



Submissions on Race Discrimination Bill

The Law Society has reviewed the letter of the Secretary for Constitutional and Mainland Affairs to the Bills Committee dated 27 February 2008, and the paper prepared by the Constitutional and Mainland Affairs Bureau "The Administration's further response to the major issues raised by the Bills Committee" (LC Paper No. CB(2)1292/07-08(01)), outlining the amendments the Administration proposes to introduce to the Bill and has the following submissions:

1. Clause 3 - Application to the Government

The Law Society welcomes the proposed amendment which stipulates that "*This Ordinance binds the Government.*"

2. Clause 4 - Indirect Discrimination

We note under the proposed amendments, the '*reasonable practicability*' test (Clause 4(2)(b) and Clause 4(3) to 4(5)) would be deleted, but the '*proportionality*' test in Clause 4(2)(a) would be retained. The Law Society believes this improves the clarity of the definition of indirect discrimination.

3. Clause 58 - Language Exemption

Given that Chinese and English are the main languages in use in Hong Kong, the Law Society believes there are some merits for the language exemption. We suggest the drafting of Clause 58 should be reviewed in order to clarify its intent. The Law Society refers to Options A and B of the Committee Stage Amendments proposed by the Legco Legal Service Division on Clause 58, and recommends adoption of either.

**The Law Society of Hong Kong
Constitutional Affairs Committee**

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