

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

Purpose

This paper provides Members with an updated status 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.

Implementation of the Recommendations

2. At the meeting of the LegCo Panel on Home Affairs held on 21 March 2005, the EOC provided a paper giving its initial response to the recommendations made in the report of the Independent Panel of Inquiry. The EOC also stated in the paper that it had accepted all the recommendations related to the operation of the EOC (other than 1 recommendation requiring further consideration). Implementation concerning the recommendations related to the operation of the EOC made in the report of the Panel are stated in **Annex I**.

3. On the Panel's recommendations related to the Administration, the EOC has also provided some initial views in its paper for the meeting of the LegCo Panel on Home Affairs held on 21 March 2005. On the recommendations concerning EOC's governance, the EOC wishes to state further that it welcomes proposals from the Administration which would strengthen the governance and structure of the EOC, and which would not adversely affect its importance, stature, and ability in administering the anti-discrimination legislation. We look forward to being consulted by the

Administration on details of the proposal.

4. For the purposes of self-improvement, the EOC has also conducted two internal reviews, i.e. the Organizational Review and the HRM Review which were completed in late 2004. As part of its recommendations, the Panel also recommended that EOC should follow up on the recommendations of various recent reviews and implement them as appropriate. The recommendations of EOC's two internal reviews can be grouped into four major areas as follows:-

- (i) Governance
- (ii) Culture
- (iii) Office Management and Internal Operation
- (iv) Trust, Communication and Morale

5. Many of the recommendations in EOC's internal reviews replicate those recommended by the Panel. Implementation of the major recommendations in the two internal reviews are stated in **Annex II**. Some of the recommendations have now been implemented, others are in progress and a number of recommendations are under consideration.

Equal Opportunities Commission
January 2006

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

Recommendations related to the operation of the EOC

Recommendations	Current Status
<i>Strengthening the Institutional Framework of the EOC</i>	
<i>Guiding Principles</i>	
(3) The EOC should be guided by the Paris Principles in performing its functions to the fullest extent permitted by its enabling legislation.	The Paris Principles relate to the status and functioning of National Institutions for the promotion and protection of human rights. While EOC is not a National Institution, EOC's work has always made reference to the Paris Principles and will continue to do so.
<i>Independence</i>	
(7) All EOC Members should be required to uphold EOC's overall interest.	The EOC office has conducted briefing for the new Members on the work of EOC and discussed with Members their statutory role. A Retreat has also been conducted among Members and staff to enhance communication through sharing of mission & vision, and core values and to build consensus.
<i>Pluralism</i>	
(12) EOC should broaden its network by (a) increasing the number of co-opted members in sub-committees; (b) establishing and expanding the network of stakeholder groups to discuss topical issues of interest.	(a) EOC committees will in the near future give consideration to adding more Co-opted Members. (b) EOC already has a very wide network of stakeholder groups and has regular liaison with them on specific subjects. Liaison with different sectors and Consulates have started in connection with the proposed "race" law.
<i>Corporate Governance</i>	
(13) The EOC should examine and where appropriate, implement the guidelines in "Corporate Governance for Public Bodies – A Basic Framework"	The guidelines published by the Institute aim at providing guidance to public bodies whose activities involve utilization of very large amount of public funds, e.g. in capital and infrastructure

Recommendations related to the operation of the EOC

Recommendations	Current Status
published by the Hong Kong Institute of Certified Public Accountants.	<p>projects. EOC already has detailed policies and procedures regarding its expenditures and formal delegation of powers are in place. EOC's accounts are also subject to public audit.</p> <p>The three commonly accepted fundamental principles of good corporate governance as advanced by the Institute i.e. – Openness, Integrity, and accountability are also EOC's Core Values. The EOC would examine and where appropriate, make reference to the guidelines published by the Institute.</p>
<i>The EOC Chairperson</i>	
(14) The EOC should implement the proposals in its recent Organizational Review to establish a corporate image rather than focusing on the Chairperson.	The EOC governing board has agreed that the full time Chairperson is the public face for the EOC and will normally be the spokesperson for the Commission. Members will be requested to participate in media briefings and speak on specific subjects.
(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 decision-making.	Formal delegation of powers has been endorsed by the EOC at its meeting on 2 June 2005 and the power and responsibility of the EOC Chairperson and the governing board including major decisions on resources and senior appointments have been clearly set out. The governing board will continue to have authority on resources and senior appointments.
<i>Handover Arrangements</i>	
(28) The EOC should develop and where appropriate, formalize proper handover arrangements for the Chairpersons. (29) The handover between EOC Chairpersons should, as far as possible, be conducted by the EOC without external assistance.	<p>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 Chairperson, snapshot handover note could be prepared by the EOC office to supplement the staff briefings.</p> <p>The above was arranged when EOC's new Chair was appointed in January 2005.</p>
<i>The Commission</i>	
(31) The EOC may consider designating a	The EOC has agreed that the full-time

