

立法會
Legislative Council

Ref : CB2/SS/14/08

LC Paper No. CB(2)2328/08-09
(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 third meeting
held on Friday, 12 June 2009, at 10:45 am
in Conference Room A 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 LEUNG Yiu-chung
Hon Miriam LAU Kin-ye, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Hon IP Kwok-him, GBS, JP
- Members absent** : Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
- Public Officers attending** : 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 Hubert LAW Hin-cheung
Principal Assistant Secretary for Constitutional and Mainland
Affairs

Attendance by : Item I
invitation

Southern Democratic Alliance

Mr James LUNG Wai-man
Chairman

Hong Kong Community Development Network Ethnic
Minorities Youth League

Mr Mohammad Aslam
Chairman

Hong Kong Integrated Nepalese Society

Mr Ashok Kumar GAHATRAJ
General Secretary

Society for Community Organization

Ms Annie LIN
Community Organizer

Association of Indonesian Migrant Workers in Hong Kong

Ms Eni Lestari
Chairperson

HKSKH Lady MacLehose Centre

Mr LEE Ping-fai, Matthew
Organizing Officer

Nisha Electronic Industries Ltd

Ms Nisha Manohar CHUGH

Hong Kong Unison

Mr DIN Wai-bun
Project Officer

The Federation of Hong Kong & Kowloon Labour Unions

Mr LAM Chun-sing

Mr HUNG Chiu-wah
Member of Yau Tsim Mong District Council

Employers' Federation of Hong Kong

Mr Duncan Abate
General Committee member of the Federation

Unitarian Universalists Hong Kong

Ms Medeleine MOK
Vice-President

Democratic Party

Mr Mark LI
Chairperson, Hong Kong Branch of the Democratic Party

Hong Kong Human Rights Monitor

Mr KWOK Hiu-chung
Education Officer

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

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with deputations, the Administration and Equal Opportunities Commission

[LC Paper No. CB(2)1764/08-09(01), CB(2)1816/08-09(01) - (04), CB(2)1835/08-09(01) and (02), CB(2)1848/08-09(01) and G.N. 2733 of 2009]

The Subcommittee received views from 14 organizations and individuals on the Code of Practice for Employment under the Race Discrimination Ordinance (the Code) (index of proceedings attached at **Annex**).

2. Members noted that Dr Priscilla LEUNG had written to notify the withdrawal of her membership from the Subcommittee with effect from 8 June 2009.

EOC

3. The Equal Opportunities Commission (EOC) was requested to provide a written response to the specific points raised by deputations at the meeting/in their submissions in relation to incorrect or misleading contents of the Code, as well as the legal points raised by the Law Society of Hong Kong and Employers' Federation of Hong Kong.

Admin

4. The Administration was requested to provide information in writing on its funding allocation to non-governmental organizations for provision of services to ethnic minorities, including the principles and procedures for the allocation, names of organizations which had been funded and mechanism to review the effectiveness of the relevant programmes.

5. The meeting ended at 12:53 pm.

Council Business Division 2
Legislative Council Secretariat
31 July 2009

**Proceedings of the 3rd 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 Friday, 12 June 2009 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000141 - 000452	Chairman	Dr Priscilla LEUNG's withdrawal of membership from the Subcommittee.	
000453 - 001028	Southern Democratic Alliance	Presentation of views [LC Paper No. CB(2)/1835/08-09(01)]	
001029 - 001229	Chairman Dr Margaret NG	Dr Margaret NG's invitation of deputations to give views on specific provisions of the Code of Practice on Employment (the Code) under the Race Discrimination Ordinance (RDO)	
001230 - 001338	Hong Kong Community Development Network Ethnic Minorities Youth League	Presentation of views	
001339 - 001903	Hong Kong Integrated Nepalese Society	Presentation of views	
001904 - 002417	Society for Community Organization	Presentation of views [LC Paper No. CB(2)1835/08-09(02)]	
002418 - 002744	Association of Indonesian Migrant Workers in Hong Kong	Presentation of views	
002745 - 003216	HKSKH Lady MacLehose Centre	Presentation of views [LC Paper No. CB(2)1816/08-09(01)]	
003217 - 003404	Nisha Electronic Industries Ltd	Presentation of views	
003405 - 003805	Hong Kong Unison	Presentation of views [LC Paper No. CB(2)1848/08-09(01)]	
003806 - 004035	The Federation of Hong Kong & Kowloon Labour Unions	Presentation of views	
004036 - 004544	Mr HUNG Chiu-wah (Member of Yau Tsim Mong District Council)	Presentation of views	

