

立法會
Legislative Council

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LC Paper No. CB(2)2075/13-14
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Wednesday, 23 April 2014, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Paul TSE Wai-chun, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Emily LAU Wai-hing, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, JP
Hon Dennis KWOK
Dr Hon Helena WONG Pik-wan
Hon Martin LIAO Cheung-kong, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Member attending : Hon Claudia MO

Members absent : Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Starry LEE Wai-king, JP
Hon CHAN Kin-por, BBS, JP
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man
Hon Steven HO Chun-yin
Hon MA Fung-kwok, SBS, JP
Hon Christopher CHEUNG Wah-fung, JP
Hon SIN Chung-kai, SBS, JP
Hon IP Kin-yuen

Public Officers attending : Item III

Mr Gordon LEUNG Chung-tai
Deputy Secretary for Constitutional and Mainland Affairs

Miss Helen CHUNG Chi-ching
Principal Assistant Secretary for Constitutional and Mainland Affairs

Mr LI Pak-hong
Chief Electoral Officer
Registration and Electoral Office

Mr SHUM Nam-lung
Deputy Chief Electoral Officer
Registration and Electoral Office

Item IV

Equal Opportunities Commission

Dr York CHOW Yat-ngok
Chairperson

Mr Herman POON
Chief Legal Counsel

The Administration

Mr Gordon LEUNG Chung-tai
Deputy Secretary for Constitutional and Mainland Affairs

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Miss Cindy HO
Senior Council Secretary (2) 3

Ms Wendy LO
Council Secretary (2) 3

Mrs Fonny TSANG
Legislative Assistant (2) 3

Action

I. Information papers issued since the last meeting
[LC Paper No. CB(2)1167/13-14(01)]

The Panel noted the letter dated 20 March 2014 from Dr Kenneth CHAN to the Chairman [LC Paper No. CB(2)1167/13-14(01)], which was issued to members after the last meeting.

II. Items for discussion at the next meeting
[LC Paper Nos. CB(2)1314/13-14(01) and (02)]

2. Members agreed to discuss the following items proposed by the Administration at the next meeting on 19 May 2014 at 2:30 pm -

- (a) report of the Hong Kong Special Administrative Region ("HKSAR") on its follow-up to the Concluding Observations of the United Nations ("UN") Human Rights Committee on the third report of HKSAR in the light of the International Covenant on Civil and Political Rights; and

Action

- (b) progress of the work on anti-discrimination on grounds of sexual orientation and gender identity.

3. Ms Emily LAU said that the UN hearing to consider the third report of HKSAR under the International Covenant on Economic, Social and Cultural Rights would be held on 8 May 2014. She asked when the Administration would brief the Panel on the outcome of the hearing. Deputy Secretary for Constitutional and Mainland Affairs ("DSCMA") responded that the Administration intended to propose the item be discussed by the Panel at its regular meeting in June 2014.

4. Ms Emily LAU also asked about the timing of discussion of the third report of HKSAR under the UN Convention on the Elimination of All Forms of Discrimination Against Women as the related UN hearing would be held in October 2014. She proposed that deputations should be invited to give views. DSCMA responded that the Labour and Welfare Bureau intended to brief the Panel on the item in June or July 2014. The Administration would confirm when it would be discussed at the next regular meeting.

Admin

III. Conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance ("ECICO")

[LC Paper Nos. CB(2)1098/13-14(01), CB(2)1314/13-14(03) and (04)]

5. At the invitation of the Chairman, DSCMA briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)1314/13-14(03)]. Members noted the background brief prepared by the Legislative Council ("LegCo") Secretariat [LC Paper No. CB(2)1314/13-14(04)].

Discussion

6. Mr WONG Ting-kwong said that in the 2008 LegCo Election, he was elected uncontested. However, he had participated in the election campaign activities organized for certain geographical constituency candidates. At the deadline for Mr WONG to submit his election return ("ER"), he was still unable to know the expenses incurred by his participation in the above election campaign activities, which were given to him some time later. So, he was unable to set out the relevant expenses in the total cost amount in his ER by the specified timeframe. As a result, he had to apply to the court for granting of relief which had incurred to him expenses of about \$40,000. He

Action

asked whether the de minimis arrangement was applicable should a similar incident occur again. He pointed out that in the above incident, his failure to report the total amount of expenses in his ER was not due to his own fault. Mrs Regina IP also recounted her experience in setting out the election expenses and all election donations received in ER within the specified timeframe. She considered that the specified period for lodging of ERs for LegCo elections should be extended. At present, the specified period was too short for candidates to finish calculating the exact election expenses/election donations and to submit audited accounts on their election expenses.