Recommendations related to the operation of the EOC

Recommendations	Current Status
<p>spokesperson for specific subjects to enhance public image. Individual Members should refrain from expressing personal views on EOC matters in public.</p>	<p>Chairperson is the public face for the EOC and will normally be the spokesperson for the Commission. Members will be requested to participate in media briefing and speak on specific subjects.</p>
<p><i>The Role of EOC Members</i></p>	
<p>(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 the executive management of the EOC.</p>	<p>The EOC office has conducted a briefing / orientation session for new Members and their statutory roles, basic legal duties, responsibilities and potential liabilities were discussed. Quarterly gatherings / sharing sessions between Members and staff are being arranged to enhance communication and to build consensus.</p>
<p>(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.</p>	<p>As per Remarks in (32). A familiarization and networking visit to Beijing with comparable organizations has also been arranged in July 2005. Brainstorming sessions will be organized for EOC Members on a need basis.</p>
<p>(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.</p>	<p>All Members are already at least Members of one functional committee. Most of them are Members of two functional committees. Members have been encouraged to participate in public education and community relations activities. Convenors of the EOC committees will also host quarterly gatherings / sharing sessions between Members and staff. Reflecting the nature of the committee's work, the Chairperson is the Convenor of LCC, whilst convenors of the other 3 committees are elected by the committee members.</p>
<p>(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.</p>	<p>All new EOC Members have been apprised of the need to take collective responsibility for the Commission at their first EOC meeting held on 2 June 2005. The need to take collective responsibility has also been spelled out in EOC's formal "Procedures for Meetings and Related Matters" endorsed at the above meeting.</p>
<p>(39) EOC should consider promulgating a</p>	<p>There is already a code of ethical conduct for</p>

Recommendations related to the operation of the EOC

Recommendations	Current Status
code of ethical conduct for its Members and staff to ensure that they will, at all times, observe the highest standards of conduct and integrity.	<p>staff.</p> <p>The guiding principles concerning the role and conduct of EOC Members have been spelled out in EOC’s formal “Procedures for Meetings and Related Matters” which have been discussed and endorsed by Members at their first EOC meeting on 2 June 2005.</p> <p>The EOC will also give consideration to promulgating a code of conduct for Members.</p>
(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.	Commitment to openness and transparency has been clearly spelled out in EOC’s formal “Procedures for Meetings and Related Matters” which have been discussed and endorsed by Members at their first EOC meeting held on 2 June 2005.
(42) The EOC to reinstate the practice of conducting a press conference after each EOC meeting to enhance the communication with the media.	Press conference after each regular EOC Meeting will be conducted from 2006 onwards.
(43) The EOC may consider releasing the confirmed minutes of the EOC meetings on the Internet for access by Members of the public.	Confirmed minutes of EOC meetings would be released on the Internet for access by members of the public from 2006 onwards, subject to the protection of personal and confidential data.
(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.	This is being done at present. Discussion papers are generally issued to Member at least 7 days before the meeting, in accordance with internal guidelines.
(45) The EOC Management should 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>(a) A Staff Consultative Group comprising staff and management representatives aimed to improve communication within the EOC office has been set up and is functioning well.</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 and</p>

Recommendations related to the operation of the EOC

Recommendations	Current Status
	<p>is also functioning well.</p> <p>(c) Quarterly gatherings / sharing sessions to be hosted by the Convenor of the respective committees are being organized between Members and Staff of EOC.</p>
(46) EOC should implement various recommendations of the EOC's Organizational Review to further improve the EOC's performance.	(Please refer to Annex II for details.)
(47) EOC should follow up on the recommendations of various recent reviews and implement them as appropriate.	(Please refer to Annex II for details.)
(48) The EOC should expand the training and consultancy functions.	The Training and Consultancy function has recently been merged with the Promotion and Education function to form the Corporate Communications and Training Unit to achieve synergy and best results.
(49) The EOC should implement the recommendations of the HRM Review as soon as possible.	(Please refer to Annex II for details.)
(50) The EOC should further improve the human resources policies to give more recognition and provide more support and training to its staff.	Relevant human resources policies are being reviewed by the "Monday Meeting" Group as well as the Staff Consultative Group for improvement.
(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.	The establishment of the Staff Consultative Group is to address this recommendation. The Staff Consultative Group meets every two months and various improvements have been made based on staff's suggestions.
(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	The performance management system is being revised for improvement and training needs for line managers will be assessed to enable appropriate training to be given.

