

By Email

Ms Joanne Mak
Senior Council Secretary
Home Affairs Panel
Legislative Council Secretariat
3/F Citibank Tower
3 Garden Road
Central
Hong Kong

9 January 2006

Dear Ms Mak,

**Legislative Council Panel on Home Affairs
Implementation of 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
two other reports of the internal reviews conducted by EOC
If character is in doubt, a public officer must get out**

Over the past week, the US House of Reps' majority leader, Tom DeLay, resigned over money laundering charges while Charles Kennedy head of Britain's Liberal-Democrat Party resigned after admitting to alcoholism. Both had to relinquish their office because they failed to meet the high standards of character expected of them. Being public office holders, they must set good examples because they are considered an example of others.

The message is simple: **"If character is in doubt, a public officer must get out"**. The same should apply to Hong Kong public office holders.

Recently, in the Sun's article of 30.12.2005, Raymond Tang, is allegedly planning to oppose the split of the EOC Chairmanship into two, one with executive and the other with non-executive functions. While it is the government's prerogative to decide whether these allegations should be investigated, the public is certainly not pleased with the never ending negative news report of the head of a human rights body, whose status is the equivalent of a government bureau secretary.

So far, the EOC has not come up to prove that it will adhere to the **Seven Principles of Public Life**, which was recommended by the Independent Panel of Inquiry for adoption by the EOC in February 2005. In particular, the EOC blatantly dis-regarded two of the most important principles of the Seven Principles, namely, the principles of accountability and openness. The EOC has not yet publicised its meeting minutes, though it has vowed to do so for many years already, even before the recommendations by the Independent Panel of Inquiry were made. We ask that the EOC immediately publicise all the **minutes** that had been confirmed over the past three years for us to know what had happened to the EOC over the past three years during which the EOC was in greater turmoil than other times.

The EOC has further refused to disclose the two internal review reports about its human resources problems and its organisational problems. We are given to understand that the reason for the EOC to refuse to disclose the two internal review reports is because "many of the recommendations in EOC's internal reviews replicate those recommended by the Independent Panel of Inquiry"¹. This claim is totally unsupported by the facts.

We checked the Independent Panel of Inquiry report and found that the Independent Panel of Inquiry report only made reference to **9** recommendations² of the two internal review reports. This is an absolutely minimal figure, when there were 70 recommendations in the Independent Panel of Inquiry report and 60 recommendations in the internal review reports. We could not accept the EOC's reason for refusing to disclose its two internal review reports. We are not given equal opportunities to know what went wrong in the EOC and what recommendations were made to address the problems in the two internal review reports. This flies in the face of the EOC, which claims that it is an equal opportunities body. The Hon. Ms Tam Heung Man, being an EOC member as well as the deputy chairman

¹ Please see EOC's claim at paragraph 5 of its submission under LC Paper No. CB(2)786/05-06(03).

² The 9 recommendations of the two internal review reports that were referred to in the Independent Panel of Inquiry report are found in recommendations 14, 33, 42, 43, 45, 46, 49, 53 and 55 in the Conclusion section of the Executive Summary of the Independent Panel of Inquiry report.

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of the Home Affairs Panel, owes us an explanation as to why the two internal review reports are not disclosed.

In EOC's paper under LC Paper No. CB(2)786/05-06(03), it identified only four major areas where improvements were needed in the two internal review reports and they are as follows:-

- (1) Governance
- (2) Culture
- (3) Office Management and Internal Operation
- (4) Trust, Communication and Morale

In Annex II of EOC's paper under LC Paper No. CB(2)786/05-06(03), it mentioned the "Work Undertaken", "Work in Progress" and "Under Consideration" in relation to the "Improvements" needed. Without specific information as to the **problems** that led to the "Improvements", we simply could not understand how some of the works mentioned were related to the improvements needed. For example, we do not understand how item (ii) of "Work Undertaken" under item (3) of the "Improvements" was related to "Office Management and Internal Operation".

Also, it revealed that the EOC staff salary is **overpaid** from just reading item (iv) of under item (3) "Under Consideration" part. Why has nothing been done to reduce the staff salary since the recommendations in the two internal review reports were made more than two years ago?

We ask that the EOC immediately **disclose** the full contents of the two internal review reports, which were said to have made a total of 60 recommendations for improvements.

We **support** the government's proposal to implement the recommendations made in its paper for the 13 January 2006 Home Affairs Panel meeting.³ However, as discussion and legislation to implement the government's proposals will take over at least one year, we recommend that in the interim, an independent body of professionals should be appointed to oversee the implementation of the 130 odd recommendations in the three reports. If the EOC is minded to oppose the appointment of a body of professionals, we would like the EOC or the Hon Ms Tam Heung Man (wearing two hats) to

³ Please see government's papers under LC Paper No. CB(2)786/05-06(01) and (02).

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provide a **timetable** as to when the legislation for the change of the EOC should be completed.

From
The EOC Concern Group

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