to discharge its statutory duties in an efficient and

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to the community.		effective manner. Ways and means to further improve its accountability will be considered.
(59) Relevant authorities should continue to explore the proposal of establishing an Equal Opportunities Tribunal.	Accepted	Law change is required.  A working group comprising the EOC Chairperson and EOC Members and staff of the Judiciary has already been set up to look into its feasibility.
(60) The EOC should publicize its vision, mission, core values and the scope of its responsibilities to enhance public understanding of its role and functions.	Accepted	This is already EOC’s current practice. Will strengthen publicity in this area.
(61) The EOC should consider a focused approach by consolidating itself and seeking to excel in its current statutory functions in terms of depth and quality of work.	Accepted	EOC will rationalize the work of its functions and undertake formal planning to bring about a more co-ordinated approach to work and to save resources at the same time.  A formalized and structured “Monday Meeting” has been set up for the management team to follow up and discuss important and on-going issues.
(62) The EOC should work closely with the Government to put in place a sound framework for implementation of legislation against racial discrimination.	Accepted	The EOC is closely liaising with the Government on this matter and is providing the Government with its views regarding the consultation document and resource implications.
(63) The EOC should clearly	Accepted	An “Impartiality” policy will be

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define the meaning of its duty of “impartiality” and consider explicit policy statement on its interpretation.		drawn up and a public policy statement will be put up on EOC’s website.
(64) The EOC should review whether more assistance the EOC Office should and could provide to the complainants to facilitate conciliation without compromising the EOC’s impartial roles.	Accepted	A working group comprising operational management and staff will be set up to look into this subject.
(65) To further institutionalize “conciliation” as part of the core function of the EOC, the EOC may consider adopting “conciliation rate” as an overall performance indicator for the staff and the EOC.	<b>This recommendation to be further considered.</b>	<b>Comments:</b> The success of “conciliation” depends on the willingness of the parties concerned and is not entirely within EOC’s control. Staff should also not have a personal interest in the outcome of conciliation.
The EOC should also step up staff training in conciliation practices.	Accepted	On-going training efforts will be made.
(66) The EOC should reaffirm that its ultimate objectives is to promote social harmony through changing of attitudes. To this end, it should intensify its research, publicity, public education and training function while continue to initiate litigation where appropriate.	Accepted	Consideration is being given to strengthening the research, public education and training functions.

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<b>Recommendations</b>	<b>Accepted / Not Accepted / To be Further Considered</b>	<b>Implementation Plan / Current Status</b>
(67) The EOC should reaffirm its positioning as “people-oriented” organization in which people always come first. The EOC should promote using easily understandable language.	Accepted	This is EOC’s current practice. Will consider if further improvements can be made.
(68) The EOC should, where appropriate and feasible, formalize its rules and procedures in human resource management in its recruitment, appointment, retirement and termination of staff, paying due regard to best practices in the public and private sectors.	Accepted	Will review existing rules and procedures to see what improvements are called for.
(69) The EOC should formulate clearer guidelines and procedures on the conduct of the business of the Commission and its Committees.	Accepted	Will review existing guidelines and procedures to see what improvements are called for.
(70) The EOC should enhance its system and enforcement measures for the protection of personal and confidential data.	Accepted	A review has recently been carried out on the protection of personal and confidential data. The recommendations are being considered for implementation.

*Equal Opportunities Commission*

*March 2005*

**Recommendations by the Independent Panel of Inquiry**  
**on the Incidents Relating to the EOC**

**Annex II : Recommendations related to the Administration**

<b>Recommendations</b>	<b>Agreed / Not Agreed / To be Further Considered</b>	<b>EOC's Initial Views</b>
<b><i>Strengthening the Institutional Framework of the EOC</i></b>		
<b>Guiding Principles</b>		
(1) Six core values (Independence, Pluralism, Good Corporate Governance, Openness, Transparency and Communication, Efficiency and Effective Performance and Accountability) be adopted for handling EOC matters.	Agreed	These core values already form the basis of all EOC's work and direction. Regular reinforcement programmes, including their application to the work of the EOC will be conducted for staff and EOC Members.
(2) Government should consider making reference to the Paris Principles in the appointment to, and the governance of the EOC.	Agreed	
<b>Independence</b>		
(4) Government should continue to adhere to the non-interventionist policy and distance itself from the day-to-day operation of the EOC.	Agreed	
(5) Government should give favourable consideration to, and provide assistance in relation to, the EOC's request to join international organizations that are concerned with the elimination of discrimination.	Agreed	

**Annex II : Recommendations related to the Administration**

<b>Recommendations</b>	<b>Agreed / Not Agreed / To be Further Considered</b>	<b>EOC's Initial Views</b>
(6) EOC should be a non-partisan body to maintain impartiality.	Agreed	EOC will facilitate by reinforcing this position to staff and EOC Members.
<b>Pluralism</b>		
(8) EOC membership should cover a broad spectrum of people.	Agreed	This has been the case.
(9) The EOC should have Members with financial and legal expertise to enable it to control and account for the use of public resources.	Agreed	This has been the case.
(10) EOC Members should continue to be appointed in their personal capacity.	Agreed	
(11) In making appointments to the EOC, the Government may consider inviting the EOC to nominate candidates representing relevant community groups. The EOC may invite nominations from various organizations representing community groups for its consideration via a nomination committee before submitting its list of recommendations to the Government.	Agreed	Invitation to the EOC to nominate candidates is already done at present.

