

立法會
Legislative Council

Ref : CB2/PL/CA

LC Paper No. CB(2)1224/17-18
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Wednesday, 14 February 2018, at 10:45 am
in Conference Room 1 of the Legislative Council Complex

- Members present** : Hon Holden CHOW Ho-ding (Deputy Chairman)
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon Alice MAK Mei-kuen, BBS, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Jimmy NG Wing-ka, JP
Hon LAM Cheuk-ting
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Dr Hon CHENG Chung-tai
- Members absent** : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Paul TSE Wai-chun, JP

Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon CHU Hoi-dick
Hon Wilson OR Chong-shing, MH
Hon Tanya CHAN
Hon Kenneth LAU Ip-keung, BBS, MH, JP

Public Officers : Item IV
attending

Office of the Privacy Commissioner for Personal Data

Mr Stephen WONG Kai-yi
Privacy Commissioner for Personal Data

Mr Daniel LEUNG
Head of Corporate Support and Enquiries Division

The Administration

Miss Rosanna LAW Shuk-pui, JP
Deputy Secretary for Constitutional and Mainland
Affairs

Item V

Equal Opportunities Commission

Professor Alfred CHAN
Chairperson

Mr Michael CHAN
Chief Operations Officer

Mr Ivan LUK
Chief Legal Counsel

Dr Ferrick CHU
Director (Policy, Research and Training)

Ms Shana WONG
Head, Corporate Communications

Ms Lisa CHAN
Senior Corporate Communications Manager

The Administration

Miss Rosanna LAW Shuk-pui, JP
Deputy Secretary for Constitutional and Mainland
Affairs

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

Staff in attendance : Mr Kelvin LEE
Senior Assistant Legal Adviser 3

Mr Dennis HO
Senior Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. Confirmation of minutes of meeting

[LC Paper No. CB(2)879/17-18]

The minutes of the special meeting held on 20 December 2017 were confirmed.

II. Information paper(s) issued since the last meeting

[LC Paper No. CB(2)881/17-18(01)]

2. Members noted the joint letter dated 5 February 2018 from Dr Helena WONG and Mr LAM Cheuk-ting to the Chairman [LC Paper No. CB(2)881/17-18(01)] and the Administration's response to the joint letter.

(Post-meeting note: The Administration's response to the joint letter was tabled at the meeting and was issued vide LC Paper No. CB(2)903/17-18(01).)

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)851/17-18(01) and (02)]

3. Members agreed to discuss "Local legislation to implement the National Anthem Law" as proposed by the Administration at the next regular meeting on 23 March 2018 at 8:30 am.

Action

IV. Briefing by the Privacy Commissioner for Personal Data

[LC Paper Nos. CB(2)851/17-18(03) to (04) and CB(2)892/17-18(01)]

4. With the aid of PowerPoint, the Privacy Commissioner for Personal Data ("PCPD") briefed members on the salient points of the paper on the work of his Office in 2017 [LC Paper No. CB(2)851/17-18(03)].

Discussion

Enquiries and complaints

5. Ms Claudia MO requested PCPD to explain the differences between "enquiries" and "complaints". PCPD explained that enquiries received by his Office via telephone, email, and letters etc. involved the provision of information on how relevant issues would be dealt with. On the other hand, for complaint handling, a rigorous procedure should be followed and complainants were required to complete a detailed proforma when lodging complaints to his Office on any suspected case of contravention of the Personal Data (Privacy) Ordinance (Cap. 486) ("the Ordinance"). He said that there were an average of about 17 000 enquiries and about 2 000 complaints per year.

6. Noting that enquiries relating to cyber-profiling and cyber-bullying had been increasing, Ms Claudia MO asked about the PCPD's position in response to enquiries/complaints regarding protection of personal data privacy and public's right to know. PCPD said that the right of personal data privacy and the right to know were human rights to be ensured. His Office would take proactive steps to strike a balance between data privacy protection and the public's right to know.

