

Legislative Council Panel on Home Affairs

Implementation of recommendations in:

- (a) the Report of the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission; and**
- (b) two other internal review reports of the Equal Opportunities Commission**

PURPOSE

This paper briefs Members on the implementation of the recommendations made in the report of the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission (EOC) and the recommendations made in the two other internal review reports of the EOC.

BACKGROUND

2. In view of public concern over the controversy surrounding the EOC, the Legislative Council (LegCo) had requested the Administration to investigate the incidents relating to the EOC from October to December 2003. The Administration then decided that the Secretary for Home Affairs should appoint an independent panel to look into the incidents concerning the EOC. The Independent Panel of Inquiry on the Incidents Relating to the EOC (the Panel) was appointed in May 2004 and submitted its report in February 2005. The Panel made a number of recommendations concerning the structure and composition of the EOC.

3. The EOC had also initiated two internal reviews in view of the recent incidents. They are: (a) the Report on Review of the Role and Organizational and Management Structure of the EOC conducted by Professor Nelson Chow and Mrs Laura Ling, and (b) the Review of the EOC's Human Resources Management Policies, Procedures and Practices conducted by Mr Yeung Ka-sing, Professor Chan Yuk-she and Miss Nora Yau.

IMPLEMENTATION OF THE RECOMMENDATIONS

(a) The Report of the Independent Panel of Inquiry on the Incidents Relating to the EOC

4. At the meeting of the LegCo Panel on Home Affairs held on 21 March 2005, we presented a paper setting out our initial response to the recommendations made in the report of the Panel. As more than half of the 70 recommendations made in the report of the Panel are related to the operation of the EOC, those recommendations should be considered by the EOC itself. We also stated in the paper that we had accepted most of the remaining recommendations. However, we considered that ten recommendations either required further consideration and/or involved legislative amendments before they could be implemented.

5. As to the ten recommendations which require further consideration and/or involve legislative amendments, six of them are related to the proposal of separating the roles of the EOC Chairperson and the Chief Executive Officer (CEO). This issue will be discussed in a separate paper entitled “Review of Advisory and Statutory Bodies: Interim Report No. 15 – Review of the Corporate Governance of the EOC”.

6. Our response to the remaining four recommendations is set out at the **Annex**.

(b) Report on Review of the Role and Organizational and Management Structure of the EOC and Review of the EOC’s Human Resources Management Policies, Procedures and Practices

7. Apart from the various recommendations relating to the proposal of separating the roles of the EOC Chairperson and the CEO, the recommendations in these two reviews are related to the internal operation and management of the EOC and will be considered separately by the EOC.

8. The only issue which concerns the Administration is that, in the Review of the EOC’s Human Resources Management Policies,

Procedures and Practices, it is recommended that the Home Affairs Bureau should take into consideration relevant experience in and commitment to equality of opportunity when appointing EOC Members. We will take this recommendation into account when considering suitable candidates in the next round of appointments to the EOC.

Home Affairs Bureau
January 2006

Annex

Recommendations	Administration's response
<p>(11) In making appointments to the EOC, the Government may consider inviting the EOC to nominate candidates representing relevant community groups. In doing so, 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.</p>	<p>In the past, we had invited nominations from the EOC when considering appointments to the EOC. We will continue to invite nominations from the EOC in future.</p>
<p>(23) In the context of the overall review of advisory and statutory bodies, the Government may consider the following two suggestions -</p> <p>(a) The desirability and feasibility of establishing a nominating committee, comprising Government officials and representatives of key stakeholders, to assist in the appointments to the EOC and other major boards and committees. Under this proposal, vacancies are advertised and nominations invited. The candidate will then be submitted to the Chief Executive for consideration and endorsement.</p> <p>(b) Following some overseas models whereby the Government will, after each key appointment, issue a press release attaching the appointee's detailed</p>	<p>Under the Sex Discrimination Ordinance, the Chairperson and Members of the EOC shall be appointed by the Chief Executive. As in all appointments to advisory and statutory bodies, our policy is to appoint the most suitable candidate. We do not consider the setting up of a nomination committee appropriate in this context.</p> <p>At present, we issue a press release to announce new appointments to the EOC. Although the background of the appointed Chairperson will be provided in the</p>

<p>curriculum-vitae to demonstrate that his/her qualifications and experiences are impeccably linked to the work of the EOC and hence eminently qualified for the position.</p>	<p>press release, we normally do not provide much information on the appointed members. We will provide more background information of the appointed members in the press release in future.</p>
<p>(25) To ensure stability and facilitate longer-term planning, the EOC Chairperson should normally be appointed for a three-year term, renewable once for another term of not exceeding three years.</p>	<p>The Sex Discrimination Ordinance stipulates that the EOC Chairperson shall be appointed for a term not exceeding 5 years and be eligible for reappointment. We consider it inappropriate to restrict the term of appointment to three years.</p>
<p>(30) The Government may consider appointing a Deputy Chairperson, who may act as the Chairperson if the Chairperson is absent from Hong Kong or is, for any other reason, unable to act as Chairperson, or if the office is vacant.</p>	<p>In order to enhance the corporate governance of the EOC, we propose to amend the Sex Discrimination Ordinance so that (a) a non-executive EOC Member may also be appointed to be the Deputy Chairperson of the EOC; and (b) a non-executive EOC Member be designated to act as EOC Chairperson in the absence of the Chairperson and the Deputy Chairman.</p>