

Press Releases

LCQ1: Equal Opportunities Commission

Following is a question by the Hon Li Wah-ming and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Stephen Lam, in the Legislative Council today (February 3):

Question:

The Government announced on January 13 this year that the Chief Executive (CE) had accepted the recommendation of the Selection Board and appointed Mr Lam Woon-kwong, the former Director of CE's Office, as the Chairperson of the Equal Opportunities Commission (EOC) for a term of three years. Moreover, in August last year, the Committee on the Elimination of Racial Discrimination of the United Nations (the Committee) considered the report of the Hong Kong Special Administrative Region (HKSAR) in accordance with the International Convention on the Elimination of all Forms of Racial Discrimination, and recommended in its concluding observations that the HKSAR should adopt "an equality plan with a view to ensuring the effective implementation of the law and that the Equal Opportunities Commission be strengthened". In this connection, will the Executive Authorities inform this Council:

(a) given that many civic society organisations consider that the Chairperson of EOC must have commitment, in-depth knowledge and ample experience in promoting equal opportunities, whether the authorities have assessed if Mr Lam has met these requirements; if the assessment result is in the affirmative, of the track record of Mr Lam's actual work experience in this regard; and whether the authorities have considered if he can cooperate effectively with the civic society which promotes equal opportunities;

(b) whether they have assessed if the appointment of a former politically appointed principal official under the accountability system as the Chairperson of EOC will affect the image of EOC, which should be independent, fair and impartial, and if it will cause the public to lose confidence that EOC can handle complaints against the authorities concerned in a proactive and impartial manner; and

(c) how the authorities interpret the Committee's recommendation that HKSAR should adopt "an equality plan with a view to ensuring the effective implementation of the law and that the Equal Opportunities Commission be strengthened", and what new measures they will take to respond to this recommendation?

Reply:

President,

(a) The new EOC Chairperson was recruited through an open recruitment exercise, after the Selection Board had considered all candidates carefully in accordance with various objective criteria and made a recommendation to the Chief Executive on the suitable candidate. The relevant criteria include relevant administration and management experience, commitment to equal opportunities, vision, integrity, leadership qualities, personality, track record in public and community service, and communication skills.

Mr Lam Woon-kwong has rich experience in public administration. He possesses excellent leadership, management and communication skills and has a clear vision. Mr Lam had been the Secretary for Home Affairs. He is familiar with the work of the EOC

and shows strong commitment to the relevant work. In the various positions in which Mr Lam had worked, he had to communicate and cooperate with different quarters of the community. Having considered all candidates in accordance with various objective criteria, the Selection Board considered Mr Lam to be the suitable candidate.

We believe that Mr Lam will bring with him a strong commitment to the EOC's work, and will lead the EOC to work with all sectors and strive to promote equal opportunities and eliminate discrimination in the community.

(b) Mr Lam has been appointed as the Chairperson of the EOC because he is the suitable candidate. Even though he had been a politically appointed official previously, this does not affect the assessment of his suitability. We would like to emphasise that Government attaches considerable importance to the independence of the EOC. There are established mechanisms and arrangements, including relevant legal provisions and the Memorandum for Administrative Arrangements, to ensure that the EOC is independent from the Government. We believe that Mr Lam will lead the EOC to carry out its statutory functions in an impartial manner.

(c) In the Concluding Observations made by the Committee on the Elimination of Racial Discrimination of the United Nations in August last year in relation to the report of the HKSAR under the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee recommended, among others, "the adoption of an equality plan with a view to ensuring the effective implementation of the law and that the Equal Opportunities Commission be strengthened". We would like to emphasise that the Government is prohibited from practising racially discriminatory acts in the exercise of its functions under the Basic Law and the Hong Kong Bill of Rights Ordinance. The Race Discrimination Ordinance (RDO) also binds the Government in all the areas that it specified, such as employment, education and provision of services. Hong Kong has an extensive framework to deal with complaints against government departments. Any racially discriminatory act of the Government is also subject to the supervisory jurisdiction of the judiciary. In addition, we are putting in place a set of Administrative Guidelines on Promotion of Racial Equality to provide guidance to concerned bureaux, departments and public authorities to promote racial equality and ensure equal access to public services in key areas concerned. We are collecting the views of relevant organisations with a view to implementing the Guidelines and the checklist of measures as soon as possible.

As regards the EOC, we have provided extra resources to it for the implementation of the RDO. These include a special subvention of \$7 million for making preparatory arrangements such as conducting public education, publicity and promotion, and an additional subvention of \$5 million in the 2009-10 financial year for recruiting additional staff and organising community activities to implement the RDO and promote racial equality. We will continue to provide sufficient resources to the EOC to carry out its duties as necessary.

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