7. Ir Dr LO Wai-kwok noted that in 2017, PCPD's Office received 3 501 complaints which included 1 968 complaints relating to the reported loss of two laptops by the Registration and Electoral Office ("REO") ("the REO incident"). Referring to page 3 of the PowerPoint file on complaint statistics, instead of excluding the exceptionally high figure of 1 968 cases arising from the REO incident within the category of public organizations, he suggested that an explanatory remark could be added instead to give an overall picture. PCPD agreed that there was room to improve on how relevant figures should be presented. In response to Dr LO's enquiry on whether the REO incident had resulted in any actual loss to the complainants, PCPD said that the REO incident was still under investigation by the Police, and no complainant had ever reported actual loss to his Office in connection with the REO incident.

Action

8. Ms Alice MAK and the Deputy Chairman enquired about the broad issues involved in relation to the complaints received by PCPD's Office and whether these might involve abusive use of personal data for money lending or direct marketing activities. PCPD said that among the private sector organizations, the financial industry received the highest number of complaints (210 cases). Regarding the nature of complaints relating to the private sector, the majority were related to the use of personal data without the consent of data subjects, about 30% related to the purpose and manner of data collection, 15% related to the security of personal data, and 8% related to data access/correction requests. Noting the high frequency of receiving direct marketing calls from financial institutions by the public, PCPD advised that callers should obtain prior consent of data subjects and respect the data subjects' requests to opt out if so indicated. In addition to educational measures, he would look at whether more could be done on the administrative and legislative fronts.

Enforcement of the Personal Data (Privacy) Ordinance

9. Ms Claudia MO noted with concern that so far no successful prosecution had been brought against cyber-related contraventions and those successful prosecutions were only related to commercial activities. PCPD stressed that where the occurrence of a security incident involved other criminal elements (e.g. access to a computer with criminal or dishonest intent), it would be referred to the Police for investigation and the criminal(s) would be charged with the more serious offence, even though certain aspects of privacy-related issues were detected in the first instance in some cases. Mr Charles Peter MOK considered that the lack of successful prosecution in certain areas might reflect the need to bring the relevant provisions of the Ordinance up-to-date to confer more power on PCPD in order to strengthen the protection of personal data privacy.

10. Mr Charles Peter MOK considered that there was room to improve regarding compliance of the Ordinance by government departments in the light of various data breach incidents involving the loss of documents or portable devices. Referring to the findings of the Hong Kong Transparency Report published by the Journalism and Media Studies Centre of The University of Hong Kong in February 2018, Mr MOK expressed concerns that the Government had issued an annual average of about 4 000 data requests. The largest requester was the Police (88%) and the major reason was for crime prevention and detection (99%). He suggested that PCPD

Action

should look at whether data requests made by law enforcement agencies had been excessive, and that PCPD should take steps to enhance its educational efforts targeting government departments. PCPD advised that in 2017, PCPD conducted 22 educational seminars for government bureaux/departments, with a total of about 2 700 participants. PCPD would collaborate with the Civil Service Training and Development Institute under the Civil Service Bureau to run training sessions for civil servants in 2018.

11. Dr CHENG Chung-tai expressed concern that some banking and financial institutions had started to apply biometric technology (including fingerprint recognition, voice authentication, retina scan, facial recognition, finger vein recognition) which might pose security risks to their customers' personal data privacy. He enquired whether formulation of policy was needed to enhance personal data privacy protection in this regard.

12. PCPD said that his Office had engaged relevant stakeholders including monitoring bodies, banking institutions, and card issuing companies through meetings with stakeholders, and had conducted professional workshops, talks and seminars on financial technology. Many recommendations made by his Office had been adopted and incorporated into the relevant guidelines published by these monitoring bodies/organizations. As a large number of complaints were related to the financial industry, he agreed that more efforts could be made in this area. Dr CHENG Chung-tai considered that neither PCPD nor the Administration had accorded sufficient priority to this matter. Pointing out that some Mainland banks and organizations had collaborated with a Mainland technology company to let their customers pay with facial recognition, he urged that PCPD should step up efforts in this regard. PCPD said that his Office had published smart tips on "Protect, Respect Personal Data – Smart Use of Internet of Things" to provide guidelines in this area. In the light of members' concern, he agreed to review the content of the relevant publication to provide more detailed information for public reference.

