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本局檔號      OUR REF      :  
來函檔號      YOUR REF     :  
電    話        TEL NO.        : 2835 1168  
圖文傳真      FAXLINE       : 2572 6546

29 October 2003

Mr Michael Chan  
Director of Planning and Administration  
Equal Opportunities Commission  
Unit 2002, 20/F, Office Tower  
Convention Plaza  
1 Harbour Road  
Wan Chai

Dear Mr. Chan,

In the past few days, there have been a number of media reports on the Equal Opportunities Commission's decision to terminate the employment contract of Mr. Patrick Yu. I should be grateful if you could let us have a report on the matter.

Yours sincerely,

(Stephen Fisher)  
for Secretary for Home Affairs

Our Ref : EOC/YU/CY  
Tel No. : 2106 2223  
Faxline : 2824 3892

3 November 2003

Secretary for Home Affairs  
Home Affairs Bureau  
31<sup>st</sup> Floor  
Southorn Centre  
130 Hennessy Road  
Wan Chai  
Hong Kong  
**Attention: Mr. Stephen Fisher**

Dear Sir,

I refer to your letter of 29 October 2003 addressed to Mr. Michael Chan of the Commission ("EOC"), regarding media reports relating to the decision to terminate the employment contract of Mr. Patrick YU. I have been instructed to advise you as follows:

1. Mr. Patrick YU's contract of employment as Director (Operations) was terminated prior to his commencement of employment. He was due to commence work with the EOC on 1 November 2003.
2. The decision was made by EOC Chairman Mr. Michael Wong following discussions with EOC Members and senior officers within the EOC, and after Mr. Wong had assessed the essential requirements of the job of Director (Operations).
3. By way of background, the post of Director (Operations) was advertised in December 2002. Mr. YU accepted the EOC's offer of appointment in June 2003. In that intervening period, the two operational divisions of the

EOC had been amalgamated into one division.

4. When Mr. Wong took up his appointment as Chairman of the EOC, he undertook a review of the requirements of the post of Director (Operations), including issues that had been identified by the amalgamation exercise. Mr. Wong concluded that the post should be more focused on investigation and conciliation of complaints and Mr. YU was asked to provide more information about his complaint handling experience.
5. The EOC does not dispute that Mr. YU is a committed human rights advocate and has done much in Northern Ireland to promote race discrimination legislation. The concern was that Mr. YU did not fully appreciate what the role of Director (Operations) entailed, particularly after the press interview he gave before he had even commenced in the job.
6. In deciding that Mr. YU's employment contract should be terminated at the earliest possible opportunity, before Mr. YU had left Northern Ireland and his family behind, Mr. Wong took into account that the EOC had had three different operational directors in less than six years and a Chief Executive who had resigned within 6 months in the post following the appointment of the former Chairperson, Anna Wu. Mr. Wong has initiated a review by two EOC Members of the role of the EOC and its direction. Based on the outcome of this review, there may be recommendations made as to the restructuring of certain posts and how to best allocate resources within the EOC to save money. An operational decision was made that, early termination of Mr. YU's contract before he commenced employment, with full legal obligations to be met, was the most appropriate option in all the circumstances. This is strictly a contractual issue between the EOC and its employee, and is an employer / employee dispute.

7. Whilst discussions with Mr. YU personally were in progress as to how best to resolve the issue, and the EOC had made an initial offer of 2 months salary as compensation, the EOC received a letter from Mr YU's solicitors threatening legal action and making certain demands. The EOC wrote to Mr YU's solicitors but has not received any reply. In view of Mr YU's recent comments to the press, suggesting that he will not accept 2 months salary as compensation, the EOC is now waiting for Mr YU to advise what he is seeking.

If you require further information, please advise.

Yours faithfully,

Alexandra Papadopoulos  
Legal Adviser  
Equal Opportunities Commission