**Annex II : Recommendations related to the Administration**

Recommendations	Agreed / Not Agreed / To be Further Considered	EOC's Initial Views
<b>The EOC Chairperson</b>		
<p>(15) The posts of EOC Chairperson and the Chief Executive Officer (CEO) should be separated, and the CEO post should be reinstated. It is desirable that the Chairperson be a non-executive post appointed on a part-time basis.</p> <p>(16) To allow more flexibility, consideration should be given to amending the relevant legislation to remove the requirement for the EOC Chairperson to be appointed on a full-time basis.</p> <p>(17) The responsibilities of the Chairperson should be formally defined in writing and such responsibilities should be distinct from those of the CEO.</p> <p>(18) CEO should be an ex-officio executive member of the Commission. The CEO should report to the Chairperson and be accountable to the Commission for the performance of the organization and the implementation of the Commission's strategy and policies.</p>	<p>To be further considered.</p>	<p>#15 to #18 to be considered together by the Government.</p> <p>EOC's internal Organizational Review recommended the reinstatement of the post of Chief Executive (CE) in order to avoid role conflicts and facilitate the board to monitor the work of the EOC office. A balance of power and segregation of roles and duties between the posts of CE and the Chairperson is considered desirable.</p> <p>The Panel's recommendations necessitate changing of the law. The CEO post recommended in EOC's Organizational Review for reinstatement is a contract staff post, whereas the CEO recommended by the Panel is a statutory appointee. The Panel's recommendation basically replaces the Chairperson by the CEO, who effectively will run the entire operation of the EOC with attendant public attention focusing on him.</p> <p>Further, the need to maintain regulatory consistency could affect the effectiveness of the control over the CEO by the EOC Board on operational decisions made by the CEO.</p>
<p>(19) The powers and responsibilities of the EOC Chairperson should be clearly defined.</p>	<p>Agreed</p>	

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Specifically, the governing board should reserve strategic and other key matters, such as major decisions in relation to resources and senior appointments, for collective decision-making.		
(20) In making appointment and re-appointment of the EOC Chairperson, the Government should consider the views as presented in the report about the ideal attributes of the EOC Chairperson.	Agreed	
(21) The Government should continue to adopt the merit principle to appoint the most suitable candidate to the EOC. The appointment should be free from political considerations.	Agreed	
(22) The Government should review the remuneration package of the EOC Chairperson in the context of the overall review of the advisory and statutory boards and committees. The EOC should similarly review the remuneration package of the CEO, if reinstated with an expanded function.	This recommendation has to be considered together with other recommendations concerning the “The EOC Chairperson” and the role of the Chairperson and CEO.	
(23) (a) To establish a nominating committee, comprising	To be further considered.	EOC supports the principle that Members should come from a

**Annex II : Recommendations related to the Administration**

<b>Recommendations</b>	<b>Agreed / Not Agreed / To be Further Considered</b>	<b>EOC's Initial Views</b>
<p>Government officials and representatives of key stakeholders to assist in the appointments to the EOC (and other major boards and committees)</p> <p>(b) The Government should issue a press release attaching the appointee's detailed CV to demonstrate that his/her qualifications and experiences are impeccably linked to the work of the EOC and eminently qualified for the post.</p>		<p>broad spectrum of people who support equal opportunities and have the right qualification. Government should consider the best option for adhering to this principle.</p>
<p>(24) The Government should be mindful not to introduce processes that will dampen the wish of capable candidates to contribute to public service and consequently deprive the EOC and HK of valuable talents.</p>	<p>Agreed</p>	
<p>(25) The EOC Chairperson should normally be appointed for a three-year term, renewable once for another term of not exceeding three years.</p>	<p>To be further considered.</p>	<p>Stability and continuity in the EOC Chairpersonship is essential. The law stipulates that the EOC Chair could be appointed up to a period of 5 years in one term. Other regulatory bodies dealing with individual or human rights e.g. The PCO and The Ombudsman all have 5 year terms.</p>

**Annex II : Recommendations related to the Administration**

<b>Recommendations</b>	<b>Agreed / Not Agreed / To be Further Considered</b>	<b>EOC's Initial Views</b>
<p>(26) Barring unforeseen circumstances, the Government should make a firm decision and announce the appointment, re-appointment or cessation of the appointment of the EOC Chairperson two months before commencement of the new term.</p> <p>(27) The appointment and re-appointment of EOC Members should as far as possible be announced one month before the commencement of the new term.</p>	<p>#26 and #27 agreed.</p>	<p>Announcement should be made at a reasonable time ahead of the appointment to ensure a smooth handover.</p>
<b>The Commission</b>		
<p>(30) The Government may consider appointing a Deputy Chairperson, who may act as the Chairperson if the Chairperson is absent.</p>	<p>To be further considered.</p>	<p>This recommendation to be considered together with #15 to 18.</p>
<b>Appointment of EOC Members</b>		
<p>(36) In appointing EOC Members, the Government should consider the following attributes:-</p> <p>(a) supportive of the principles of equal opportunities;</p> <p>(b) ready and able to devote time and effort to the work of the EOC; and</p>	<p>Agreed</p>	

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(c) respectable persons who meet a high standard of behaviour.		
(37) The “six-year rule” should be followed in the next round of appointments.	Agreed	
(38) The terms of appointment of EOC Members should be staggered in such a way that the term of no more than one-half of the members will expire in the same year.	Agreed	
<b>Standards of Behaviour of the Governing Board</b>		
(40) In considering appointments to the EOC, the Government should take into account the abilities of possible candidates in meeting certain ethical standard.	Agreed	

*Equal Opportunities Commission*  
*March 2005*