

立法會
Legislative Council

LC Paper No. CB(2)2808/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/BC/2/06

**Bills Committee on
Race Discrimination Bill**

**Minutes of meeting
held on Monday, 25 February 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon Abraham SHEK Lai-him, SBS, JP (Deputy Chairman)
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon Mrs Anson CHAN, GBM, JP

Members absent : Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Daniel LAM Wai-keung, SBS, JP
Hon TAM Heung-man

Action

- Public Officers attending** : Mr Arthur HO
Deputy Secretary for Constitutional and Mainland Affairs (1)
- Mr Victor NG
Principal Assistant Secretary for Constitutional and Mainland Affairs (5)
- Mr Stanley NG
Assistant Secretary for Constitutional and Mainland Affairs (5)A
- Miss Betty CHEUNG
Senior Government Counsel
- Miss Shandy LIU
Senior Government Counsel
- Clerk in attendance** : Miss Flora TAI
Chief Council Secretary (2)2
- Staff in attendance** : Mr KAU Kin-wah
Assistant Legal Adviser 6
- Ms Joanne MAK
Senior Council Secretary (2)2
- Ms Anna CHEUNG
Legislative Assistant (2)2

Action

I. Confirmation of minutes

[LC Paper No. CB(2)1134/07-08]

The minutes of the meeting on 13 December 2007 were confirmed.

II. Meeting with the Administration

LC Paper No. -- Paper entitled "Administration's
CB(2)1173/07-08(01) response to further issues related to
employment and partnership"
provided by the Administration

LC Paper No. -- The Bill
CB(3)176/06-07

Action

- Appendix III to LC Paper No. CB(2)859/06-07 -- Marked-up copy of the relevant provisions of ordinances to be amended by the Bill
- LC Paper No. LS48/06-07 -- Table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom
- LC Paper No. CB(2)1030/07-08(01) -- Summary of views received from deputations/individuals on specific clauses of the Bill (as at 6 February 2008) prepared by the Legislative Council Secretariat
- LC Paper No. CB(2)1249/06-07(01) -- List of questions raised by Hon CHOY So-yuk

Clause-by-clause examination of the Bill

2. The Bills Committee deliberated on the Administration's response to members' questions raised in respect of clauses concerning employment in the Bill [LC Paper No. CB(2)1173/07-08(01)] and completed scrutiny of Clauses 18 to 26 and Schedule 3 to the Bill (index of proceedings attached at **Annex**).

Admin

3. The Administration was requested to -
- (a) review the drafting of Clause 15 to ensure that contract workers under the employment of a sub-contractor who did not have a direct contract with the principal would also be protected;
 - (b) explain the interpretation of employment at establishment in Hong Kong under Clause 16 in the context of the co-location arrangement at the Shenzhen Bay Port;
 - (c) consider the implications for the legal profession if the exemption provided for small partnership under Clause 17 was removed;
 - (d) provide information on the views received from trade unions concerning Clause 18;
 - (e) consider how to prevent possible abuses arising from the lack of a definition for "organized religion" under Clause 23 and provide clear guidelines in the relevant code of practice to be drawn up by the Equal Opportunities Commission;

Action

- (f) consider whether failures of schools to provide suitable Chinese textbooks catering for the specific needs of non-Chinese speaking (NCS) students would constitute racial discrimination and devise new measures (such as provision of training for Chinese Language teachers in teaching an alternative Chinese Language curriculum for NCS students) to enhance the opportunities of these students to receive university education; and
- (g) review the drafting of Clause 26(2) to address members' concern that the scope of the exemption was too wide.

III. Any other business

Clerk

4. The Chairman informed members that, as agreed by members earlier, she had written to the United Nations Committee on the Elimination of Racial Discrimination (the UN Committee) and she would attend the hearing of the UN Committee in Geneva scheduled for 3 March 2008.

