

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2840/07-08  
(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, 3 June 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 Martin LEE Chu-ming, SC, JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Dr Hon YEUNG Sum, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, 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 LEE Cheuk-yan  
Hon CHAN Yuen-han, SBS, JP  
Hon Bernard CHAN, GBS, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, SBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Daniel LAM Wai-keung, SBS, JP

Action

- Public Officers attending** : Constitutional and Mainland Affairs Bureau
- Mr Stephen LAM  
Secretary for Constitutional and Mainland Affairs
- 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
- 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

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**I. Meeting with the Administration**

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|---------------------|-------|-----|---|
| LC                  | Paper | No. | -- Letter dated 30 May 2008 from the Secretary for Constitutional and Mainland Affairs (SCMA) to the Chairman enclosing a list of |
| CB(2)2121/07-08(01) |       |     |   |

Action

			further Committee Stage amendments (CSAs) to be proposed by the Administration
LC Paper CB(2)2121/07-08(02)	No. --	Paper entitled "Race Equality Scheme" provided by the Administration	
LC Paper CB(2)2121/07-08(03)	No. --	List of general issues raised by members of the Bills Committee prepared by the Legislative Council Secretariat	
LC Paper CB(2)2121/07-08(04)	No. --	Outstanding issues raised during the clause-by-clause examination prepared by the Legislative Council Secretariat	
LC Paper CB(2)2068/07-08(01)	No. --	Discussion draft of the Committee Stage amendments prepared by the legal adviser to the Bills Committee for imposing a general statutory duty on the Government	
LC Paper No. CB(3)176/06-07	--	The Bill	
LC Paper CB(2)1030/07-08(01)	No. --	Summary of views received from deputations/individuals on specific clauses of the Bill (as at 6 February 2008) prepared by the Legislative Council Secretariat	

Race Equality Scheme

The Bills Committee deliberated the Administration's paper entitled "Race Equality Scheme" (index of proceedings at **Annex**).

2. Members noted the following two relevant papers -
  - (a) paper entitled "Discussion draft of the Committee Stage amendments for imposing a general statutory duty on the Government" [LC Paper No. CB(2)2068/07-08(01)] prepared by the legal adviser to the Bills Committee; and
  - (b) the submission of the Association for the Advancement of Feminism, which was tabled at the meeting.

Action

Admin

3. The Administration was requested to -

- (a) provide a paper elaborating on the following aspects of the proposed compilation of guidelines for the key bureaux and departments to follow in their formulation and implementation of their policies/measures relevant to the provision of support for ethnic minorities -
  - (i) issues to be covered by the guidelines and their scope of application;
  - (ii) timetable for implementing the guidelines and the implementation plans of relevant policy bureaux/departments, e.g., whether performance pledges would be devised and whether additional resources would be allocated for the implementation; and
  - (iii) how the implementation of the guidelines would be monitored and its effectiveness evaluated;
- (b) give an undertaking during the resumption of the Second Reading debate that the Administration would monitor closely the effectiveness of the implementation of these guidelines and conduct an overall review in about one to two years' time after their implementation, and would legislate for imposing a Race Equality Scheme on the Government and public authorities if the outcome of the review was unsatisfactory;
- (c) elaborate on the initiatives to enhance the interpretation services at public hospitals/clinics for ethnic minorities during the resumption of the Second Reading debate; and
- (d) provide a written response to the submission of the Association for the Advancement of Feminism [LC Paper No. CB(2)2174/07-08(01)].

Admin

4. The Bills Committee considered the list of general issues raised by members of the Bills Committee and the list of outstanding issues raised during the clause-by-clause examination (index of proceedings at **Annex**). The Administration was requested to provide response to the following outstanding issues -

- (a) additional resources to be allocated and new policies/measures to be implemented to address the problem of discrimination against new arrivals from the Mainland and to strengthen the support for them;

Action

- (b) in respect of Clause 46, to clarify whether an objective or subjective test would apply for the mens rea of the offence and whether inchoate offences would be included if the provision targeted the act of incitement; and
- (c) provide justification for the exception for immigration legislation under Clause 55.

Scheduling of additional meetings

5. Members noted that the next meeting would be held on Friday, 6 June 2008, from 9:00 am to 10:30 am to meet with the Administration and representatives of the Equal Opportunities Commission. Members agreed that additional meetings should be scheduled to conclude scrutiny of the Bill and the Clerk would follow up on the meeting arrangements.

Clerk

6. 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, 3 June 2008, at 4:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000903	Chairman Admin	<p>Letter dated 30 May 2008 from the Secretary for Constitutional and Mainland Affairs (SCMA) to the Chairman enclosing a list of further Committee Stage amendments (CSAs) to be proposed by the Administration [LC Paper Nos. CB(2)2121/07-08(01)]</p> <p>Briefing by SCMA on the Administrations' views on the proposed Race Equality Scheme. [LC Paper Nos. CB(2)2121/07-08(02)]</p>	
000904 - 004024	Dr YEUNG Sum Admin Ms Emily LAU Mrs Anson CHAN Chairman	<p>Some members' views that, by introduction of the Race Equality Scheme, there would be a systematic approach for promoting racial equality in key public service areas.</p> <p>Queries about mechanism for the implementation of the guidelines for the relevant bureaux and departments to follow in their formulation and implementation of their policies.</p> <p>Some members' view that imposing a Race Equality Scheme on the Government and local public authorities by legislation was more preferable than by implementation of administrative guidelines as proposed by the Administration.</p> <p>Enquiries about the concrete content of the proposed administrative guidelines to be drawn up for key Bureaux and Departments to follow and the timeframe for the implementation of the guidelines.</p> <p>Concern about whether a mechanism would be put in place to review the effectiveness of the guidelines, and suggestion that the outcome of review should be used as the basis for further consideration of the need to introduce a Race Equality Scheme by legislation.</p>	<p><b>Admin to provide a paper on the administrative guidelines, their implementation and the mechanism for monitoring, and give a written response to the submission provided by the Association for the Advancement of Feminism</b> (para. 3(a)-(d) of minutes)</p>

Time marker	Speaker	Subject	Action required
		Request for the Administration to give undertaking during the resumption of the Second Reading debate.	
004025 - 005529	Dr Fernando CHEUNG Admin Chairman	Query about any role of the Equal Opportunities Commission (EOC) in the monitoring of the implementation of the administrative guidelines and whether such monitoring role would be within the ambit of the Ombudsman.	
005530 - 012034	Chairman Admin Ms Emily LAU Dr YEUNG Sum	<u>List of general issues raised by members of the Bills Committee</u> [LC Paper No. CB(2)2121/07-08(03)] <ul style="list-style-type: none"> <li>- application to Government (Clause 3);</li> <li>- problem of discrimination against new arrivals from the Mainland;</li> <li>- scope of affirmative action;</li> <li>- making a policy decision to ensure that vocational training institutions would have adequate resources to cater for the needs of ethnic minorities;</li> <li>- provision of goods, facilities and services (Clause 58); and</li> <li>- interpretation services at hospitals for ethnic minorities.</li> </ul>	<b>Admin to give written response to various outstanding issues</b> (para. 4(a) of minutes)
012035 - 013504	Chairman Admin ALA6	<u>Outstanding issues raised during the clause-by-clause examination</u> [LC Paper No. CB(2)2121/07-08(04)]	<b>Admin to give written response to various outstanding issues</b> (para. 4(b) and (c) of minutes)
013505 - 013856	Chairman	Scheduling of additional meetings and date of next meeting	