7. The Chief Electoral Officer ("CEO") of the Registration and Electoral Office ("REO") said that a candidate at a LegCo election had to ensure that his/her ER was lodged not later than 60 days after the date of publication of the results of the relevant election. As the dates of publication of election results for uncontested and contested elections were different, the "60-day rule" under section 37 of ECICO had given rise to different deadlines for submission of ERs by candidates in contested elections and those in uncontested elections. As regards the above situation mentioned by Mr WONG, CEO advised that a candidate could apply to the court for an order allowing him/her to lodge the return within an extended period as the court specified. He further said that the de minimis arrangement introduced in 2011 would be applicable subject to the following: (a) if the aggregate value of the errors or false statements in the declared election expenses and donations did not exceed the de minimis limit of the respective election; and (b) the total election expenses of the relevant candidate or list of candidates did not exceed the prescribed election expenses limit for the election. Mr WONG Ting-kwong considered the existing arrangement undesirable as candidates would still have to apply for a relief order from the Court of First Instance and bear the legal costs so incurred. In response to Mr WONG and Mrs Regina IP, DSCMA agreed to look at the existing arrangements concerning timeframes for lodging of ERs.

Admin

8. With reference to the information note provided by the Administration [LC Paper No. CB(2)1361/13-14(01)], Ms Emily LAU asked about the progress of investigation by the Independent Commission Against Corruption ("ICAC") into cases involving errors or false statements in ERs which could not be dealt with under the de minimis arrangement. DSCMA said that Ms LAU's request for information on the investigation outcome would be conveyed to ICAC. Ms LAU further asked about the number of the marginal cases which involved only an aggregate value of errors slightly exceeding the

Admin

Action

Admin

specified de minimis limit for the respective elections. CEO said that REO would need some time to compile the information and he recollected that the number of such cases should be small.

9. Mr Paul TSE proposed that cases which involved relatively minor and technical breaches of ECICO, and irregularities relating to insignificant amounts of election expenses or just slight delay in lodging ER could be handled by REO by way of summary procedure. Mr TSE also proposed that candidates should be given the opportunity to rectify ER after they were made aware of the errors or false statements identified in ER so as to cater for inadvertent breaches which were of a relatively minor or trivial nature.

10. Mr Paul TSE and Ms Claudia MO considered that there was a practical need to review the specified de minimis limit for different elections. They suggested that the de minimis limit should be in proportion to the relevant election expenses limit, and that it could be set in the range of 1% to 10% of the election expenses limit. DSCMA said that the existing de minimis limit for different elections was set in 2011 in the light of operational experience. He said that in considering any proposal of raising the de minimis limit, the principle of fairness and equality for conducting election-related activities should be adhered to. DSCMA agreed to give thought to members' suggestions.

Admin

11. Ms Claudia MO was concerned about the publicity campaigns launched by prospective candidates well before the election periods. She said that as these persons had not declared their intention to run for election, the expenditure incurred would not be counted as election expenses which would otherwise be subject to regulation of ECICO. DSCMA advised that section 2(1) of ECICO had stipulated that "election expenses" meant expenses incurred or to be incurred, before, during or after the election period, by a candidate for the purpose of promoting the election of the candidate or prejudicing the election of another candidate. Any expenditure incurred for election purpose should be regarded as election expenses.

12. Mr IP Kwok-him considered that breaches of the requirement under ECICO that "a person must, not later than seven days after publishing a printed election advertisement ("EA"), furnish two copies of EA to the appropriate returning officer" should not entail criminal liability. He said that breach of the requirement might be caused by mere negligence of members of the candidate's electioneering team in handling EAs. Mr IP called on the Administration to review the existing arrangements so that minor

Action

breaches of ECICO could be dealt with by alternative means such as administrative punishment.