(Post-meeting note: on the Chairman's instruction, her letter dated 22 February 2008 and the submission made to the UN Committee were circulated to members vide LC Paper No. CB(2)1191/07-08.)

Date of next meeting

Clerk

5. Members noted that the next meeting would be held on Wednesday, 12 March 2008, at 8:30 am to meet with the Secretary for Constitutional and Mainland Affairs on the Bill. Members agreed that representatives of the Education Bureau should also attend the meeting to join the discussion.

6. There being no other business, the meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
23 September 2008

**Proceedings of the meeting of Bills Committee on
Race Discrimination Bill
on Monday, 25 February 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000324	Chairman	Confirmation of minutes of meeting [LC Paper No. CB(2)1134/07-08]	
000325 - 003823	Chairman Admin Dr YEUNG Sum Mr Jeffrey LAM Ms Emily LAU ALA6	Administration's response to members' questions raised in respect of clauses concerning employment [LC Paper No. CB(2)1173/07-08(01)] - non-applicability of Clause 15 to contract workers who worked under a sub-contract which was not made directly with the principal; - interpretation of "employment at establishment in Hong Kong" under Clause 16 in the context of the co-location arrangement at the Shenzhen Bay Port; and - queries about the retention of the exemption provided for small partnership under Clause 17 given that the same exemption was already removed from United Kingdom Race Relations Act in 2003; the number of solicitor firms in Hong Kong consisting of less than 6 partners; and implication for the legal profession if the exemption was removed.	Admin to review Clause 15 to address members' concern and to give response to address concerns raised by the Chairman on Clauses 16 & 17 (para. 3(a)-(c) of minutes)
003824 - 004509	Chairman Admin Mr CHEUNG Man-kwong ALA6	Clause-by-clause examination of the Bill <u>Clause 18</u>	
004510 - 005929	Admin Chairman ALA6 Ms Emily LAU	<u>Clause 19 & Schedule 3</u>	
005930 - 010427	Admin Chairman Mr Howard YEUNG	<u>Clause 20</u>	

Time marker	Speaker	Subject	Action required
010428 - 010617	Admin Chairman	<u>Clause 21</u>	
010618 - 010754	Chairman Admin	<u>Clause 22</u>	
010755 - 011435	Admin Chairman Miss CHAN Yuen-han Mr Ronny TONG	<u>Clause 23</u> - concern about possible abuses that might arise from the lack of a definition for "organized religion" under Clause 23.	Admin to consider members' concern about the lack of a definition for "organized religion" under Clause 23 (para. 3(e) of minutes)
011436 - 012146	Miss CHAN Yuen-han Admin Chairman	<u>Clause 18</u>	Admin to provide information on views received from trade unions concerning this Clause 18 (para. 3(d) of minutes)
012147 - 012322	Dr Fernando CHEUNG Admin Chairman	<u>Clause 15</u>	
012323 - 012734	Admin Chairman Dr LUI Ming-wah	<u>Clauses 24 and 7</u>	
012735 - 012824	Admin Chairman	<u>Clause 25</u>	
012825 - 020332	Admin Chairman Dr Fernando CHEUNG Mr CHEUNG Man-kwong Dr YEUNG Sum Mrs Anson CHAN	<u>Clause 26</u> - whether failures of schools to provide suitable Chinese textbooks catering for the specific needs of non-Chinese speaking (NCS) students would constitute racial discrimination and whether the Education Bureau would devise new measures to assist these students; and - concern about the wide scope of exemption provided for under Clause 26(2).	Education Bureau to report on the new measures to be introduced to assist NCS students with a view to enhancing their opportunities to receive university education (para. 3(f) of minutes) Admin to review the drafting of Clause 26(2) (para. 3(g) of minutes)

Time marker	Speaker	Subject	Action required
020333 - 020629	Chairman Ms Emily LAU Deputy Chairman	<u>Date of next meeting</u>	

Council Business Division 2
Legislative Council Secretariat
23 September 2008