13. Referring to paragraph 31 of the paper provided by PCPD's Office, Ms Alice MAK enquired whether PCPD had assessed the effectiveness of the implementation of privacy management programmes with the relevant sectors (including banks, insurance companies etc.). PCPD assured members that his Office had maintained close liaison with the relevant sectors, and talks and seminars had been organized from time to time. He stressed that through engaging the senior management of relevant industries, his Office had been promoting the concept of "Privacy by Design" among data users of relevant industries so as to safeguard privacy in the design, operation and management

Action

of any new projects/systems. Besides, relevant organizations were encouraged to conduct Privacy Impact Assessments to ensure general compliance with relevant data protection principles ("DPPs").

14. Dr Priscilla LEUNG expressed concern about the incident which reportedly involved the use of personal data collected through online surveys conducted in the past for electioneering purposes. As the incident had attracted a large number of complaints, she asked what actions had been taken by PCPD to follow up these cases and monitor if the remedial measures had been properly implemented. PCPD said that in following up the above case, the relevant DPPs included collection, handling, use and disposal of personal data. He said that in the above incident, it was found that the collection purpose was unclear which might contravene the principle of fair collection under the Ordinance. In this connection, he had met with the organizer to discuss the areas for improvement. In response to the warning issued by PCPD, the organizer had taken remedial measures including a third-party certification to ensure deletion of the information collected and compliance with relevant requirements. Dr LEUNG requested PCPD to keep in view the situation in view of the upcoming elections.

15. Dr Helena WONG expressed concern that some members of the public had complained that in response to some online promotions, they had provided their personal data for free gifts such as mobile phones, only to find that they had been directed to another web page for providing further information (such as phone number and residential address) for delivery of the gifts but ended up receiving nothing in return. She asked whether PCPD would conduct an investigation to find out if it was a new way of soliciting personal data for sale in bulk to direct marketing companies because the data subjects had subsequently received many phone calls from money lending and/or beauty industries.

16. PCPD said that the offering of free gifts on the street by a person to attract passers-by to complete a survey questionnaire and to provide their personal data in the process when the true purpose was to collect and amass personal data for sale in bulk to direct marketing companies was considered an unfair means of collection of personal data. He said that his Office would look up the issue raised and take further actions if malpractices were identified. He added that the sale of personal data for financial gain without the consent of the data subject would constitute a criminal offence, and data subjects were encouraged to read the personal data collection statement clearly in order to protect their own personal data. Dr Helena WONG called

Action

on PCPD to conduct investigation to follow up these cases as soon as possible and to step up publicity in this regard.

17. Mr CHAN Chi-chuen recounted his experience in applying for a credit card, during which he was asked to do a 45-minute profiling questionnaire, including provision of personal information (including salary of his first job). He asked whether the issue would fall within the ambit of Hong Kong Monetary Authority ("HKMA") or PCPD. PCPD said that his Office had maintained close liaison with HKMA and the Hong Kong Association of Banks etc., to remind them that they should inform customers of the data collection purpose and should obtain consent of the data subjects. PCPD said that more would be done to educate the relevant industry in this regard.

18. Mr CHAN Chi-chuen said that in the course of performing the work of Legislative Council ("LegCo") Member and/or District Council member, it would very often involve collection of personal data from members of the public when organizing activities (e.g. flu vaccination) but the current provisions of the Ordinance required that the use of data collected must be for the same or directly related purpose as the stated purpose of collection. In this regard, he suggested that the publicity work of PCPD should also cover political parties.

19. Concerning the collection of data and profiles of clients with the aids of advanced data processing and analytics techniques, the Deputy Chairman enquired whether such activities would be subject to regulation. He was concerned how a balance should be struck between promoting businesses and protection of personal data privacy.

20. PCPD said that the rapid development of big data, artificial intelligence and related technologies in recent years had created unanticipated privacy risks and moral implications. The subject matter was also the theme of the upcoming conferences of privacy commissioners of data protection authorities. In this regard, his Office would look closely into the use of ethical framework as an innovative solution to regulate these new disruptive technologies. Special focus would be placed on engaging the business sector in promoting the protection and respect of personal data privacy, with a view to enhancing the culture of respect of personal data privacy in the sector. His Office would also strengthen the working relationship with overseas data protection authorities, and explain the newly implemented rules and regulations on data protection of other jurisdictions to the local stakeholders for compliance with the requirements.

Action

Enhancing protection of personal data contained in public registers

21. Mr Steven HO expressed concerns about the protection of personal data of candidates participating in public elections. He considered that the disclosure of candidates' particulars (e.g. full address information) during the election period had posed security risks to the candidates concerned. He sought PCPD's view on such arrangements by relevant bureau/department.

