

By Email

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

11 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**

The purpose of the meeting of 13 January 2006 is to study the implementation of the recommendations of three reports. They are the report completed by the Independent Panel of Inquiry (the “**Independent Inquiry report**”) and two internal review reports completed by the EOC (the “**two Review reports**”).

The Home Affairs Bureau already published the Independent Inquiry report in February 2005 and it contained 70 recommendations. However, the EOC **refused** to publish the two Review reports, which contained 60 recommendations.

The EOC claimed in its paper submitted to Legco (the “**EOC Submission**”) for the 13 January 2006 meeting that “many of the recommendations in the two Review reports replicate those recommended by the Independent Inquiry report.” Therefore, it will not disclose the two Review reports.

Using “many” is far from being true. This is because out of the 70 recommendations in the Independent Inquiry report, only 9

recommendations in the Independent Inquiry report referred to the recommendations of the two Review reports.

There is no reason for EOC not to disclose the two Review reports. In ANNEX I of the EOC Submission, the EOC listed out all the 70 recommendations of the Independent Inquiry report and explained one by one what it has done or is doing to implement the 70 recommendations. However, in ANNEX II of the EOC Submission, when it came to talk about the 60 recommendations made in the two Review reports, it did not list out any of the 60 recommendations. It only said it grouped all the 60 recommendations under four headings. They are: (1) Governance, (2) Culture, (3) Office Management and Internal Operation, and (4) Trust, Communication and Morale. These headings are just as **vague** as they could be.

To refuse to disclose the recommendations made in the two Review reports is just a mockery of EOC's vow to be open and transparent. The EOC has repeatedly stated in the EOC Submission that it places great emphasis on openness and transparency and that these are the core values of EOC.

The EOC described in ANNEX II of the EOC Submission what they did, what they are doing and what they will do. However, we do not have the slightest idea as to **why** these works are being done and **what** problems these works are addressing. Without knowing what the 60 recommendations were in the two Review reports, we are not convinced that what the EOC is doing to address the 60 recommendations is appropriate. The EOC is leading the public by the nose.

Are the 60 recommendations so devastating to the EOC that it has to keep secret of what was being said about it? If this is the case, we have the right to know what the two Review reports said. If this is not the case, why not disclose the two Review reports, just as what the Home Affairs Bureau did with the Independent Inquiry report.

In ANNEX II of the EOC Submission, only 28 items of work to implement the 60 recommendations were shown under the four headings. Assuming that one item of work is meant to address one recommendation, then there are 32 recommendations which are not being dealt with.

*The EOC Concern Group is an independent body of professionals
that reviews the EOC's performance*

We are horrified to learn that under item (i) of heading (3) in ANNEX II of the EOC Submission, it is stated, “ Improved guidelines have been drawn up and new measures adopted for the protection of personal and confidential data”. As a human rights body, we supposed that the EOC should have sufficient safeguards for a person’s **privacy**. It now transpired that the EOC’s policies in this area are wanting. We demand to know what was being said about this particular problem in the two Review reports. Were there leakages of personal data that led to these renewed guidelines? We need to know what has gone wrong.

We are surprised to learn that under item (13) in ANNEX I of the EOC Submission, it was stated, “EOC already has detailed policies and procedures regarding its **expenditure** and formal delegation of powers are in place.” In two court cases involving two former staff, the EOC spent almost \$10 million in legal costs. The policies and procedures must have failed or otherwise how could such a huge amount of money was spent for two employment cases. We believed there were no or insufficient checks and balances in EOC’s spending. We need to know how and where did the so-called policies and procedures for spending fail, before we could consider whether what the EOC said about their implementations are appropriate.

We would like to:

- (1) invite the EOC to **respond** to the above matters at the meeting of 13 January 2006; and
- (2) ask the government to urgently **legislate** to revamp the corporate structure of EOC so as to introduce good standards of corporate governance at EOC.

From

The EOC Concern Group

*The EOC Concern Group is an independent body of professionals
that reviews the EOC’s performance*