

立法會
Legislative Council

LC Paper No. CB(2)2833/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/BC/2/06

**Bills Committee on
Race Discrimination Bill**

**Minutes of meeting
held on Wednesday, 12 March 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 LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon CHEUNG Man-kwong
Hon Jasper TSANG Yok-sing, GBS, JP
Dr Hon YEUNG Sum, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, 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 : Dr Hon LUI Ming-wah, SBS, JP
Hon James TO Kun-sun
Hon CHAN Yuen-han, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon TAM Heung-man

Action

- Public Officers attending** : Mr Stephen LAM
Secretary for Constitutional and Mainland Affairs
- Mr Arthur HO
Deputy Secretary for Constitutional and Mainland Affairs (1)
- Ms Bernadette LINN
Deputy Secretary for Education (2)
- Mr Victor NG
Principal Assistant Secretary for Constitutional and
Mainland Affairs (5)
- Ms Pecvin YONG
Assistant Secretary (Infrastructure & Research Support) 2
Education Bureau
- Ms Roxana CHENG
Senior Assistant Solicitor General
- 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)1290/07-08]

The minutes of the meeting on 10 January 2008 were confirmed.

Action

II. Meeting with the Administration

- | | | |
|---------------------------------|--------|---|
| LC Paper
CB(2)1292/07-08(01) | No. -- | Paper entitled "The Administration's further response to the major issues raised by the Bills Committee" provided by the Administration |
| LC Paper
CB(2)1221/07-08(01) | No. -- | Letter dated 27 February 2008 from Secretary for Constitutional and Mainland Affairs to Chairman of the Bills Committee |
| LC Paper
CB(2)1200/07-08(01) | No. -- | Paper entitled "Follow-up action on outstanding issues concerning education for ethnic minorities" provided by the Administration |
| LC Paper
CB(2)1180/07-08(05) | No. -- | Administration's paper entitled "Progress of support measures for non-Chinese speaking students including ethnic minorities" issued for the meeting of the Panel on Education on 29 February 2008 |
| LC Paper No. LS14/07-08 | -- | Paper entitled "Discussion drafts of Committee Stage amendments for Members' consideration" prepared by the legal adviser to the Bills Committee |
| LC Paper
CB(2)1259/07-08(01) | No. -- | A table prepared by the Legislative Council Secretariat summarizing the views received from deputations on options of draft amendments set out in LC Paper No. LS14/07-08 |
| LC Paper
CB(3)176/06-07 | No. -- | The Bill |

Follow-up actions required

Admin

2. The Administration was requested to -
 - (a) provide statistics on the number of non-Chinese speaking students in schools by grade for the past two school years;

Action

- (b) provide information on the provision of vocational training for ethnic minorities and the resources allocation in this area, and how the development of the Qualifications Framework would impact on such training; and
- (c) provide information on the provision of interpretation services at hospitals for ethnic minorities and the Administration's plan to strengthen such services.

ALA6

3. The legal adviser to the Bills Committee was requested to prepare a paper on the legal effect of the Administration's proposed amendment to amend Clause 3 as: "This Ordinance binds the Government".

[Post-meeting note: the paper prepared by the legal adviser to the Bills Committee was issued vide LC Paper No. LS64/07-08]

Date of next meeting and scheduling of additional meetings

4. Members noted that the next meeting would be held on Wednesday, 26 March 2008, at 8:30 am to continue the discussion on provision of education, vocational training and medical services to ethnic minorities. Members agreed that the Secretary for Education, the Secretary for Food and Health and the Secretary for Labour and Welfare should also attend the next meeting to discuss policy issues relating to the Bill under their respective policy portfolios.

Clerk

5. Members also agreed that the Bills Committee should schedule additional meetings and the Clerk would ascertain members' availability by circulation of paper.

