

**立法會**  
**Legislative Council**

Ref : CB2/PL/CA

LC Paper No. CB(2)827/08-09  
(These minutes have been seen  
by the Administration)

**Panel on Constitutional Affairs**

**Minutes of meeting**  
**held on Monday, 17 November 2008 at 2:30 pm**  
**in the Chamber of the Legislative Council Building**

**Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Albert HO Chun-yan  
Dr Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon LI Fung-ying, BBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon LEUNG Kwok-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS  
Hon Ronny TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Cyd HO Sau-lan  
Dr Hon LAM Tai-fai, BBS, JP  
Hon CHAN Kin-por, JP  
Dr Hon Priscilla LEUNG Mei-fun  
Hon CHEUNG Kwok-che  
Hon WONG Sing-chi  
Hon WONG Kwok-kin, BBS  
Hon WONG Yuk-man  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Dr Hon PAN Pey-chyou  
Dr Hon Samson TAM Wai-ho, JP

**Members absent** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP (Deputy Chairman)  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP

**Public Officers attending** : The Administration

Mr Stephen LAM Sui-lung, JP }  
Secretary for Constitutional and Mainland } For items II and III only  
Affairs }

Mr Raymond TAM Chi-yuen }  
Under Secretary for Constitutional and }  
Mainland Affairs }  
} For items III and IV only

Mr Victor NG Hon-wing }  
Deputy Secretary for Constitutional and }  
Mainland Affairs (Acting) }

Mr Stanley NG Wai-tong }  
Assistant Secretary for Constitutional and } For item IV only  
Mainland Affairs 5A }

Equal Opportunities Commission

Mr Raymond TANG Yee-bong }  
Chairperson }  
} For item III only

Mr Herman POON Lik-hang }  
Chief Legal Counsel }

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

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Ms Clara TAM  
Assistant Legal Adviser 9

Miss Vivien POON  
Council Secretary (2)1

Mrs Fonny TSANG  
Legislative Assistant (2)3

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**I. Confirmation of minutes of meeting**

[LC Paper No. CB(2)203/08-09]

The minutes of the meeting held on 14 October 2008 were confirmed.

**II. Items for discussion at the next meeting**

[LC Paper Nos. CB(2)265/08-09(01) and (02)]

2. Members agreed to discuss at the next regular meeting on 15 December 2008 the following items proposed by the Secretary for Constitutional and Mainland Affairs (SCMA), -

- (a) Electoral Affairs Commission Report on the 2008 Legislative Council (LegCo) Election ;
- (b) financial provision for the Office of the Privacy Commissioner for Personal Data (PCPD) in 2008-2009; and
- (c) Report of the Hong Kong Special Administrative Region (HKSAR) under the International Convention on the Elimination of All Forms of Racial Discrimination.

3. Ms Emily LAU asked whether the Administration could revert to the Panel on "Review of the Personal Data (Privacy) Ordinance" (item no. 7 on the "List of outstanding items for discussion" [LC Paper No. CB(2)265/08-09(01)] referred) at the next meeting. SCMA responded that the Administration had reported the progress of the review to the Panel on Home Affairs at a special meeting held on 4 July 2008. The Administration was working with PCPD to assess the review proposals and would brief the Panel on the matter at an appropriate time.

4. Members noted that the Central People's Government would submit its report to the United Nations Human Rights Council for the Universal Periodic Review in anticipation of the hearing on China to be held in February 2009 (item 6 on the "List of outstanding items for discussion" referred). Ms Emily LAU suggested and members agreed that the Panel should schedule tentatively to discuss the section on HKSAR which formed part of the China's report at the regular meeting on 19 January 2009.