Time Marker	Speaker(s)	Subject(s)	Action required
004545 - 005039	Employers' Federation of Hong Kong	Presentation of views [LC Paper No. CB(2)1890/08-09(01)]	
005040 - 005514	Unitarian Universalists Hong Kong	Presentation of views [LC Paper No. CB(2)1881/08-09(01)]	
005515 - 010030	Democratic Party	Presentation of views	
010031 – 010501	Hong Kong Human Rights Monitor	Presentation of views [LC Paper No. CB(2)1880/08-09(02)]	
010502 - 011157	Chairman Admin	Initial response of the Administration to deputations' views	
011158 - 011411	Chairman EOC	Initial response of the Equal Opportunities Commission (EOC) to deputations' views	
011412 - 012252	Chairman Ms Miriam LAU Admin EOC	Ms Miriam LAU's request for a written response from EOC to specific points raised by deputations at the meeting/in the submissions in relation to incorrect or misleading contents of the Code. The Administration's advice that it was its plan to bring the Code into operation together with the full implementation of RDO as the Code could provide practical guidance to help employers and employees better understand and fulfill their role and responsibilities under RDO. As provided for under section 63 of RDO, EOC might revise the Code from time to time as appropriate in the light of operation experience.	EOC to follow-up (para 3 of minutes)
012253 - 013421	Chairman Dr Margaret NG Ms Nisha CHUGH of Nisha Electronic Industries Ltd Admin EOC	Dr Margaret NG's request that EOC should also include in the written response its consideration of the legal points raised by the Law Society of Hong Kong and the Employers' Federation of Hong Kong. Dr NG's invitation of views from deputations on the Administration's funding support to non-governmental organizations (NGOs) for the provision of services to ethnic minorities. In response to Dr NG's request, Ms Nisha CHUGH's elaboration on her view that leaflets on specific workplace guidelines in simple language should be prepared to help employees, particularly those at grassroot level, better understand how RDO applied to them. Details on actions to be taken when discrimination was encountered should also be included in such leaflets.	EOC to follow-up (para 3 of minutes)

Time Marker	Speaker(s)	Subject(s)	Action required
013422 - 013705	Chairman Ms LI Fung-ying	Ms LI Fung-ying's invitation of views from deputations as to whether the Code as currently drafted was generally acceptable and should be implemented as early as practicable, or the introduction of the Code should be deferred to allow more time for amendments before implementation.	
013706 - 013901	Chairman Dr Margaret NG Ms LI Fung-ying Ms Cyd HO	Discussion arrangements at the meeting	
013902 - 014040	Ms Cyd HO	Ms Cyd HO's invitation of views from deputations on whether adequate resources had been provided to NGOs for conducting consultation among ethnic minorities during the public consultation exercise.	
014041 - 014210	Chairman Mr Matthew LEE	The view of the representative of HKSKH Lady MacLehose Centre that NGOs had encountered resources problem in organizing activities to promote racial harmony. It was pointed out that the funding support provided under relevant schemes covered only programme fee but not manpower resources required for organizing such activities.	
014211 - 014306	Chairman Ms Annie LIN	Written submission provided by the Society for Community Organization	
014307 - 014453	Chairman Mr DING Wai-bun	The views of the representative of Hong Kong Unison that - (a) EOC should be more proactive in liaising and co-operating with NGOs to broaden the reach of its promotion and education work on the Code particularly among the ethnic minorities; and (b) the Code should be implemented as soon as possible as ethnic minorities had been awaiting the RDO and the Code to provide protection against racial discrimination.	
014454 - 014549	Chairman Mr KWOK Hiu-chung	The view of the representative of Hong Kong Human Rights Monitor that the present version of the Code was acceptable.	
014550 - 014656	Chairman Ms Mohammad Aslam	The view of the representative from Hong Kong Community Development Network Ethnic Minorities Youth League that the support service centres for ethnic minorities should be operated by ethnic minority organizations and his comment that applications from some ethnic minority organizations for the operation of these support service centres had been rejected.	

Time Marker	Speaker(s)	Subject(s)	Action required
014657 - 014759	Chairman Mr HUNG Chiu-wah	Mr HUNG Chiu-wah's view that consideration should be given to enhancing the role of District Councils in disseminating information to local communities on various sources of funding grants for provision of support services to ethnic minorities.	
014800 - 014859	Chairman Mr Duncan Abate	The comments of the representative of the Employers' Federation of Hong Kong that the concept of "equal pay for equal value", which had been elaborated in the latest draft of the Code, was beyond the scope of RDO, and that EOC should respond to the Federation's views on this issue.	
014900 - 015023	Chairman Mr Mark LI	The view of the representative of Democratic Party that more financial resources should be allocated to NGOs providing support services to ethnic minorities and self-help organizations formed by ethnic minorities in collaboration with NGOs.	
015024 - 015246	Chairman Admin	The Administration's response on the additional resources allocated for the implementation of RDO and related promotion and public education efforts on racial equality.	
015247 - 015306	Chairman EOC	EOC's advice that it would respond in writing to the views raised by the Employers' Federation of Hong Kong relating to equal pay for equal work/work of equal value.	
015307 - 020019	Chairman Mr LEUNG Yiu-chung	Mr LEUNG Yiu-chung's enquiry on the timetable for review of the Code after its implementation. EOC's response that it would be more appropriate to review the Code in about 12 months' time after the legislation had been implemented in the light of operational experience. The Administration's response to Mr LEUNG Yiu-chung's enquiry on resources allocated by the Administration to designated schools with ethnic minority students and his concern about possible difficulties encountered by teachers of these schools in communicating with students and parents of ethnic minorities due to language barrier.	
020020 - 020237	Chairman Mrs Sophie LEUNG	Mrs Sophie LEUNG's concurrence with the view in the submission from the Working Group on the Promotion of Equal Opportunity and Diversity, University of Hong Kong [LC Paper No. CB(2)1880/08-09(04)] that more emphasis should be placed in the Code on explaining the good practice and rationale for promoting racial equality.	

Time Marker	Speaker(s)	Subject(s)	Action required
020238 - 020741	Chairman Dr Margaret NG Admin	Dr Margaret NG's request for a written response from the Administration on its funding allocation to NGOs for provision of services to ethnic minorities including the principles and procedures for the allocation, names of organizations which had been funded and mechanism to review the effectiveness of the relevant programmes.	Admin to follow-up (para 4 of minutes)
020742 - 020835	Chairman	Closing remarks Date of next meeting	

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31 July 2009