Admin

13. DSCMA and CEO explained that amendments were made in 2011 to various Electoral Affairs Commission Regulations to relax certain requirements including the lifting of the previous requirement of ex ante declaration by candidates, and allowing candidates to make the required declaration and submission of EAs to the Returning Officer either electronically or in hard copy. Nevertheless, DSCMA said that the Administration would consider if there were concrete suggestions by members as to what changes should be made to the timeframe for lodging of EAs to the Returning Officer.

14. Dr Helena WONG expressed concern that some candidates had been the targets of smear campaigns via press reports which might contain information prejudicing against the candidates. She asked whether such press reports would be regarded as EAs and subject to the regulation of ECICO. CEO replied that according to the definition of EA under ECICO, any publicity material containing information published for the purpose of promoting or prejudicing the election of a candidate was regarded as EA, and the expenses incurred should be counted towards the election expenses of the candidates concerned. Nevertheless, each case would have to be considered based on its own merits.

15. Mr Paul TSE questioned the need to put in place stringent regulatory measures on EAs during election periods given that there was currently no restriction specifically imposed on the display of publicity materials by political parties on their activities. He called on the Administration to consider reviewing the regulatory regime on EAs by taking into account the present day circumstances with the Internet and smartphone apps, etc. being widely used. He also suggested that more innovative ways of distributing election-related materials to electors in the constituency should be considered in lieu of free postage so as to provide more flexibility for candidates in distributing their election-related materials by environmental friendly means.

16. Dr Priscilla LEUNG considered that ECICO was complicated and would deter persons, particularly those who had only limited resources, from running for election. Referring to a case involving a former District Council ("DC") election candidate who had failed to file the written consent of his supporters as required by ECICO, Dr LEUNG said that the policy intent of the relevant requirement of obtaining written consent of support from supporters

Action

was actually to protect candidates' interests. However, as seen from the cited case, the candidate concerned had to bear not only substantial legal cost but also great pressure merely due to his inadvertent breach of the relevant requirement. She considered that some inadvertent breaches of ECICO, such as making minor errors or minor omissions in ERs, should be decriminalized and handled by REO instead of ICAC. She suggested that REO should be staffed with legal officers so that REO could handle cases involving only minor omissions and irregularities, which in her view could be dealt with by administrative punishments (e.g. fine). She expressed concern that some trivial complaints were referred to ICAC for investigation and, in her view, it was a complete waste of ICAC's manpower which should have been deployed to investigate serious cases such as vote-rigging.

17. DSCMA reiterated that any proposals to decriminalize breaches of certain requirements under ECICO had to be considered carefully in order not to undermine the deterrent effect of the relevant legislation. To facilitate the Administration to take the matter further with ICAC, DSCMA invited members to provide concrete proposals in this regard for the Administration's consideration.

18. Mrs Regina IP opined that the prescribed election expense limit of \$53,800 for the DC election was too low. She said that, e.g. in the DC by-election for South Horizons West DC Constituency held in March 2014, as there were some 7 000 eligible electors in the DC constituency area, the average amount of expense allowed for each elector was less than \$10. She suggested that the election expense limit be reviewed regularly to take into account of factors such as inflation rate and printing cost, etc. DSCMA replied that the above election expenses limit was set for the DC election in 2011, which would be due for review before the DC election in 2015. He noted that, among other things, inflation rate would be taken into account.

19. Mr CHUNG Kwok-pan called on the Administration to be more open in the electoral arrangements for elections and suggested that consideration be given to raising the election expenses limit substantially and allowing EAs to be placed on new media as well as electronic media.

20. The Chairman requested the Administration to consider members' views and suggestions and revert to the Panel before the next election cycle.

Admin

Action

IV. Briefing by the Chairperson of the Equal Opportunities Commission ("EOC")

[LC Paper Nos. CB(2)1314/13-14(05) and (06)]

21. The Chairperson of EOC briefed members on the salient points of the paper submitted by EOC [LC Paper No. CB(2)1314/13-14(05)]. Members noted the updated background brief prepared by LegCo Secretariat [LC Paper No. CB(2)1314/13-14(06)].

