

By Email

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

8 February 2006

Dear Ms Mak,

**Legislative Council Panel on Home Affairs
Proposed race discrimination legislation**

We support the government proposal to legislate on race discrimination.

We oppose that the EOC be given the authority to implement the race discrimination legislation.

Over the past 9 years of operation, the EOC was in a disorderly state with scandals surfacing all the time. It was heavily criticised for its bad management in the Independent Panel of Inquiry report. There was public discontent about the inability of the EOC to suitably spend public money.

In the last Home Affairs Panel meeting, we were indeed surprised to hear that the EOC Chairperson, Mr Raymond Tang, said that it is time to let the EOC stay on quietly after the scandalous events and that any implementation of the good governance proposals, like the split the Chairperson role into two, would affect the morale of the EOC staff. We doubt under such premises, the EOC staff just does not have the drive and determination to accept extra responsibilities that go with the implementation of the new legislation.

Bear in mind, the scandalous events occurred more than two years ago and Mr Raymond Tang is now saying that there is still a morale problem with the staff. The introduction of the good corporate governance measures was

intended to improve the morale rather to destroy the morale. We are very doubtful of Mr Raymond Tang's will to bring into force what the Independent Panel of Inquiry had recommended.

Over the past month, 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

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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.

From
The EOC Concern Group

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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