



Company Registration No: NI. 36868
Inland Revenue Charity No: XR 11970

Ms. Flora Tai
Clerk to Subcommittee
on Race Discrimination Regulation
Legislative Council
8 Jackson Road, Central
Hong Kong

8 April 2009

Dear Flora

Race Discrimination (Proceedings by Equal Opportunity Commission) Regulation

Thank you for the Chair of the Subcommittee, Hon Paul Tse Wai-chun, inviting me to comments on the proposed Race Discrimination Regulation. I make the following observation:

1. I welcome the Secretary for Constitutional and Mainland Affairs published the proposed Regulation to give additional power to the Equal Opportunity Commission to bring proceedings in its own name under Section 70 of the Race Discrimination Ordinance but has not done so.
2. As a general principle the proposed Race Discrimination Regulation (secondary legislation) should not impose any new restriction or is in conflict with the Race Discrimination Ordinance. Therefore I suggest the following safeguard clause: “ 4. Nothing in this Regulation shall impose any restriction to the power of the Equal Opportunity Commission in pursue Part 8 (section 69-80) of the Race Discrimination Ordinance (29 of 2008)”.
3. In order to ascertain what scenario will be covered under Clause 2 –

working together against racism

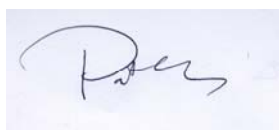
Registered Office: 3rd Floor, Ascot House, 24-31 Shaftesbury Square, Belfast, BT2 7DB,
Northern Ireland
Tel: +44 (0)28 9023 8645 / +44 (0)28 90319666 Fax: +44 (0)28 9031 9485
www.nicem.org.uk

Circumstances in which Commission may bring proceedings, I suggest further question to the Secretary for Constitutional and Mainland Affairs in this issue. This will give a clear parameter of the proposed Regulation.

4. In my view section 1 of the Disability Discrimination (Proceedings by Equal Opportunity Commission) Regulation (DD(PEOC)R) is more restrictive than the proposed Regulation, as well as others, such as Sex and Family Status Regulation. I disagree with the Constitutional and Mainland Affairs Bureau that DD(PEOC)R adopted a more elaborated drafting. These are additional conditions (section 1 (c) – (e)) to be met before the Commission may bring proceedings which are clearly deviate from the proposed Regulation or other Regulations.
5. Therefore I am contented with the proposed Regulation but with additional safeguard clause as I suggested in para. 2 above.

Should you need further assistance in this submission, please do not hesitate to contact me for details.

Yours sincerely

A handwritten signature in black ink on a light blue background. The signature is stylized and appears to read 'Patrick Yu'.

Patrick Yu
Executive Director