Recommendations related to the operation of the EOC

Recommendations	Current Status
surprise.	
(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 to the belief of equal opportunities. It should provide comprehensive induction programme and regular staff training in this respect.	Commitment to equal opportunities has been included as an assessment criterion for selecting new recruits. (a) Induction and regular training for staff will re-affirm the importance of the commitment to equal opportunities.
(54) The EOC should improve its grievance handling system.	Formal Policy and Procedure already in place. Staff have been consulted on the system and improvements to the grievance handling policy and procedure will be made.
(55) The EOC should enhance its skills in managing the exit of staff.	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.	Secondment is a valuable tool to enhance experience sharing but it has resource implications.
(57) The EOC should encourage the staff to strengthen their social ties by such means as forming staff associations or arranging informal gatherings.	The Staff Consultative group is tasked with the responsibility to organize informal gatherings and outings for EOC staff.
(58) EOC should continue to demonstrate to be accountable to the community.	EOC acknowledges that this is a primary responsibility and will continue to demonstrate its accountability to the community.
(59) Relevant authorities should continue to explore the proposal of establishing an Equal Opportunities Tribunal.	Law change is required. A working group comprising the EOC Chairperson, EOC Members, staff of the EOC and Judiciary has been set up to look into its feasibility.
(60) The EOC should publicize its vision,	EOC is already doing this at present through its

Recommendations related to the operation of the EOC

Recommendations	Current Status
mission, core values and the scope of its responsibilities to enhance public understanding of its role and functions.	promotion and educational initiatives.
(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.	A formalized and structured “Monday Meeting” has been set up for the management team to follow up and discuss important and on-going issues. This will also bring about a more co-ordinated approach to work of the different functions and improved quality of work.
(62) The EOC should work closely with the Government to put in place a sound framework for implementation of legislation against racial discrimination.	The EOC is closely liaising with the Government on this matter and is providing the Government with its views including resource implications on work to be carried out. A Task Group on Race has also been set up within the EOC to prepare for the implementation.
(63) The EOC should clearly define the meaning of its duty of “impartiality” and consider explicit policy statement on its interpretation.	An “Impartiality” policy will be 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.	This subject is being reviewed at the case review meetings by the Operations Division.
(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.	The success of “conciliation” depends on the willingness of the parties concerned and is not entirely within EOC’s control. Apart from the need to maintain “impartiality”, staff should also not have a personal interest in the outcome of conciliation. Accordingly “conciliation rate” will not be adopted as an overall performance indicator for the staff and the EOC.
The EOC should also step up staff training in conciliation practices.	Investigation and conciliation training will be provided to staff whenever the need is identified. Will closely monitor and address training needs in this area.
(66) The EOC should reaffirm that its	The Training and Consultancy function has

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Recommendations	Current Status
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.	recently been merged with the Promotion and Education function to form the Corporate Communications and Training Unit to achieve synergy and best results. More resources will be provided to the research, public education and training functions as necessary.
(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.	This is already EOC’s standing practice.
(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.	Policies, procedures and practices are already in place. Will pay due regard to best practices in the public and private sectors and make improvements as necessary.
(69) The EOC should formulate clearer guidelines and procedures on the conduct of the business of the Commission and its Committees.	Formal “Procedures for Meetings” and “Guiding Principles” in relation to the operation of EOC and Members’ conduct have been drawn up and endorsed by Members.
(70) The EOC should enhance its system and enforcement measures for the protection of personal and confidential data.	A review has been conducted on the protection of personal and confidential data. The recommendations have been implemented.

**Implementation of the
Recommendations in EOC’s Organizational Review and HRM Review**

Improvements in	Work Undertaken	Work in Progress	Under Consideration
<p>1. Governance (with great emphasis continued to be placed on openness and transparency)</p>	<p>(i) A formalized and structured “Monday Meeting” has been set up for the management team to discuss important issues across all functions, to collectively make decisions, to agree who should take charge and follow through work items and projects.</p> <p>(ii) EOC Board appointed in May 2005 has been fully apprised of their statutory duties and responsibilities.</p> <p>(iii) Delegation of powers and functions between the Chairperson and the EOC Board has been revisited and clearly spelled out and endorsed by Members at their first meeting held on 2 June 2005. The EOC Board will continue to have power on approving resources and senior appointments.</p>	<p>(i) Working on an expanded use of EOC’s website to provide more information than would generally be available on press releases, including a dedicated column to be put in place to rapidly respond to topical issues.</p> <p>(ii) Confirmed minutes of EOC Meeting to be placed on EOC’s website (subject to protection of confidential and personal data) from 2006 onwards.</p>	