22. PCPD said that his Office had revised and issued a comprehensive guidance entitled "Guidance on Election Activities for Candidates, Government Departments, Public Opinion Research Organizations and Members of the Public" in December 2017 to assist candidates and their affiliated political bodies, government departments and public opinion research organizations in complying with the requirements under the Ordinance when carrying out election activities. It also provided advice to members of the public on the personal data protection in this regard. He added that there were provisions under the electoral legislation governing the provision of candidates' particulars on the electoral registers for public inspection (which would include particulars of all Hong Kong permanent residents). PCPD said that his Office had started to review the relevant issues with REO.

23. Mr Steven HO also expressed grave concern that members of the public could have access to the public registers kept by various government departments (e.g. the Land Registry). He considered that sufficient protection measures should be taken against abuse of the personal data (including names, identity document numbers and addresses) contained in these public registers.

General Data Protection Regulation

24. Mr Charles Peter MOK further said that the General Data Protection Regulation ("GDPR") enacted by the European Union ("EU") would become effective in May 2018 which was expected to bring global impact in view of the extra-territorial application of GDPR. He considered that more should be done by PCPD to educate the local companies and the public regarding the impact of EU GDPR. PCPD said that his Office had conducted a comparative study on EU GDPR and the Ordinance with a view to identifying the differences. His Office would proactively assist local data users in understanding and complying with data protection regimes overseas. Since November 2017, his Office had carried out educational activities to raise public awareness on GDPR. His Office planned to publish in the first

Action

quarter of 2018 an Information Leaflet to assist organizations including small-and-medium enterprises to raise their awareness of the business impact of EU GDPR.

Implementation of section 33 of the Ordinance

25. As regards the progress in bringing section 33 of the Ordinance into operation, the Deputy Chairman enquired about the progress of the consultancy study and when the consultant's final report would be released. The Deputy Secretary for Constitutional and Mainland Affairs said that concerning the consultancy study commissioned by the Administration, the executive summary was near completion but it was necessary to allow time for obtaining the consent of data protection authorities overseas for disclosing their experiences in relation to relevant legislations as recommended by the consultant. Meanwhile, the Administration was going through the executive summary with PCPD, which was expected to be completed in one to two months.

V. Briefing by the Chairperson of the Equal Opportunities Commission

[LC Paper Nos. CB(2)851/17-18(05) and (06)]

26. At the invitation of the Deputy Chairman, the Chairperson of the Equal Opportunities Commission ("EOC") briefed members on the salient points of the paper submitted by EOC [LC Paper No. CB(2)851/17-18(05)].

Discussion

Complaints handling and provision of legal assistance

27. Ms Claudia MO, Mr LAM Cheuk-ting and Dr Fernando CHEUNG criticized that the Legal Service Division ("LSD") of EOC rarely arranged lawyers to meet with complainants or aggrieved parties, and it often failed to provide complainants with detailed reasons for rejecting their requests for legal assistance. They also considered that the relatively small number of court cases handled by LSD of EOC could hardly justify the six in-house lawyers posts in EOC's establishment. They were concerned that the substantial proportion of EOC's legal work was outsourced to lawyers in private practice. Ms Claudia MO and Dr Fernando CHEUNG expressed concern that the successful conciliation rate in paragraph 9 of EOC's paper [LC Paper No. CB(2)851/17-18(05)] might be misleading. They said that

Action

most of the some 700 complaint cases handled by EOC in 2017 were, in fact, dismissed by EOC as unsubstantiated or left unsettled.

28. The Chairperson of EOC explained that the EOC's approach in handling complaints was primarily conciliatory, though it was empowered to take legal action should conciliation efforts fail. LSD was responsible for providing legal analysis, including determining whether or not the complaints concerned involved unlawful acts under the four anti-discrimination ordinances, to facilitate decisions to be made on whether or not assistance should be given to the applicants. As regards the work of the in-house lawyers of EOC, he said that apart from providing legal assistance to the complainants, in-house lawyers of EOC also had to provide legal support for internal operation as well as legal support for organizations in the public/private sectors in drawing up their anti-discrimination guidelines. The Chairperson of EOC stressed that EOC's arrangement of engaging lawyers in private practice was in the best interest of the complainants or aggrieved parties, as those lawyers might possess the relevant expertise to better represent them in the court. The Chairperson of EOC and the Chief Operations Officer of EOC ("COO/EOC") said that, in light of the feedback from LegCo Members, non-governmental organizations and community members, EOC had embarked on a comprehensive review of its complaint-handling functions since December 2017. The review aimed to examine the entire process of complaint-handling and providing legal assistance, with a view to maintaining and enhancing the quality of EOC's services. The review was expected to be completed around mid-2018.