5. Dr Margaret NG pointed out that the former Bills Committee on Race Discrimination Bill had proposed that a statutory duty should be imposed on the Government and specified public authorities to draw up a Race Equality Scheme for the purpose of eliminating racial discrimination and promoting racial harmony. The Administration had instead proposed to compile administrative guidelines on the promotion of racial equality for adoption by key bureaux and

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departments. At the suggestion of Dr NG, members agreed to include "Administrative guidelines on the promotion of racial equality" in the "List of outstanding items for discussion". SCMA said that the Administration would consult the Panel on the draft guidelines and undertook to revert to the Panel in early 2009.

### **III. Draft Code of Practice on Employment under the Race Discrimination Ordinance**

#### Introductory remarks

6. SCMA said that the Race Discrimination Ordinance (RDO) was gazetted on 18 July 2008. The enabling provisions (sections 59 to 63) which empowered the Equal Opportunities Commission (EOC) to implement this new piece of legislation came into effect on 3 October 2008. Under section 63 of RDO, EOC may issue codes of practice to provide practical guidance for the purpose of elimination of discrimination, harassment and vilification, or promotion of equality of opportunity and harmony between persons of different racial groups. EOC published its draft Code of Practice on Employment (the draft Code) on 13 October 2008 for public consultation. He invited members' views on the draft Code.

#### Briefing by EOC

7. Chairperson of EOC briefed members on the salient points of EOC's paper [LC Paper No. CB(2)265/08-09(03)] on the public consultation on the draft Code. He said that some 80% of the complaints received by EOC were employment-related. In line with the issuance of codes of practice under the other anti-discrimination ordinances, EOC decided to give priority to the issuance of the Code of Practice on Employment (the Code) and codes of practice in other specified areas under RDO would be issued in due course. He emphasised that as the Code was a compliance tool for the purpose of explaining the legal requirements under RDO to employers and employees, its practicality was important. Its scope could not exceed that of the statutory provisions nor was it meant to address the inadequacies of RDO. Chairperson of EOC supplemented that EOC well understood the importance of its role as a proponent and promoter of equal opportunities. Its "Good Management Practice Series" consisting of information leaflets in relation to anti-discrimination ordinances and relevant codes of practice would also be revamped. In response to Ms Cyd HO's enquiry, Chairperson of EOC informed members that EOC would incorporate training on good practice under the Code in its training programmes for employers.

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8. Chief Legal Counsel of EOC said that the Code sought to explain the legal requirements under RDO as accurately as possible. EOC therefore provided an overview of the legal principles and concepts relating to racial discrimination, illustrations to explain what would and would not constitute an unlawful act in employment situations, and suggestions of good practice in the draft Code. EOC would enrich the contents of the Code by taking into account the views received during the public consultation exercise.

Specific provisions of the draft Code

*Section 2.1 What is meant by race*

9. Dr Priscilla LEUNG sought clarification on the meaning of "race". She said that terms such as "阿燦" and "大陸佬" which were discriminatory in nature had been used to refer to people originated from the Mainland who might be different from most local residents in terms of their style of dressing and demeanour. SCMA said that the meaning of "race" in the Code should adhere precisely to section 8(1)(a) of RDO which defined "race" in relation to a person as the "race, colour, descent or national or ethnic origin" of a person. Dr LEUNG hoped that this statutory meaning of "race" would not have the effect of condoning discrimination against people originated from the Mainland.

*Section 2.2.4 Nationality, citizenship or resident status of other countries*

10. Mrs Sophie LEUNG considered that Illustration 9 under the captioned section was problematic because it had failed to address the exceptional circumstances in which a company might need to hire people from a certain geographical area or those with unique knowledge, skill, or experience not readily available in Hong Kong.

*Section 3.1 Meaning of employment*

11. Mrs Sophie LEUNG commented that it was arguable whether the "self-employed carpenter" in Illustration 10 under the captioned section was an employee or an employer. She suggested that EOC should consult widely and gather more views for the purpose of addressing more complex employment-related issues in the Code. Chairperson of EOC responded that the scope of consultation included local/foreign business federations, trade unions, non-governmental organisations (NGOs), consulates, and stakeholders across different sectors of society. He would take on board Mrs LEUNG's view in refining the wording used in the Illustration.

