

RACE DISCRIMINATION BILL

**COMMITTEE STAGE**

Amendments to be moved by the Honourable Margaret NG

Clause

Amendments Proposed

4

By adding—

“(1A) In any circumstances relevant for the purposes of any provision referred to in subsection (1B), a person (“the discriminator”) also discriminates against another person if the discriminator applies to that other person a provision, criterion or practice which the discriminator applies or would apply equally to persons not of the same racial group as that other person, but—

- (a) which puts or would put persons of the same racial group as that other person at a particular disadvantage when compared with other persons;
- (b) which puts that other person at that disadvantage; and
- (c) which the discriminator cannot show to be a proportionate means of achieving a legitimate aim.

(1B) The provisions mentioned in subsection (1A) are—

- (a) Part 3, except sections 24 and 25;
- (b) sections 26 to 29;
- (c) sections 34 to 35; and
- (e) Part 5, in its application to the provisions

referred to in paragraphs (a) to (c).

(1C) Where, if by virtue of subsection (1A), a person discriminates against another person, subsection (1)(b) does not apply to the first-mentioned person.”.

- 8(3) By deleting subparagraphs (i) in paragraph (b).
- 8(3) By deleting subparagraph (ii) in paragraph (b) and substituting—
- “(i) has or has not the right to land in Hong Kong;”.
- 8(3) By adding “or” after “(Cap. 115);” in paragraph (b)(iv).
- 8(3) By deleting paragraph (c).
- 8(3) By deleting “nationality” in paragraph (d) where it twice appears.
- New By adding immediately before Part 3—

## “PART 2A

### GOVERNMENT

#### **9A. Government**

It is unlawful for the Government to discriminate against a person on the ground of race of that person in the performance of its functions or the exercise of its powers.”.

New

By adding—

**“9B. General statutory duty of  
the Government**

(1) The Government shall, in carrying out its functions, have due regard to the need—

- (a) to eliminate racial discrimination; and
- (b) to promote equality of opportunity and good relations between persons of different racial groups.

(2) For the purpose of subsection (1), each of the bureaux and departments of the Government and public authorities specified in Schedule 6 shall—

- (a) state those of its functions and policies, or proposed policies, which it has assessed as relevant to the performance of its duty under subsection (1);
- (b) assess and consult on the likely impact of its proposed policies on the promotion of racial equality;
- (c) monitor its policies for any adverse impact on the promotion of racial equality;
- (d) publish the results of such assessment and consultation as are mentioned in sub-paragraph (b) and such monitoring as is mentioned in sub-paragraph (c);
- (e) ensure public access to information and services that it provides;

- (f) provide training for its staff in connection with the duties imposed by this section; and
- (g) review the assessment referred to in paragraph (a) at reasonable intervals or at the request of a committee of the Legislative Council.

(3) The Chief Secretary for Administration may, by notice published in the Gazette, amend Schedule 6.

(4) No exceptions or exclusions provided in this Ordinance shall operate to abrogate or limit the duty of the Government referred to in subsection (1) or release the Government from such duty or any part thereof.”.

10(8) By deleting “third” and substituting “first”.

10(10) By deleting all words after “in the Gazette,” and substituting—

“amend subsection (3) by substituting another number for the number appearing after the word “exceed’ in that subsection.”.

17(1) By deleting “firm consisting of not less than 6 partners,” and substituting “firm,”.

17 By deleting subclause (7).

PART 6 By adding in the heading “2A,” before “3,”.

49 By adding “2A,” before “3,”.

50(1) By adding “2A,” before “3,”.

- 51(1) By adding “2A,” before “3,”.
- 52(1) By adding “2A,” before “3,”.
- 55 By adding “2A,” before “3,”.
- 56 By adding in the heading of the clause “**2A,**” after “**Parts**”.
- 56 By adding “2A,” before “3,”.
- 58 By adding—

“(1A) Subsection (1) does not apply to section 20 when the vocational training course is specifically provided for persons speaking a particular vernacular.

(1B) Subsection (1) does not apply to section 27 when the service provided is medical treatment within the meaning of section 2 of Medical Clinics Ordinance (Cap. 343).

(1C) For the avoidance of doubt, it is declared that nothing in subsection (1B) requires—

- (a) a provider of medical treatment to provide to a patient a verbatim translation in the vernacular of that patient of any written or oral communication or medicinal label; or
- (b) the presence of a translator of a patient’s vernacular when the patient is receiving medical treatment.

(1D) Subsections (1A), (1B) and (1C) shall come into operation on the third anniversary of the day on which this Ordinance is enacted.

(1E) The Legislative Council may by resolution amend subsection (1D) by substituting “fourth” for the word “third” appearing immediately before “anniversary” in that subsection.”.

58(3) By adding after “the language” “and “vernacular” means the language spoken by a person but does not include a dialect”.

59(2) By adding “2A,” before “3,”.

New By adding—

#### “SCHEDULE 6

#### SPECIFIED BUREAUX AND DEPARTMENTS OF THE GOVERNMENT AND PUBLIC AUTHORITIES

1. Home Affairs Bureau
2. Home Affairs Department
3. Food and Health Bureau Health Branch
4. Department of Health
5. Labour Department
6. Education Bureau
7. Hospital Authority

8. Vocational Training Council
9. Employees Retraining Board
10. Construction Industry Council”.