Appointment of Chief Project Manager ("CPM")

29. Ms Claudia MO, Mr Dennis KWOK, Mr LAM Cheuk-ting and Dr Fernando CHEUNG expressed grave concern that the incumbent CPM, who was a former Assistant Director of Health, lacked the relevant experience in enforcing anti-discrimination and human rights laws, and questioned his suitability for the position of CPM to oversee the process review for EOC. Mr Dennis KWOK held the view that the CPM post was unnecessary given that EOC had already appointed a former High Court judge to conduct the process review.

30. The Chairperson of EOC said that the EOC Board had conducted an open recruitment exercise to fill the position of CPM. He stressed that, because he and the incumbent CPM knew each other, he was not personally involved in the relevant selection process which was conducted by a selection

Action

panel formed under the EOC Board. The Chairperson of EOC explained that the position of CPM was necessary because the former High Court judge was not engaged on a full-time basis. The incumbent CPM was selected for appointment because of his relevant experience in handling complaints and management. COO/EOC supplemented that CPM was responsible for providing administrative support to an EOC subcommittee, which comprised EOC members who were engaged on a part-time basis, to conduct the process review. Besides, CPM was responsible to conduct a review on EOC's organizational structure and corporate governance as well.

EOC

31. Ms Claudia MO raised concern over allegations that the Chairperson of EOC had compelled the staff of the Complaint Services Division ("CSD") to implement a new measure to audio record all telephone calls with the complainants, and this might have led to the high staff turnover in CSD. In reply to Mr IP Kin-yuen's enquiries, the Chairperson of EOC advised that there were currently six vacancies in CSD which had 20 headcounts. He undertook to provide the statistics on staff turnover in CSD in the past five years. He said that the post of Director (Complaint Services) of EOC had been vacated since early January 2018 and his duties were being handled by COO/EOC through an acting appointment. Temporary acting arrangements had also been made for two other positions in CSD at present (resulting from one staff resignation and leave taken by another member of staff) to minimize the disruption to CSD's services.

(Post-meeting note: The supplementary information provided by EOC was issued vide LC Paper No. CB(2)1126/17-18(01) on 27 March 2018.)

32. Mr CHAN Chi-chuen considered that the high staff turnover in CSD might be caused by the appointment of CPM and the conduct of the process review. He considered that the vacancy of Director (Complaint Services) should be filled as soon as possible to cope with the heavy workload. He asked if the incumbent CPM would assume the role of Director (Complaint Services). The Chairperson of EOC replied in the negative. COO/EOC added that EOC would seek additional resource allocation from the Government to strengthen the complaint services if necessary.

Anti-Sexual Harassment Campaign

33. Dr Helena WONG said that the sexual harassment allegations made recently by an athlete against her former coach had aroused public concern and enquired about the latest progress of EOC's Anti-Sexual Harassment

Action

Campaign in respect of the education and sports sectors as well as the disciplined services. Dr WONG said that she had received sexual harassment complaints occurred in female penal institutions. She considered that the design of shower facilities for persons in custody should be improved to enhance privacy in order to prevent sexual harassments between prisoners.

