

立法會
Legislative Council

LC Paper No. CB(2)2839/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/BC/2/06

**Bills Committee on
Race Discrimination Bill**

**Minutes of meeting
held on Tuesday, 6 May 2008, at 4:30 pm
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 James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum, 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

Members absent : Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Mrs Anson CHAN, GBM, 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

Home Affairs Department

Mr David LEUNG
Deputy Director of Home Affairs (2)

Labour and Welfare Bureau

Ms Irene YOUNG
Principal Assistant Secretary for Labour and Welfare (Welfare)1

Social Welfare Department

Mrs Anna MAK
Assistant Director (Family and Child Welfare)

Employees Retraining Board

Dr MA Chi
Deputy Executive Director (Training Services)

Labour Department

Mr Stanley NG
Assistant Commissioner (Employment Services)

Education Bureau

Mrs Michelle WONG
Principal Assistant Secretary (School Development)

Department of Justice

Action

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

I. Meeting with the Administration

LC Paper No. -- Paper entitled "Administration's
CB(2)1773/07-08(01) response to questions raised at the
meeting held on 9 April 2008"

LC Paper No. -- Paper entitled "Services for New
CB(2)1773/07-08(02) Arrivals from the Mainland"
provided by the Administration

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

LC Paper No. -- Summary of views received from
CB(2)1030/07-08(01) 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 papers entitled "Administration's response to questions raised at the meeting held on 9 April 2008" [LC Paper No. CB(2)1773/07-08(01)] and "Services for New Arrivals from the Mainland" [LC Paper No. CB(2)1773/07-08(02)] respectively, and completed scrutiny of Clauses 51 to 55 of the Bill (index of proceedings attached at **Annex**).

Admin

2. The Administration was requested to -

Action

- (a) provide information on additional resources and new measures targeted at new arrivals from the Mainland;
- (b) consider amending the heading of Clause 18 to specify more clearly the organizations to be covered under the provision;
- (c) explain from policy perspective whether "trade organizations" and "clansmen associations" which comprised exclusively of members of the same race should be exempted under Clause 18 or other provision of the Bill and, if so, the rationale for such an exemption;
- (d) provide relevant information in respect of existing trade organizations;
- (e) consider whether grandfathering arrangement should be made for existing trade organizations of this nature;
- (f) explain the difference in scope between Clause 55 and section 21(2) of the Sex Discrimination Ordinance and the justification for the difference; and
- (g) provide justification for the exceptions for nationality law and immigration legislation under Clauses 54 and 55.

Date of next meeting

3. Members noted that the next meeting would be held on Wednesday, 14 May 2008, at 8:30 am to meet with representatives of the Equal Opportunities Commission on the proposed equality plan. Members agreed that the Secretary for Constitutional and Mainland Affairs and representatives of all relevant policy bureaux should be invited to attend the next meeting.

Clerk

(Post-meeting note: the meeting scheduled for 14 May 2008 was subsequently cancelled due to holding of an urgent Finance Committee meeting at the same timeslot.)

4. There being no other business, the meeting ended at 6:15 pm.

Council Business Division 2
Legislative Council Secretariat
30 September 2008

**Proceedings of the meeting of Bills Committee on
Race Discrimination Bill
on Tuesday, 6 May 2008, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 003735	Chairman Admin Dr YEUNG Sum Mr Howard YOUNG Dr Fernando CHEUNG Ms LI Fung-ying	Briefing by Deputy Secretary for Constitutional and Mainland Affairs (1) (DSCMA(1)) on the paper entitled "Services for New Arrivals from the Mainland" [LC Paper No. CB(2)1773/07-08(02)] Concern about any plan to allocate additional resources and devise new measures targeted at new arrivals from the Mainland.	Admin to provide supplementary information (para. 2(a) of minutes)
003736 - 011242	Chairman Admin Mr Howard YOUNG Ms LI Fung-ying Mr WONG Ting-kwong Mr James TO Miss CHAN Yuen-han Miss CHOY So-yuk	Briefing by DSCMA(1) on the paper entitled "Administration's response to questions raised at the meeting held on 9 April 2008 " [LC Paper No. CB(2)1773/07-08(01)] Query about the Administration's policy on the "trade organizations" which comprised exclusively of members of the same race under the Bill and request for a paper to explain the policy. Concern about the clarity of the scope of Clause 18.	Admin to explain its policy and consider amending the heading of Clause 18 to list out more clearly organizations covered under the provision (para. 2(b)-(e) of minutes)
011243 - 011435	Chairman Admin	Clause-by-clause examination of the Bill <u>Clause 51</u>	
011436 - 011557	Chairman Admin	<u>Clause 52</u>	
011558 - 011714	Chairman Admin	<u>Clause 53</u>	
011715 - 013617	Chairman Admin Mr Jasper TSANG Mr LEE Cheuk-yan ALA6	<u>Clauses 54 and 55</u> Query about the need for the exceptions for nationality law and immigration legislation under Clauses 54 and 55 and concern that Clause 55 might have the effect of legitimizing existing discriminatory arrangements against foreign domestic helpers.	Admin to provide justifications for the exceptions for nationality law and immigration legislation under Clauses 54 and 55 as well as

Time marker	Speaker	Subject	Action required
		Concern about the difference in scope between Clause 55 and section 21(2) of the Sex Discrimination Ordinance (SDO).	justifications for the difference in scope between Clause 55 and section 21(2) of SDO (para. 2(f) and (g) of minutes)
013618 – 013716	Chairman Admin	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
30 September 2008