

立法會
Legislative Council

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LC Paper No. CB(2)2327/08-09

(These minutes have been seen
by the Administration)

**Subcommittee on Race Discrimination (Formal Investigations) Rules,
Race Discrimination (Investigation and Conciliation) Rules and
Code of Practice on Employment under the Race Discrimination Ordinance**

**Minutes of the second meeting
held on Monday, 8 June 2009, at 2:30 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Paul TSE Wai-chun (Chairman)
Dr Hon Margaret NG
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Starry LEE Wai-king

Members absent : Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Cyd HO Sau-lan
Hon IP Kwok-him, GBS, JP

Public Officers attending : Item II
Equal Opportunities Commission

Mr Raymond TANG Yee-bong
Chairperson

Mr Joseph LI
Director of Operation Division

Mr Herman POON Lik-hang
Chief Legal Counsel

The Administration

Constitutional and Mainland Affairs Bureau

Mr Raymond TAM Chi-yuen
Under Secretary for Constitutional and Mainland Affairs

Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland Affairs

Mr Hubert LAW Hin-cheung
Principal Assistant Secretary for Constitutional and Mainland
Affairs

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)3

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Ms Amy YU
Senior Council Secretary (2)3

Action

I. Future meeting arrangements

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee agreed to schedule the following three additional meetings -

- (a) 15 June 2009 from 10:45 am to 12:45 pm;
- (b) 16 June 2009 from 8:30 am to 12:30 pm; and
- (c) 18 June 2009 from 8:30 am to 10:45 am.

II. Meeting with the Administration and Equal Opportunities Commission

[Legislative Council Brief on the Race Discrimination (Formal Investigations) Rules and Race Discrimination (Investigation and Conciliation) Rules, Legislative Council Brief on the Code of Practice on Employment under the Race Discrimination Ordinance, LC Paper Nos. CB(2)1642/08-09(01) - (03), CB(2)1764/08-09(01) - (04), LS69/08-09, L.N. 94 of 2009, L.N. 95 of 2009 and G.N. 2733 of 2009]

Action

3. The Subcommittee had completed the scrutiny of the Race Discrimination (Formal Investigations) Rules and Race Discrimination (Investigation and Conciliation) Rules.

EOC 4. In respect of the Race Discrimination (Investigation and Conciliation) Rules, the Equal Opportunities Commission (EOC) was requested to consider the suggestion of -

(a) amending the Chinese rendition of "relevant" in clause 7(2)(a) from "攸關" to "有關"; and

(b) amending the Chinese rendition of "anything said or done" in clause 8(5) from "說過的任何說話或作出過的任何作為" to "任何發言或所做的任何事情".

5. The meeting ended at 3:24 pm.

Council Business Division 2
Legislative Council Secretariat
31 July 2009

**Proceedings of the second meeting of the
Subcommittee on Race Discrimination (Formal Investigations) Rules,
Race Discrimination (Investigation and Conciliation) Rules and
Code of Practice on Employment under the Race Discrimination Ordinance
on Monday, 8 June 2009, at 2:30 pm
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000117 - 000345	Chairman Dr Margaret NG	Future meeting arrangements	
000346 - 000537	Chairman	Opening remarks	
000538 - 000733	EOC	Briefing by the Equal Opportunities Commission (EOC) on the Race Discrimination (Formal Investigations) Rules and Race Discrimination (Investigation and Conciliation) Rules. EOC's advice that both sets of Rules were materially in the same terms as the corresponding rules under the other anti-discrimination ordinances.	
000734 - 000917	Chairman Dr Margaret NG EOC	In response to Dr Margaret NG's enquiry about operational difficulties encountered in enforcing corresponding sets of rules under the other anti-discrimination ordinances, EOC's advice that - (a) the corresponding rules relating to formal investigations under the other anti-discrimination ordinances had never been invoked; and (b) the corresponding rules relating to investigation and conciliation under the other anti-discrimination ordinances had been invoked around five times so far and no operational difficulties had been encountered in the process.	
000918 - 001042	EOC	<u>Clause-by-clause examination of the Race Discrimination (Formal Investigations) Rules</u> clause 1	
001043 - 001117	EOC Chairman	clause 2	
001118 - 001145	EOC	clause 3	

