

Bills Committee on Race Discrimination Bill

Race Equality Scheme

Purpose

At the last meeting of the Bills Committee held on 23 May 2008, after considering LC Paper No. CB(2)1900/07-08(01), Members asked the Administration to provide its views on a proposal to amend the Race Discrimination Bill in order to introduce a Race Equality Scheme on the Government. Subsequently, the legal advisor to the Bills Committee circulated LC Paper No. CB(2)2068/07-08(01) which contained a discussion draft of the proposed Committee Stage Amendment (CSA) for imposing a general statutory duty on the Government.

2. This paper provides the Administration's views on the proposal.

The Administration's view

3. The suggestion of some Members to introduce a Race Equality Scheme on the Government and local public authorities is along the lines of such a scheme adopted in the United Kingdom (UK). We also note that the text of the discussion draft of the CSA resembles closely Section 71(1) of the UK Race Relations Act 1976 (RRA) as amended by the Race Relations (Amendment) Act 2000 and Article 2(2) of the RRA (Statutory Duties) Order 2001.

4. In the UK, the relevant amendments to the RRA were made over 20 years after its enactment. As we explained in LC Paper No CB(2) 513/07-08(02), those amendments were made against the background of decades of racial violence in the UK and increasing incidents of racial attacks including racially aggravated harassment, assault and wounding (a total of 25,100 racially aggravated offences were recorded in England and Wales in 2000-2001) which presented a serious problem in the country. The amendments were triggered particularly by the murder of Stephen Lawrence, an 18 year old black youth, which culminated in the Macpherson Inquiry and its recommendations which were laid before Parliament in 1999. The circumstances in Hong Kong, especially in regard to the racial relations situation, are vastly different from those in the UK. They do not warrant the same approach and measures.

5. The UK Race Equality Scheme requires the public authorities concerned to take a series of actions including listing functions and policies assessed to be relevant to racial equality, assessing and consulting on the likely impact of proposed policies on racial equality, monitoring policies for any adverse impact on racial equality, publishing assessment and consultation and monitoring results, ensuring public access to information and services provided and staff training on racial equality. Such actions will incur a host of administrative and documentation work. They will involve significant resource and manpower requirements. We also note from LC Paper CB(2)1900/07-08(01) that the overall compliance in the UK with the mainstreaming duties was disappointing and that some

of the biggest spending government departments were failing to achieve even basic compliance. While we are prepared to consider the concept of mainstreaming, the means for achieving this and the implications of the mechanism involved will need to be carefully examined.

6. Our priority is to enact the Race Discrimination Bill before the end of the current Legislative Council session. This is important to provide safeguards for the right of the individual against racial discrimination and extends protection for people in specified areas of activity in the private sector. It would not be appropriate to adopt in haste the UK practice in our legislation as the circumstances of the two places are significantly different. Neither would it be right to withhold the legislative exercise pending consideration of the additional measures.

7. The Government is committed to eliminating racial discrimination and to promoting equal opportunity for ethnic minorities. In this connection, we have been implementing various administrative support measures to help meet their needs. In addition, we have, earlier this year, announced in the Financial Secretary's Budget Speech further initiatives to strengthen the support. We will continue to build on the existing foundation. To enhance the provision of support services to ethnic minorities and promote racial harmony, we will explore the compilation of some guidelines within the Government for the key Bureaux and Departments to follow in their formulation and implementation of their relevant policies and measures, focusing on the

key services including medical, education, vocational training, employment and major community services.

Constitutional and Mainland Affairs Bureau
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