34. The Director (Policy, Research and Training) of EOC ("D(PR&T)/EOC") said that EOC had implemented the Anti-Sexual Harassment Campaign since 2012. As for the education sector, EOC had been encouraging schools to develop guidelines on the formulation of policies for preventing sexual harassment, by collaborating with the Education Bureau to conduct workshops and seminars to school principals and discipline masters/mistresses. The proportion of schools having developed such guidelines had risen from around half in 2014 to over 90% at present. In response to Dr WONG's further enquiry, D(PR&T)/EOC pointed out that the development of those guidelines in the education sector had only started in 2015. The policies for preventing sexual harassment formulated by schools under the guidelines would also cover the appointments of agents such as contract coaches and instructors. Besides, EOC's efforts in preventing sexual harassment in the sports sector were set out in paragraphs 34 and 35 of EOC's paper [LC Paper No. CB(2)851/17-18(05)]. As regards the disciplinary forces, D(PR&T)/EOC advised that the Hong Kong Police Force had implemented the relevant guidelines for over a decade. Meanwhile, EOC would follow up the matter with the Correctional Services Department. Due to the shortage of time, EOC was requested to provide supplementary information in writing.

EOC

(Post-meeting note: The supplementary information provided by EOC was issued vide LC Paper No. CB(2)1126/17-18(01) on 27 March 2018.)

(The Deputy Chairman advised that the meeting would be extended for 15 minutes beyond its appointed time to allow more time for discussion.)

Outlawing discrimination against sexual minorities

35. Referring to paragraph 39 of EOC's paper [LC Paper No. CB(2)851/17-18(05)], Dr Priscilla LEUNG criticized EOC for only stressing its supportive stance for legislating against discrimination on the grounds of sexual orientation, gender identity and intersex status and neglecting the controversial nature of the issue. Dr LEUNG held the view that religious organizations had the right to run their schools in accordance with their

Action

religious beliefs, while parents had the freedom to choose schools for their children. She raised concern that if those schools had to adopt a gender recognition system to implement arrangements to accommodate transgender students, it might contravene Article 141 of the Basic Law and some religious organizations might then be unable to run schools according to their previous practice.

36. The Chairperson of EOC replied that EOC was aiming to protect the equal rights of those with different sexual orientation, gender identity and intersex status, and it was not EOC's intention to interfere with the administration of individual schools.

Putonghua proficiency requirement for graduation

37. Dr CHENG Chung-tai considered it inappropriate for the Deputy Chairman, who was a member of EOC, to chair the meeting for this agenda item. The Deputy Chairman explained that he had intended to make the declaration when it came to his turn to speak. Nonetheless, he declared that he was a member of EOC at this juncture before Dr CHENG raised questions to the Chairperson of EOC.

38. Dr CHENG Chung-tai said that certain universities (such as Hong Kong Baptist University) exempted non-Chinese speaking students but not local students from the mandatory Putonghua proficiency requirement for graduation. He considered that this was unfair to the local students, who were subject to the additional and mandatory Putonghua proficiency requirement for graduation. Noting that this might fall outside the scope of the Race Discrimination Ordinance (Cap. 602), Dr CHENG asked about EOC's follow-up actions to address the issue. The Chairperson of EOC replied that EOC was seeking further information from the universities concerned on the issue.

Motion

39. After discussion, Dr Fernando CHEUNG moved the following motion:

(Translation)

"While the Equal Opportunities Commission ("EOC") is the only statutory body in Hong Kong responsible for promoting and administering affairs relating to equal opportunities, the legal assistance

Action

offered by EOC to members of the public over the years has been on the low side, cases involving court proceedings have been rare, a substantial proportion of its legal work has been outsourced, and the administration of EOC is chaotic. Given the aforesaid situation, this Panel urges the Government to set up an independent committee to review the overall operation of EOC and make improvement recommendations, with its membership being drawn from people with anti-discrimination work experience in the legal and academic sectors and in various community groups."

Admin 40. The Chairman put the motion to vote. The voting result was as follows: eight members voted for the motion, seven members voted against the motion and no members abstained from voting. The Chairman declared that the motion was passed. The Administration was requested to provide a written response to the motion.

(Post-meeting note: The Administration's response to the above motion was issued vide LC Paper No. CB(2)1009/17-18(01) on 8 March 2018.)

VI. Any other business

41. In response to Dr Helena WONG's request to discuss the joint letter dated 5 February 2018 from her and Mr LAM Cheuk-ting [LC Paper No. CB(2)881/17-18(01)], the Deputy Chairman said that the issue had been dealt with under agenda item II earlier. Nevertheless, the Deputy Chairman said that the requests indicated in the joint letter would be relayed to the Chairman for his consideration.

42. There being no other business, the meeting ended at 1:02 pm.

Council Business Division 2
Legislative Council Secretariat
16 April 2018