Time Marker	Speaker(s)	Subject(s)	Action required
001146 - 001212	EOC	clause 4	
001213 - 001242	EOC	clause 5	
001243 - 001316	EOC	clause 6	
001317 - 001339	Chairman ALA9	Schedules 1 and 2 The legal adviser's confirmation that the English and Chinese versions of the Rules were in order from the drafting point of view.	
001340 - 001411	Chairman EOC	<u>Clause-by-clause examination of the Race Discrimination (Investigation and Conciliation) Rules</u> clause 1	
001412 - 001432	EOC	clause 2	
001433 - 001512	EOC	clause 3	
001513 - 001558	EOC	clause 4	
001559 - 001623	EOC	clause 5	
001624 - 001644	EOC	clause 6	
001645 - 001909	Dr Margaret NG EOC	Dr Margaret NG's concern that clause 6 might be used to block access to information of public interest for academic research purpose. EOC's confirmation that clause 6 would not prohibit the disclosure of information for academic research purpose provided that it was in a form which did not identify the informant or any other person to whom the information related.	
001910 - 001946	EOC	clause 7	
001947 - 002003	EOC	clause 8	
002004 - 002431	Chairman ALA9 Dr Margaret NG	The legal adviser's views that - (a) clause 7(2)(a) – the Chinese rendition of "relevant" should be "有關" instead of "攸關" ; and (b) clause 8(5) – consideration should be given to revising the Chinese rendition of "anything said or done" from "說過的任何說話或作出過的任何作為" to "任何發言或所做的任何事情" used in the corresponding rules under the other anti-discrimination ordinances.	EOC to follow-up (para 4 of minutes)

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>Dr Margaret NG's concurrence with the legal adviser on (a) above. As for (b) above, Dr NG expressed preference for the Chinese rendition of "說過的任何說話或作出過的任何作為" but indicated that she had no strong view on this point.</p> <p>The legal adviser's confirmation that the English and Chinese versions of the Rules were in order from the drafting point of view.</p>	
002432 - 002702	Chairman EOC	Briefing by EOC on its Public Consultation Report on the Code of Practice on Employment under the Race Discrimination Ordinance (the Code) [LC Paper No. CB(2)1764/08-09(01)]	
002703 - 003043	Ms Emily LAU EOC Chairman Clerk	In response to Ms Emily LAU, EOC's advice that no public consultation had been conducted on the gazetted version of the Code.	
003044 - 003129	Mrs Sophie LEUNG Chairman	The attendance figures of the ten public consultation meetings on the draft Code as set out in Annex III to EOC's Public Consultation Report.	
003130 - 004544	EOC	Briefing by EOC on Annex II to its Public Consultation Report setting out the major views/concerns raised in the consultation process and EOC's response.	
004545 - 004942	Dr Margaret NG EOC	<p>Dr Margaret NG's enquiries on the duration of each public consultation meeting on the Code and whether the views given by ethnic minorities during these meetings tended to be general in nature.</p> <p>EOC's response that -</p> <p>(a) the duration of each public consultation meeting was three hours; and</p> <p>(b) most of the views given by ethnic minorities were general overall comments rather than specific comments on individual provisions of the Code.</p>	
004943 - 005305	Ms Emily LAU Clerk Chairman Dr Margaret NG	The Clerk was requested to ascertain from individuals/deputations attending the meeting on 12 June 2009 their need for interpretation service in respect of ethnic minorities languages.	Clerk

Time Marker	Speaker(s)	Subject(s)	Action required
005306 - 005445	Ms Emily LAU Administration	Date of United Nations hearing on the Report of the Hong Kong Special Administrative Region under the International Convention on the Elimination of All Forms of Racial Discrimination	

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