22. Mr Paul TSE declared that he was a member of the EOC Board.

Discussion

Discrimination Law Review ("DLR")

23. Mr LEE Cheuk-yan asked whether EOC would consider consolidating the four anti-discrimination laws into a single ordinance and extending protection to cover discriminatory acts on new grounds, such as age, sexual orientation, and migrant status. The Chairperson of EOC replied that EOC saw merits in consolidating the existing anti-discrimination laws into one single ordinance to rectify inconsistencies. EOC had completed an internal review of the existing four anti-discrimination laws. The tentative plan of EOC was to consult the public in the third quarter of 2014. After the public consultation, EOC would summarise and prioritise the public views received for drafting its recommendations to the Administration on how the discrimination laws should be modernized.

24. Regarding EOC's proposal to amend the Sex Discrimination Ordinance (Cap. 480) ("SDO") to expand the scope of protection against sexual harassment to cover customers harassing providers of goods, services, or facilities, Mr LEE Cheuk-yan asked how flight attendants would be protected under the proposal, e.g. whether the new provisions would only cover flight attendants employed by airline companies registered in Hong Kong. He also asked about the timetable for taking forward the legislative amendments. The Chairperson of EOC said that it was expected that the Administration would soon submit the legislative amendment proposal to LegCo for scrutiny. In this connection, EOC had already solicited views of employees of different industries including airline companies and the catering industry. He understood that the proposed scope of protection would be discussed during the scrutiny of the relevant bill.

Action

25. Miss CHAN Yuen-han expressed concern that although SDO had come into operation for years, there were still many pregnancy discrimination cases which remained the major area of complaints. She asked how EOC would tackle the issue apart from reviewing the implementation of SDO. She also urged EOC to conduct an in-depth study on age discrimination in employment.

26. The Chairperson of EOC said that EOC had endeavored to redress grievance through conciliation. EOC would also remind employers of the legal protection against pregnancy discrimination and their civil liability in this regard. Apart from settling cases by conciliation, EOC might also publicize the names of the organizations concerned if necessary to enhance the deterrent effect. He added that EOC would commission an "Exploratory Study on Age Discrimination in Employment". EOC aimed to complete the study and submit the report to the Administration within 12 months.

27. Referring to paragraph 6(d) of the EOC's paper, Mr Gary FAN said that while it was stated that the public consultation on DLR would include whether the protection of the Race Discrimination Ordinance (Cap. 602) ("RDO") should be expanded to cover Mainlanders and new migrants, the Chairperson of EOC had told the media on the previous day that there was no need to amend RDO as he noted that the problem of discrimination against Mainlanders had become less serious. Mr FAN considered that the contradictory remarks made by the Chairperson of EOC would affect the credibility of EOC. The Chairperson of EOC explained that EOC had a statutory duty to keep under review and, where appropriate, to propose to the Government to amend the existing anti-discrimination laws. He considered that there was no need to enact legislation if there were improvements in the situation. However, EOC should still make necessary preparations in case the need for legislation arose in the future.

28. Mr Gary FAN pointed out that according to the International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD"), racial discrimination referred to "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin". He said that he would query the legal basis for amending RDO to cover Mainlanders, if such a proposal was to be put up. Ms Claudia MO also expressed a strong view that, as Mainlanders and new migrants did not constitute a racial group in Hong Kong, it would be fundamentally wrong to propose amending RDO to cover those people. She criticised that EOC, as an advocate of equal opportunities, was in fact discriminating against Mainlanders and new migrants by doing so.

Action

29. Mr YIU Si-wing, Dr Priscilla LEUNG and Miss CHAN Yuen-han expressed concern on the discrimination experienced by Mainlanders in Hong Kong and supported that DLR should cover the relevant issues. Mr Paul TSE expressed concern about the increase in the conflicts between some Hong Kong people and Mainlanders and that it had become more frequent for the use of hate speech by some Hong Kong people during these conflicts. He considered that such acts would have adverse impact on the international image of Hong Kong. He sought the views of EOC as to whether such acts could be regarded as in breach of the relevant human rights treaties of UN.