6. There being no other business, the meeting ended at 10:35 am.

Council Business Division 2
Legislative Council Secretariat
29 September 2008

**Proceedings of the meeting of Bills Committee on
Race Discrimination Bill
on Wednesday, 12 March 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000600	Chairman	Briefing on a delegation organized by the Hong Kong Human Rights Monitor to the United Nations Committee on the Elimination of Racial Discrimination on the Bill. [LC Paper No. CB(2)1301/07-08(01)]	
000601 - 001036	Admin	Briefing by the Secretary for Constitutional and Mainland Affairs (SCMA) on the paper entitled "The Administration's further response to the major issues raised by the Bills Committee" [LC Paper No. CB(2)1292/07-08(01)]	
001037 - 002008	Chairman Admin	Briefing by the Deputy Secretary for Education (2) (DSED(2)) on the paper entitled "Progress of support measures for non-Chinese speaking students including ethnic minorities" and the paper entitled "Follow-up action on outstanding issues concerning education for ethnic minorities" [LC Paper Nos. CB(2)1180/07-08(05) and CB(2)1200/07-08(01)]	
002009 - 002520	Chairman	Express provisions of the three existing anti-discrimination ordinances (i.e. sections 21 and 38 in the Sex Discrimination Ordinance, sections 21 and 36 in the Disability Discrimination Ordinance, and sections 17 and 28 in Family Status Discrimination Ordinance) that it was unlawful for the Government to discriminate in the performance of its functions or the exercise of its powers.	

Time marker	Speaker	Subject	Action required
002521 - 003103	Dr YEUNG Sum Admin Chairman	<u>Application of the Bill to the Government</u> [Paras. 4-6 of LC Paper No. CB(2)1292/07-08(01)] The Administration's reiteration of its position that it was inappropriate to include similar express provisions, as referred to by the Chairman, in the Bill, the scope of which was different from those of the three existing anti-discrimination ordinances.	
003104 - 014251	Mr CHEUNG Man-kwong Admin Ms Emily LAU Chairman Dr Fernando CHEUNG ALA6 Mr Ronny TONG Mr Albert CHAN	<u>Issues concerning education for ethnic minorities and the legal effect of the Administration's proposed amendment to Clause 3</u> [LC Paper No. CB(2)1180/07-08(05), CB(2)1200/07-08(01) and CB(2)1292/07-08(01)] <ul style="list-style-type: none"> - statistics on the number of non-Chinese speaking (NCS) students in schools by grade; - the need to conduct tracking studies on these students; - support measures in education for NCS students with disabilities; - code of practices to be drawn up on the best practices in respect of school uniform requirements and catering service for NCS students; and - the legal effect of the Administration's proposed amendment to Clause 3. The Administration's response that its proposed amendment to Clause 3 would enhance the certainty of the binding effect on the Government and the Administration would be subject to the adjudication of the court in accordance with the Bill when enacted.	Admin to provide statistics on the number of non-Chinese speaking students in schools by grade for the past two school years (para. 2(a) of minutes) ALA6 to advise on the legal effect of the Administration's proposed amendment to Clause 3 in writing (para. 3 of minutes)

Time marker	Speaker	Subject	Action required
014252 - 014924	Ms LI Fung-ying Admin Chairman	<u>Issues concerning vocational education</u> - provision of vocational training for ethnic minorities and the resources allocation for this area; and - impact of the development of the Qualifications Framework (QF) on such training.	Admin to provide information on the provision of vocational training for ethnic minorities and the resources allocation in this area, and how the development of QF would impact on such training (para. 2(b) of minutes)
014925 - 020040	Mrs Anson CHAN Admin Chairman Dr YEUNG Sum Mr Ronny TONG	<u>Application of the Bill to the Government</u> [Paras. 4-6 of LC Paper No. CB(2)1292/07-08(01)] Query about the Government's commitment to combating racial discrimination through enactment of the Bill.	
020041 - 020245	Chairman Dr YEUNG Sum Admin	<u>Provision of teaching materials and training for Chinese Language teachers in teaching an alternative Chinese Language curriculum for NCS students and interpretation services at hospitals for ethnic minorities</u>	Admin to provide information on the provision of interpretation services at hospitals for ethnic minorities (para. 2(c) of minutes)
020246 - 020635	Chairman Ms Emily LAU	Date of next meeting and scheduling of additional meetings	