

(Translation)

**The Government's Decision  
on the Equal Opportunities Commission Incident**

**Background**

At the meeting of the Legislative Council Panel on Home Affairs held on 9 December 2003, the Government was requested to set up an independent commission of inquiry to look into the recent incidents concerning the Equal Opportunities Commission (EOC) and to report its decision to the Panel on 9 January 2004.

2. From the discussions at three special meetings held with regard to the EOC incidents, we understand that the Legislative Council is still concerned about the following:

- (a) the termination of the employment contract of Mr. Patrick YU, the former Director (Operations) designate;
- (b) the details relating to the meeting attended by the former EOC Chairperson and other parties on 5 November 2003; and
- (c) the background to the article on the "six allegations" which was published by a weekly magazine.

## Considerations

3. In considering the request of the Legislative Council for setting up an independent commission of inquiry, the Government has taken the following considerations into account:

- (a) the EOC is a statutory body with its functions and powers, as well as management and operational procedures, conferred by legislation. The Government's role is to appoint the Chairperson and Members of the EOC. The Government should respect the independence of the EOC;
- (b) the termination of the employment contract of the Director (Operations) designate by the EOC is an employee/employer dispute which involves the internal affairs of the EOC. This issue should be handled by the EOC and the Government should not intervene;
- (c) in view of the public concern over the termination of Mr Yu's employment contract, the EOC has submitted a report to the Government and the Legislative Council and representatives of EOC have also attended the meeting of the Panel on Home Affairs on 14 November 2003 to explain that the appointment and termination of contract of the former Director (Operations) designate have been dealt with in accordance with the established procedures. In fact,

the EOC is also considering whether to set up a working group to review and follow up matters relating to its staff appointment and dismissal policies;

- (d) there is no evidence showing that any person has breached the law in the incidents. Besides, the Secretary for Home Affairs has accounted for the incidents to the Legislative Council on more than one occasion. There is no evidence to show that any misconduct, including the participation in or intended defamation and smearing of any person involved in the incidents, has been committed by any Government officials;
- (e) in respect of the meeting of the former EOC Chairperson with other parties prior to his resignation, the attendees of the meeting have made public their explanations and clarifications on many occasions; and
- (f) with the new EOC Chairperson having assumed office in mid-December last year, we believe that the EOC will introduce effective measures to restore public confidence as soon as possible. We should provide the EOC with an opportunity to return to normal operation and continue to serve the community.

## **Conclusion**

4. Taking the above factors into account and the Legislative Councillors' request into consideration, the Chief Executive has decided not to set up an independent commission of inquiry to look into the EOC incident.

Home Affairs Bureau

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