30. The Chief Legal Counsel of EOC replied that discrimination on the basis of nationality and citizenship was covered by ICERD. Also, the race discrimination legislation in Australia included provisions prohibiting discrimination against new migrants. EOC therefore considered it appropriate to study whether RDO should be amended to cover new migrants and he agreed that the use of hate language by some Hong Kong people against Mainlanders was relevant to the study.

Discrimination on the basis of sexual orientation and gender identity

31. Mr CHAN Chi-chuen, Mr Gary FAN and Ms Claudia MO expressed support for EOC's work in advocating for legislation against discrimination on the grounds of sexual orientation and gender identity. Referring to paragraph 6(b) of the EOC's paper, Mr CHAN Chi-chuen asked whether the definition of "de-facto relationships" would be extended to cover "same-sex cohabitation relationship", "same-sex marriage" and "civil union for same-sex partners". He added that even some religious leaders opposing legislation on same-sex marriage had changed to accept the concept of "civil unions".

32. The Chairperson of EOC said that he had met with many sexual minority groups to understand their needs and the discrimination they encountered. To facilitate the Administration's consideration of the way forward, EOC had commissioned a consultant to conduct a feasibility study on legislating against discrimination on the grounds of sexual orientation and gender identity. He advised that in the context of family status discrimination and sex discrimination, "de-facto relationships" was meant to include cohabitation relationship between a man and a woman, but not same-sex cohabitation relationship as Hong Kong's existing marriage institution was based on monogamy between one male and one female. The Chairperson of EOC added that Hong Kong should initiate discussion on

Action

issues like "same-sex marriage" and "civil unions" in the light of recent developments such as legalization of same-sex marriage in some overseas jurisdictions.

33. Dr Helena WONG asked about EOC's involvement in the inter-departmental working group chaired by the Secretary for Justice ("SJ") to follow up on various aspects of gender recognition in light of the observations made in the judgment of the Court of Final Appeal in the case of *W v Registrar of Marriages* (FACV4/2012). The Chairperson of EOC said that he had conducted discussion with SJ on the problems faced by transgender persons and their grave concern about the requirement that a transgender person would have to undergo full sex re-assignment surgeries before being granted the right to marry in his or her affirmed gender under the Marriage (Amendment) Bill 2014. The Chairperson of EOC said that EOC had also made suggestions as to the experts to be invited to join the aforementioned inter-departmental working group. The Chairperson of EOC undertook that EOC would continue to follow up these issues with the inter-departmental working group.

34. Ms Emily LAU urged EOC to engage in active discussion with all relevant stakeholders on how the rights of transgender persons could be protected. She considered that the Chairperson of EOC should continue to speak up for the underprivileged groups in Hong Kong in a fearless manner.

35. Dr Priscilla LEUNG considered that granting marriage rights to transgender persons would have far-reaching implications on the marriage system. She opined that EOC should listen to the views of different stakeholders other than sexual minority groups before forming its stances on issues relating to legal protection for sexual minorities. She requested EOC to conduct a research study on overseas experiences and court cases to assess whether legislating against discrimination on the ground of sexual orientation might result in "reverse discrimination". She stressed that it was equally important to safeguard the freedom of parental choice of children's religious and moral education under Article 18(4) of the International Covenant on Civil and Political Rights, as well as the freedom of religious belief under Article 32 of the Basic Law.

36. The Chairperson of EOC assured members that he had solicited the views of different stakeholders on the issue of transgender marriage. Regarding the issue of "reverse discrimination", he said that EOC would study overseas legislation and consider the relevant court cases.

Action

37. Mr CHUNG Kwok-pan queried whether EOC would maintain an independent and impartial role in conducting DLR as he felt that the Chairperson of EOC had pre-determined stance on some of the key issues covered by DLR. He also expressed doubt on whether the overseas experience in granting legal protection for sexual minorities was applicable to a Chinese society like Hong Kong. The Chairperson of EOC said that the consultant commissioned to undertake the feasibility study on legislating against discrimination on the basis of sexual orientation and gender identity would carry out the work independently. Besides, the public consultation by EOC would be conducted in a fair and impartial manner. The Chairperson of EOC added that EOC had a statutory duty to promote understanding and acceptance of equal opportunities.