Improvements in	Work Undertaken	Work in Progress	Under Consideration
<p>2. Culture</p>	<p>(i) A Retreat has been organized for Members and staff to identify major issues, to improve understanding, to build consensus and improvement areas for the purposes of building a positive culture have been identified and will be followed-up.</p>	<p>(i) A second retreat for all staff is being planned for Members and staff.</p> <p>(ii) Training will be organized to line managers in performance management, staff counseling and taking appropriate disciplinary actions and managing the exit of staff.</p>	
<p>3. Office Management and Internal Operation</p>	<p>(i) Improved guidelines have been drawn up and new measures adopted for the protection of personal and confidential data.</p> <p>(ii) Formed closer partnership with organizations with similar objectives as there are overlapping areas where resources can be shared and ideas exchanged to maximize effect, e.g. Women's Commission (WoC), and Rehab Advisory Committee etc. Has recently organized a forum with WoC on preventing sexual</p>	<p>(i) A new computerized complaint case management system is being developed to be ready for use by mid 2006.</p> <p>(ii) A comprehensive review of existing promotion, public education and training programmes is being carried out to ensure that EOC's programmes can cater for specific needs of the community to bring changes in attitude, to enhance capacity in people, to secure the foundation for sustainable changes and prevent discrimination.</p> <p>(iii) EOC will take a more proactive approach to make</p>	<p>(i) Will explore with HAB to set up a Liaison Committee with Government Bureaus and Departments. The proposed committee would formalize communication, enhance partnership and facilitate mainstreaming of EO in the Civil Service.</p> <p>(ii) Will review policy and practice in granting legal assistance to aggrieved persons to ensure that EOC continues to exercise such powers for the best interest of the public.</p> <p>(iii) Leadership</p>

Improvements in	Work Undertaken	Work in Progress	Under Consideration
	<p>harassment in the Universities. Is also working with WoC on conducting a Survey on Family Friendly Policies.</p> <p>(iii) EOC’s Training and consultancy function recently merged with the Promotion and Educations function to form the “Corporate Communications and Training” function to achieve greater synergy and best results.</p> <p>(iv) Existing policies and practices in the HRM areas such as performance management, grievance and disciplinary policies and procedures are being revised for improvement.</p> <p>(v) Training on investigation and conciliation skills, managing diversity, handling clients with challenging behaviours has recently been provided to staff to enhance their skills.</p> <p>(vi) Job titles on all</p>	<p>good use of its power in conducting “Formal Investigation. The conduct of Formal Investigation can address systemic discrimination and a powerful educational tool. A number of areas for Formal Investigation is now under consideration.</p> <p>(iv) Is reviewing whether more assistance should, and could be provided to the complainants to facilitate conciliation without compromising EOC’s impartiality role.</p> <p>(v) The EOC will also develop a strategic corporate plan by the 1st quarter of 2006 to provide a framework for divisions / units to develop their annual plan.</p>	<p>development and training are being considered for senior and middle management.</p> <p>(iv) A task group was recently formed to look into EOC staff’s pay level. It is the intention that EOC will benchmark with the open market, and not limited to making reference with the government and other statutory bodies. In so doing, the EOC will take into account the result of the pay level comparison of civil service jobs with private sector jobs to be completed this year.</p>

Improvements in	Work Undertaken	Work in Progress	Under Consideration
	functions have been reviewed and revised as necessary to more clearly reflect their functional responsibility.		
4. Trust, Communication and Morale	(i) Briefing and sharing sessions on important subjects related to EOC's work have been organized for EOC Members from time to time. (ii) A Staff Consultative Group comprising management and staff representatives (the latter elected by the staff themselves) aimed to improve communications and to build trust within the EOC office has been set up in March 2005. Staff are consulted on important issues affecting them and this forum also provides a direct avenue for staff to raise their concerns and to understand the rationale for the decisions made by the Commission. A number of		

Improvements in	Work Undertaken	Work in Progress	Under Consideration
	<p>improvements have already been made in the office based on staff's suggestions. Staff representatives will also organize informal staff gatherings and outings to held build staff rapport in an informal setting.</p> <p>(iii) Convenors (EOC Members) of the respective EOC committees will host quarterly gatherings with different groups of staff to better understand staff's work and concern and to provide advice and support.</p> <p>(iv) In terms of external communications strategy, the EOC will continue to adopt a strategy with emphasis on bringing attitude changes, capacity building in people and partnership with stakeholders.</p> <p>(v) On the international front, the EOC will continue to participate in UN meetings and maintain</p>		

Improvements in	Work Undertaken	Work in Progress	Under Consideration
	<p>communication and co-operation with international human rights bodies. Members of the UN treaty monitoring committees dealing with human rights have now been placed on EOC's mailing list so that they could be timely informed of the work of the EOC and progress on equal opportunities in Hong Kong.</p>		

*Equal Opportunities Commission
January 2006*