

Speaking Note

LegCo Bills Committee

Race Discrimination Bill

Thursday 10 January 2008

- Mdm Chair, thank you. Over the next few minutes I will summarize some of the comments the Civic Party would like to make on the bill and on **LC Paper No. LS 14/07-08**.
- First, **Clause 3 Application to Government**. Unlike the other anti-discrimination laws, on Sex Discrimination, Disability Discrimination, and Family Status Discrimination, this bill, as drafted, does not bind the government, thus enabling the government to wriggle out of some of the bill's provisions. We believe that what is needed in the bill is just a simple clause: "this bill binds the government", as is the case in the other anti-discrimination laws, just mentioned. Thus **the Civic Party supports Option A in Appendix I of the paper**. Anything more complicated or wordy is unnecessary and just opens the door for argument or interpretation. The government **MUST** be bound by the bill; but the term "government" must include public authorities, and should be defined in the bill.
- As regards **Clause 4 Racial Discrimination**, the paper proposes two options in **Appendix II: Option A** being a proposed amendment to the bill, and **Option B** being extracts from South African legislation. Without seeing text for an amendment based on the South African legislation, it is **not possible to support one or the other**. The situation in South Africa is very different from the situation in Hong Kong, and may not be a suitable model; we would need to see the text of any proposed amendment before commenting further. However, **Option A** does not appear to address the issue of indirect discrimination. Whilst direct discrimination is fairly easy to identify and is covered in the bill, indirect discrimination isn't. **The Civic Party wishes to see this issue addressed**.
- Another area of concern to the Civic Party is that **recent arrivals from Mainland China** are not covered by the bill, as drafted. They should be, as, although they are ethnically Chinese, in practice, they are often discriminated against, because

they are identified by their speech and other characteristics as being different from Hong Kong Chinese. The paper, in **Appendix III**, proposes two options which address this issue: **Option A**, which adds **two new clauses** to the bill, and **amends Clause 8(3)**; and **Option B**, which **amends Clause 8(3) only**. The **Civic Party supports Option A**, as it is specific to discrimination against new arrivals from the Mainland; whereas the amendment of **Clause 8(3)** is general, and, whilst it would apply to Mainlanders (and to others too), it does not spell this out.

- Finally the Civic Party is concerned about the various **language** aspects of the bill. **Language discrimination** is a key element of racial discrimination, yet the bill, as drafted, does not seem to recognize this. We are not asking for all of the non-Chinese languages in use in Hong Kong to be covered by the bill: just English. We require that all services provided by government departments and public authorities be provided in Chinese and English. We believe that no person in Hong Kong should be discriminated against because of a lack of Chinese and that this should be reflected in the bill. The paper, in **Appendix IV**, proposes two options: **Option A**, which **amends Clause 58 Exception for languages**; and **Option B**, which **deletes Clause 58 and adds a new Clause 5A Use of languages**. The **Civic Party supports Option B**, which adopts a more positive approach than does Option A.
- Mdm Chair, these are the main comments of the Civic Party. There are many more, but time does not permit elaboration. Thank you.