# LC Paper No. CB(2)1642/08-09(02)

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**OPPORTUNITIES** 

香港太古城太古灣道14號太古城中心三座19個

19/F., Cityplaza Three, 14 Taikoo Wan Road

Taikoo Shing, Hong Kong

例前: Website: http://www.coc.org.hk

Our Ref.

EOC/COP/14

Your Ref :

LS/S/29/08-09

Tel No.

2106 2178

Faxline

2824 3892

URGENT

By Fax:

2877 5029 Only

14 May 2009

Legislative Council Secretariat

Legal Service Division

Legislative Council Building

8 Jackson Road

Central

Hong Kong

Attention: Ms. Clara Tam, Assistant Legal Adviser

Dear Ms. Tam,

## Code of Practice on Employment Under the Race Discrimination Ordinance (GN.2733)

I refer to your letter to the Commission's Chairperson dated 13 May 2009.

COMMISSION

The Commission is grateful for your comments on the Chinese and English texts of the Code. The following is our response:-

#### Chinese text para 2.1.1

We have no objection to your comment of replacing "乎" with "行".

#### Chinese text para.2.1.4(3)

We suggest deleting "典籍".

### Chinese text Illustration 1 on p.7

We have no objection to your comment of adding "考慮"

#### Chinese text para 3.7.3

We have no objection to your comments.

#### Chinese text para.4.2.3

We have no objection to your comment of replacing "識" with "悉".

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Chinese text para.5.3.15(1)

We have no objection to your comment.

Chinese and English texts para.6.4.3

We have no objection to your comments.

Chinese text sample policy para.3.4

We have no objection to your comment.

#### Chinese and English texts sample policy para.3.8

We note your comment that the part you underlined is not consistent with the corresponding English text. We take the view that the Chinese text correctly reflects the intended meaning. We also take the view that the corresponding English text should be read to mean that matters such as grievances, disciplinary action, performance assessment and termination of employment should be monitored in terms of racial group composition. Read in this way, there is no inconsistency between the Chinese and English texts.

Chinese text sample policy para.3.10(2)(b)

We have no objection to your comment.

Chinese text sample policy para.3.11

We have no objection to your comment.

In addition, we would like to point out that the correct citation for the case of Chang Ying Kwan v Wyeth (HK) Ltd referred to in footnote 92 in both the Chinese and English texts should be "[2001] 2 HKC 129".

Yours faithfully,

Herman Poon

Chief Legal Counsel

**Equal Opportunities Commission**