

立法會
Legislative Council

LC Paper No. CB(2)115/08-09
(These minutes have been seen
by the Administration and cleared
with the Chairman)

Ref : CB2/BC/2/06

**Bills Committee on
Race Discrimination Bill**

**Minutes of meeting
held on Monday, 21 April 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon James TO Kun-sun
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 LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
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 TAM Heung-man
Hon Mrs Anson CHAN, GBM, JP
- Members absent** : Hon Abraham SHEK Lai-him, SBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Daniel LAM Wai-keung, SBS, JP

Action

Public Officers attending : Constitutional and Mainland Affairs Bureau

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

Department of Justice

Miss Betty CHEUNG
Senior Government Counsel

Miss Shandy LIU
Senior Government Counsel

Labour and Welfare Bureau

Mr D. C. CHEUNG
Principal Assistant Secretary for Labour and Welfare
(Welfare) 4

Mr Tony YIP
Assistant Secretary for Labour and Welfare (Welfare) 4B

Social Welfare Department

Mr NG Wai-kuen
Chief Social Security Officer (Social Security) 1

Housing Department

Mrs Alice LO
Chief Housing Manager (Applications)

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Action

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

I. Meeting with the Administration

LC Paper No. CB(2)1576/07-08(02) -- Paper entitled "Administration's response to issues raised by Members related to new arrivals from the Mainland" provided by the Administration

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

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

The Bills Committee deliberated the Administration's paper entitled "Administration's response to issues raised by Members related to new arrivals from the Mainland" [LC Paper No. CB(2)1576/07-08(02)] and completed scrutiny of Clauses 32 to 42 and Schedule 4 to the Bill (index of proceedings attached at **Annex**)

Admin

2. The Administration was requested to -

- (a) provide information on the additional resources that the Administration would allocate to strengthen the provision of support services for new arrivals from the Mainland and foster their integration into the community;
- (b) consider extending the scope of Clause 7(2) to cover all the circumstances relevant for the purposes of any provision of the Bill, so that it would also cover other environment, such as those in which a person received service as well, and making a similar amendment to the Sex Discrimination Ordinance;

Action

- (c) consider deleting Clause 34(2) as relevant provisions of the Basic Law would prevail over the Bill, if enacted, in case of any inconsistency; and
- (d) consider including government acts within the scope of Clauses 38 and 39 and extending the coverage of Clause 39(3) and (4) to cover sub-tenants within the scope of protection as well.

ALA6

3. The legal adviser to the Bills Committee was requested to provide relevant provisions of the UK Race Relations Act 1976 relevant to a statutory duty to draw up an equality plan for members' reference.

(Post-meeting note: the information provided by the legal adviser to the Bills Committee was circulated vide LC Paper No. CB(2)1690/07-08.)

Date of next meeting

Clerk

4. Members noted that the next meeting would be held on Friday, 25 April 2008, at 8:30 am. At the suggestion of the Chairman, members agreed to invite representatives of the Equal Opportunities Commission (EOC) to a meeting to brief members on the equality plan as proposed in the EOC's submission [LC Paper No. CB(2)1600/07-08(05)].

5. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
22 October 2008

**Proceedings of the meeting of Bills Committee on
Race Discrimination Bill
on Monday, 21 April 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000227	Chairman	Briefing by the Deputy Secretary for Constitutional and Mainland Affairs (1) on the paper entitled "Administration's response to issues raised by Members related to new arrivals from the Mainland" [LC Paper No. CB(2)1576/07-08(02)]	
000228 - 004303	Admin Chairman Dr YEUNG Sum Dr Fernando CHEUNG Ms Emily LAU ALA6	Discussion on the seven-year residence requirement for public housing and social security benefits. Queries about the need for Clauses 8(2) and (3) which were to the effect that different treatment on the ground of permanent residency, right of abode and length of residence did not constitute racial discrimination. The Administration's view that new arrivals did not, as a group, constitute a distinct ethnic or racial group.	Admin to provide information on the additional resources that the Administration would allocate to strengthen the provision of support services for new arrivals from the Mainland (para. 2(a) of minutes)
004304 - 004428	Chairman Admin	Clause-by-clause examination of the Bill <u>Clause 32</u>	
004429 - 004754	Chairman Admin	<u>Clause 33 and Schedule 4</u>	
004755 - 005714	Chairman Admin Dr YEUNG Sum Ms Emily LAU Mrs Anson CHAN ALA6 Miss CHAN Yuen-han Dr Fernando CHEUNG	Submission from the Equal Opportunities Commission [LC Paper No. CB(2)1600/07-08(05)] - the proposed equality plan The Chairman's suggestion of inviting representatives of EOC to a meeting of the Bills Committee to provide further information on the proposed equality plan.	ALA6 to provide relevant provisions of the UK Race Relations Act 1976 (para. 3 of minutes)
005715 - 011438	Chairman Admin Dr Fernando CHEUNG Mr Ronny TONG Mrs Anson CHAN	<u>Clause 34</u> Query about the need for Clause 34(2).	Admin to consider deleting Clause 34(2) (para. 2(c) of minutes)

Time marker	Speaker	Subject	Action required
011439 - 011607	Chairman Admin	<u>Clause 35</u>	
011608 - 014319	Chairman Mr Ronny TONG Admin Ms Emily LAU ALA6 Dr Fernando CHEUNG Miss CHOY So-yuk Mrs Anson CHAN	<u>Clauses 38, 39 and 7</u> Query about the scope of Clauses 38 and 39 Suggestion of extending the scope of Clause 7(2) to cover all the circumstances relevant for the purposes of any provision of the Bill and making a similar amendment to the Sex Discrimination Ordinance (SDO). Suggestion of extending the coverage of Clause 39(3) and (4) to cover sub-tenants within the scope of protection as well.	Admin to consider the suggestion of extending the scope of Clause 7(2) and making a similar amendment to SDO (para. 2(b) of minutes) Admin to consider reviewing the scope of Clauses 38 and 39 and extending the scope of coverage of Clause 39(3) and (4) (para. 2(d) of minutes)
014320 - 014424	Admin Chairman	<u>Clause 40</u>	
014425 - 014553	Admin Chairman	<u>Clause 41</u>	
014554 - 015811	Admin Chairman Miss CHOY So-yuk	<u>Clause 42</u> Liability of the publisher of an advertisement containing elements of racial discrimination.	
015812 - 015828	Chairman	Date of next meeting	