

立法會
Legislative Council

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Bills Committee on Race Discrimination Bill

List of issues raised by members at the meeting on 16 January 2007

Application to new arrivals from the Mainland

- (a) To consider deleting clause 8(3) so that the scope of the Bill could cover new arrivals from the Mainland;
- (b) To examine whether the definition of "race" in other relevant overseas legislation is restricted to race only or other considerations are also included;
- (c) To explain measures taken by the Administration in various areas, particularly in public education, to address the problem of discrimination against new arrivals from the Mainland;
- (d) To explain the impact of waiving the seven-year residency requirements imposed on new arrivals from the Mainland;

Education

- (e) To consider taking affirmative action to ensure that children of ethnic minorities who are disadvantaged by their language proficiency in Chinese would have equal opportunities to receive education (university education in particular) and vocational training;
- (f) To explain actions taken by the Administration to ensure equal opportunities for ethnic minorities to gain admission to universities if a legal obligation for affirmative action is not imposed;

Provision of goods, facilities and services

- (g) To provide further justification for the exception for use, or failure to use, particular language in regard to the provision of goods, services and facilities;

- (h) To explain the circumstances under which it is not practicable for Government departments to use English (which is an official language) in their provision of goods, facilities and services to the public;

Discrimination by, or in relation to, barristers

- (i) To provide detailed justification for singling out barristers in the Bill in relation to discrimination on the ground of race against a person seeking pupillage or tenancy, or who is a pupil or tenant, in barrister's chambers;
- (j) To consider the alternative of covering a field of non-employment pupillage instead of singling out a profession;

Employment

- (k) To provide further justification for exempting small businesses employing not more than five employees during the first three years of the enactment of the Bill;
- (l) To provide justification for the exception relating to the choice of an employer at the point of recruitment of a domestic helper;
- (m) To provide further justification for the exceptions for existing differential treatment on local and overseas terms of employment as well as overseas terms of employment;

Immigration legislation and resident status

- (n) To provide justification for the exception for immigration legislation;

Conformity with the Basic Law and international human rights treaties

- (o) To explain how the Bill as presently drafted is in conformity with Article 25 of the Basic Law i.e., "All Hong Kong residents shall be equal before the law";
- (p) To explain how the Bill as presently drafted could meet the obligations under various international human right treaties applicable to Hong Kong, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

Other issues

- (q) To confirm whether graphics or accents used would be regarded as part of the advertisement in determining whether the advertisement is of a discriminatory nature;
- (r) To consider whether discrimination on the ground of religion should be covered by the Bill;
- (s) To consider providing detailed guidelines on whether using "鬼佬" or "阿差" to address an ethnic minority would constitute racial discrimination under the Bill; and
- (t) To consider whether consequential amendments to other ordinances (in addition to those already proposed in the Bill) would be necessary, such as the Road Traffic Ordinance in relation to the requirement to wear crash helmets.