

立法會
Legislative Council

LC Paper No. CB(2)121/08-09
(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 Tuesday, 17 June 2008, at 10:45 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 CHAN Yuen-han, SBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon CHOY So-yuk, JP
Hon LI Fung-ying, BBS, JP
Hon Albert CHAN Wai-yip
Hon Jeffrey LAM Kin-fung, SBS, JP
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 Bernard CHAN, GBS, JP
Dr Hon YEUNG Sum, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon TAM Heung-man

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

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

I. Meeting with the Administration

[LC Paper No. Draft Committee Stage
CB(2)2323/07-08(01)] amendments (CSAs) to be moved
by the Administration

LC Paper No. -- Paper entitled "Further
CB(2)2301/07-08(01) information on the administrative

Action

guidelines on the promotion of racial equality" provided by the Administration

LC Paper No. CB(2)2301/07-08(02) -- List of follow-up actions required of the Administration arising from the meeting held on 11 June 2008

LC Paper No. CB(2)2322/07-08(01) -- Draft CSAs to be moved by the Chairman on behalf of the Bills Committee

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

The Bills Committee noted that the English and Chinese texts of the CSAs to be moved by the Administration (except for CSAs relating to Clause 46) were tabled at the meeting and CSAs relating to Clause 46 would be provided once available. The Bills Committee also considered the Administration's paper entitled "Further information on the administrative guidelines on the promotion of racial equality" and the CSAs to be moved by the Chairman on behalf of the Bills Committee (index of proceedings at **Annex**).

CSAs to be moved by the Administration

ALA6
Admin & Clerk
2. Members agreed that, as the Bills Committee had completed scrutiny of the marked-up version of the CSAs to be moved by the Administration at its last meeting, the legal adviser to the Bills Committee would study the English and Chinese texts of these CSAs and the Bills Committee would meet further if the legal and drafting aspects of these CSAs were found not in order. Members also agreed that the CSAs relating to Clause 46 to be moved by the Administration would be circulated to members once available.

CSAs to be moved by the Chairman on behalf of the Bills Committee

ALA6
3. The legal adviser to the Bills Committee was requested to revise the CSAs to be moved by the Chairman as follows -

- (a) to amend Clause 10(3) by substituting "subsections (1) and (2)" with "subsection (2)";
- (b) to delete the proposed new Clauses 58(1D) and 58(1E); and
- (c) to amend the proposed Schedule 6 by substituting "Food and Health Bureau Health Branch" with "Food and Health Bureau" and adding "11. Social Welfare Department".

Action

4. Members noted that the inclusion of Social Welfare Department under Schedule 6 might render the relevant CSA to be considered as having a charging effect. Members agreed that, if the relevant CSA was ruled to be not admissible, the Chairman should proceed to move the relevant CSA by excluding Social Welfare Department from Schedule 6.

Resumption of Second Reading debate

5. The Chairman concluded that, while many members had strong reservations about the Bill, the Bills Committee in general did not object to the resumption of the Second Reading debate on the Bill on 9 July 2008 as proposed by the Administration.

6. Members agreed that the Chairman would make a verbal report on the deliberations of the Bills Committee to the House Committee (HC) on 20 June 2008, to be followed by submission of a written report to HC on 27 June 2008. The Chairman reminded members that the deadline for giving notice of CSAs was 28 June 2008.

7. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 2
Legislative Council Secretariat
22 October 2008

**Proceedings of the meeting of Bills Committee on
Race Discrimination Bill
on Tuesday, 17 June 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000744	Chairman	<u>The English and Chinese texts of the Committee Stage amendments (CSAs) to be moved by the Administration</u> [LC Paper No. CB(2)2323/07-08(01)]	ALA6 to study the CSAs to confirm whether the legal and drafting aspects of these CSAs were in order (para. 2 of minutes)
000745 - 002653	ALA6 Chairman Mrs Anson CHAN Mr Ronny TONG Ms LI Fung-ying	<u>Briefing by ALA6 on the CSAs to be moved by the Chairman on behalf of the Bills Committee</u> [LC Paper No. CB(2)2322/07-08(01)]	ALA6 to revise the CSAs to be moved by the Chairman on behalf of the Bills Committee (para. 3 of minutes)
002654 - 013921	Chairman Admin Mrs Anson CHAN Dr Fernando CHEUNG Mr CHEUNG Man-kwong Mr Albert CHAN ALA6 Mr Martin LEE Mr Ronny TONG Ms LI Fung-ying	<u>Briefing by the Administration on its paper entitled "Further information on the administrative guidelines on the promotion of racial equality"</u> [LC Paper No. CB(2)2301/07-08(01)] Reiteration of members' criticism about the lack of concrete details or commitments made by the Administration to ensure effective implementation of the proposed guidelines. Concerns about the non-coverage of public bodies (e.g. Airport Authority) by the proposed guidelines and the lack of information on the allocation of resources as well as the coordinating and monitoring mechanisms for the implementation of the guidelines. Suggestion that the proposed administrative guidelines should be applicable to the Immigration Department and the Hong Kong Police Force. Concerns about the lack of benchmarks given by the Administration for future evaluation of the effectiveness of the proposed guidelines.	

Time marker	Speaker	Subject	Action required
		Elaboration by the Administration on its proposed administrative guidelines in response to members' concerns.	
013922 - 015358	Chairman Mr Ronny TONG ALA6 Admin	<u>Outstanding CSAs to be moved by the Administration</u> Clause 46(1): Offence of serious vilification	Admin to provide CSAs to amend Clause 46 (para. 2 of minutes)
015359 - 015510	Chairman Deputy Chairman Mrs Anson CHAN ALA6 Admin Miss CHAN Yuen-han Mr Martin LEE Dr Fernando CHEUNG	<u>Discussion on whether the Bills Committee should support resumption of the Second Reading debate on the Bill.</u> <u>Legislative timetable</u>	

Council Business Division 2
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