38. Ms Cyd HO considered that EOC should step up publicity and public education to eliminate the misunderstanding of some people that enacting legislation to prohibit discrimination against people on the ground of sexual orientation would affect their legitimate rights and result in reverse discrimination. The Chairperson of EOC said that EOC would make sustained efforts to mainstream the culture of equal opportunity in the community.

Equal opportunities for ethnic minorities

39. Dr Helena WONG said that parents who were ethnic minorities had complained that they had not been provided with information on how to apply for student financial assistance for their children. She was concerned about the difficulties encountered by these parents especially those who did not know Chinese and English in gaining access to information. The Chairperson of EOC advised that EOC was provided with an additional recurrent funding of \$4.69 million by the Government for promoting racial equality for 2014-2015. With the provision, EOC planned to set up a Multi-ethnic Taskforce to enhance its work in the areas of public education, training, community outreach and liaison with stakeholders concerned including schools. The Chairperson of EOC said that with a view to effecting policy changes, more research would be conducted to investigate problems faced by the ethnic minorities. The new Taskforce would also monitor the Government's policy on ethnic minorities and its effectiveness, especially in education and employment.

Action

Anti-sexual harassment campaign

40. Dr Helena WONG sought details of the EOC's anti-sexual harassment campaign on campus. The Chairperson of EOC said that according to a survey conducted by EOC in March 2013, sexual harassment was a critical issue in schools. EOC had therefore launched an anti-sexual harassment campaign in schools in collaboration with the Education Bureau in the second half of 2013. These initiatives included developing a Framework for Sexual Harassment Polices in Schools, organizing seminars and five large scale forums on formulation of anti-sexual harassment policies in schools and explaining the legal liabilities of schools in preventing sexual harassments to more than 1 000 teachers and representatives of school sponsoring bodies, etc. EOC would continue to provide training for secondary schools and tertiary institutions on prevention of sexual harassment and would conduct surveys to assess the effectiveness of the work in this area.

Resources and permanent office for EOC

41. Ms Emily LAU expressed concern on the increase in EOC's office rent from \$22/ft² in 2005 to the present-day level of \$42/ft². She sought the Administration's response to EOC's bid for acquisition of permanent premises. DSCMA said that the Administration was aware that the rise in office rents had caused financial burden to EOC, and was considering the request of EOC for acquisition of permanent premises. He undertook to revert to the Panel on the outcome of the Administration's consideration. He added that EOC had reserve funds to support its operations. The Chairperson of EOC, however, pointed out that the reserve funds of EOC should be set aside for new and one-off initiatives related directly to the promotion of equal opportunities. He said that the rental cost might result in an over-budget situation for EOC this year, and further rental increase was expected.

Admin

42. Miss CHAN Yuen-han considered that the Administration should favourably consider EOC's request for permanent premises. She was also concerned that EOC did not have sufficient resources to provide legal assistance to aggrieved persons. She considered that a specialized Equal Opportunities Tribunal should be established as the adjudicating body for discrimination cases. Mr LEUNG Kwok-hung suggested that the Chairperson of EOC might review EOC's organizational structure if necessary.

43. Mr CHAN Chi-chuen and Mr Paul TSE considered that the Administration should provide adequate resources to EOC for discharging its

Action

duties. Mr Paul TSE suggested that the Administration might consider providing a permanent office for EOC in the West Wing of the former Central Government Offices as the rent of EOC's present office might surge to more than \$50/ft² in 2014.

44. In response to Mr YIU Si-wing's enquiry, the Chairperson of EOC said that the present office of EOC cost it \$9 million per annum, which represented a one-fold increase since the commencement of the first lease agreement in 2005. He said that the office rent amounted to nearly 9% of the annual expenditure of EOC. The lease was coming up for renewal in December 2014. EOC considered that a permanent office would be the long-term solution to the issue. Mr YIU considered the EOC's request for a permanent office justified given the high rental cost for its present premises. In reply to Mr YIU, the Chairperson of EOC said that EOC would submit the bid for acquisition of permanent premises to the Administration for consideration in accordance with the established procedures.

V. Any other business

45. There being no other business, the meeting ended at 4:47 pm.

Council Business Division 2
Legislative Council Secretariat
18 July 2014