

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

5 December 2005

Dear Ms Mak,

**Legislative Council Panel on Home Affairs  
Proposed Approval Procedure for Overseas Duty Visits of the Privacy  
Commissioner for Personal Data and the Chairperson of the Equal  
Opportunities Commission**

1. We support the Government's proposal to require the EOC Chairperson to seek approval from the Government before he goes on overseas duty visit.
2. For obvious reason, the EOC should be accountable for each single cent that it spends because it is public revenue. In light of recent public outcry over the way that the EOC Chairperson spent money on overseas visits, it is opportune for more stringent supervision over EOC's spending.
3. The EOC had a mediocre record in the way that it operated since it was established in 1996. The "Report of the Independent Panel of Inquiry on the Incidents Relating to the Equal Opportunities Commission [the Report]" clearly identified 70 areas where the EOC had failed over the years. Another two independent reports further identified 60 more areas for improvement.
4. In so far as the Report is concerned, we are not convinced in the least that the EOC had successfully implemented the recommendations made in the Report, based on the very flimsy suggestions that Raymond Tang told us  
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that reviews the EOC's performance*

in a March 2005 Legco hearing. We are not told the procedures and policies that had been employed to implement the recommendations. As regards the 60 recommendations for improvement in the two other independent reports, we are not even informed what these recommendations were. The EOC is tight-lip about these two reports, despite the public's outcry for transparency.

5. Under the above circumstances, we are not convinced that the EOC has the ability to look after the way that it spends public money.
6. In the Report, it was revealed that the EOC spent almost \$10 million in two civil suits brought by two former staff. This is a huge amount because it is equivalent to almost 4 years of salary of Raymond Tang, the Chairperson.
7. We reviewed the public Court records and found that the EOC lost on three areas in one of the law suits. It challenged the plaintiff on the issues of the disability, the accident and the anonymity order and it all lost. We estimated that the legal costs lost by the EOC in these three issues amounted to over 80% of the law suit costs in question.
8. It begs the questions: (1) Was there a system in place to ensure that hopeless challenges were dropped in the first place to save unnecessary legal costs; and (2) Can we now trust that the EOC is able to diligently look after the public money that it is entrusted, may it be for overseas duty visit or other purposes.
9. As to the reasons that the EOC put forward for opposing the Government to supervise its overseas duty visit spending, they lacked substance and were totally unjustified.
10. The EOC mentioned supervisory systems are already in place, such as the Ombudsman, the Judicial Review, the Audit Commission, and the Legislative Council. But without doubt, we all know that none of these systems supervise how the EOC spends its money in overseas duty visits. Even in its financial statements, it never mentioned as detail as how it spent its money in overseas duty visits.

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11. The EOC further mentioned that the law does not allow the Government to supervise it in the way that it spends public money. We disagree. The EOC misconceived the law. Even if the law prohibits the Government, which we disagree, we could always amend the law to bring the EOC within the law in the way that it spends public money.
12. In conclusion, we need to have checks and balances over all the processes at the EOC, apart from the way it spends public money.

Yours faithfully,

The EOC Concern Group

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