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18 January 2008

The Honourable Margaret Ng  
Chairman  
Legislative Council Bills Committee  
on the Race Discrimination Bill  
Legislative Council Building  
8 Jackson Road  
Hong Kong

A handwritten signature in cursive script, appearing to read 'Dear Chairman,'.

**Race Discrimination Bill**

Thank you for your letter of 11 January 2008. I have followed closely the proceedings of the Bills Committee on the Race Discrimination Bill. I am most grateful to Members for the time and effort they have spent in the past months on studying the provisions of the Bill and much appreciate the views Members have offered.

The Administration and Members of the Bills Committee share the common objective that legislation should be enacted to protect all people in Hong Kong, including especially the ethnic minorities, against racial discrimination. It is also the Government's policy to promote equal opportunity for the ethnic minorities by providing the appropriate support services.

I have examined carefully the various suggestions put forward by the Committee in its Interim Report. I would like, in this letter, to share with you our perspective on the four specific issues of concern.

First, on clause 3 which relates to the application of the Ordinance to the Government, we appreciate the concern of Members, especially in regard to the possible misimpression that a broad exemption is provided to the Government. We would, therefore, be prepared to consider the possibility of amending this clause to make it clear that the Bill, when enacted, will apply to the Government.

Second, on clause 4 which relates to the definition of racial discrimination and the tests of justification for indirect discrimination, our colleagues have explained at the Bills Committee the rationale for its inclusion. However, in view of the anxieties which Members have reflected, we would consider carefully whether there is scope for this clause to be refined in order to address concerns which the tests embodied in the clause have given rise to.

Third, on the question of new arrivals from the Mainland, we note the divergent views among Members and within the community on whether they should be covered by the Bill. We wish to reassure you and Members that the Bill does not exclude any persons, including the new arrivals, from its protection. The various provisions in clause 8(3) of the Bill are intended to make it clear that considerations such as Hong Kong permanent resident status and length of residence do not come within the definition of "race". Although we are unable to subscribe to the suggestion that the clause be amended, the Administration is mindful of the difficulties faced by some new arrivals in adapting to Hong Kong. We remain fully committed to providing appropriate support services to facilitate their integration. In this regard, we will consider with relevant bureaux and departments whether and how services to meet the needs of new arrivals could be strengthened.

Fourth, on clause 58 concerning the use of language in communication, we remain of the view that it would not be practicable or reasonable for service providers in the private or public sectors to conduct their businesses in all languages or in the language of their client's choice. However, we do appreciate the difficulties which are faced by some members of the ethnic minorities who do not use Chinese. We believe -

- (a) that, in the interest of their integration into community, appropriate initiatives should be adopted to enhance their language abilities;

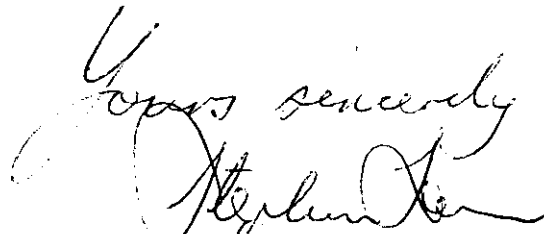
- (b) that to facilitate their access to public services, particularly in regard to medical services, we should work with the relevant authorities to strengthen interpretation service for ethnic minority patients; and
- (c) that, in regard to vocational training, we should consider providing more dedicated training courses for ethnic minorities, especially in areas where the work does not require a high level of Chinese or English.

Aside from the above, the Administration has been providing additional support measures to assist the teaching and learning of non-Chinese speaking students in schools, including the development of a supplementary curriculum guide for teaching Chinese language to these students. We have also been working with the University Grants Committee-funded institutions on the acceptance of alternative qualifications in Chinese Language for students pursuing the local curriculum and seeking admission to the institutions under the Joint University Programmes Admissions System. The Administration will be presenting the progress of these initiatives to the Legislation Council Education Panel in February.

We would prefer to propose our Committee Stage Amendments after the Bills Committee has completed its clause-by-clause examination. This would ensure that any amendments put forth would complete the legislation in a wholesome manner.

To help us develop our thinking in coming weeks, I would like to invite you and other interested Members to a meeting in our Bureau at 11 am on Friday, 25 January 2008, so that we can exchange views on the various aspects. In case the timing is not convenient, we can, of course, work out another mutually convenient date.

With best regards,

*Yours sincerely,*  
  
(Stephen Lam)

Secretary for Constitutional and Mainland Affairs