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*Section 3.6.1 Vocational training*

12. Ms LI Fung-ying said that while providers of vocational training could not refuse admission of ethnic minority students merely on the ground of race, they were not obliged to make different arrangements for different racial groups regarding medium of instruction. She expressed concern that it would be a waste of resources if training was provided to ethnic minority students in a language they could not understand. Chairperson of EOC said that while he fully appreciated the difficulties encountered by ethnic minority students, the Code was not meant to address the inadequacies of RDO. In response to Ms LI's enquiry about the remedies available to these students, SCMA said that although it was clearly stated in section 20 of RDO that a vocational training institute was not required to modify or make different arrangements on the medium of instruction, the Employees Retraining Board had set aside 2 000 places for enrolment in 2008-2009, for which the medium of instruction would be English in order to better cater to the vocational training needs of ethnic minority students. Flexible and proactive measures at various fronts had also been taken by relevant bureaux including the Education Bureau (EDB) to facilitate the teaching and learning of non-Chinese speaking (NCS) students.

*Section 4.1.1.2 Indirect discrimination*

*Section 4.2 Application to different aspects and stages of the employment relationship*

13. Mr IP Kwok-him expressed concern that members of the public might not know how to determine what would be a justifiable requirement or condition. It would cause confusion and uncertainties to the community whether an act would constitute indirect discrimination under RDO. He considered that the Code should include concrete illustrations to delineate the meaning of the term "justifiable". Mr IP further referred to section 4.2.5 of the draft Code which stated that "Even after termination of employment, there may still be things that an employer may do which would be covered by the Ordinance". He considered that the scope of the term "一些" (things) was unclear and the lack of a time limit seemed to impose an indefinite liability on employers.

14. Chief Legal Counsel of EOC explained that in determining the meaning of the provisions of RDO, the court would balance an employer's interests with those of an employee, such as the employer's resource situation and the degree to which the employee had been adversely affected by the employer's act. The Code was not intended to be a definitive statement of the law. On the basis of relevant case law, EOC used illustrations in the draft Code to explain the provisions of RDO. Whether a particular case would fall within the law would be judged ultimately according to the facts of each case and the principles derived from relevant case law. Nevertheless, EOC would provide more illustrations to elaborate on the legal principle of justifiability in the Code.

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15. Mr IP Kwok-him said that the EOC's response had made him worried more as employers and employees would have difficulties in determining their legal obligations under RDO, unless they had legal advice/expertise. He suggested EOC to consider rewording section 4.2.5 in more concrete terms. Chairperson of EOC reiterated that the Code merely served to elucidate the legal principles and only the courts may give definitive rulings on a case-by-case basis on the meaning of the provisions of RDO. He explained that the statutory code of practice on racial equality in housing was published in the United Kingdom (UK) after the Race Relations Act had been enacted for 30 years and considerable case law was built up there. As RDO was a new piece of legislation, EOC could only make reference to overseas cases decided by the courts under similar discrimination law and use illustrations to explain the law as far as possible. Chairperson of EOC said that he appreciated Mr IP's concern and more illustrations would be used to elaborate on the relevant terms in the Code to facilitate the understanding of the general public.

*Section 4.3.1 Unwelcome conduct harassment*

16. Mr Ronny TONG said that the objective test of "reasonableness" applied in section 7(1) of RDO which defined the circumstances constituting racial harassment. He considered that as the victim's presence or otherwise was immaterial, it was incorrect for section 4.3.1 of the draft Code to state that unwelcome conduct harassment would not occur if the victim was not present. Chief Legal Counsel of EOC explained that sections 4.3.1 to 4.3.2 of the draft Code were intended to differentiate between unwelcome conduct harassment and hostile environment harassment. Mr TONG stressed that the wording of section 4.3.1 was misleading and should be revised. Chairperson of EOC undertook to consider Mr TONG's view.

*Section 4.6.1 Discriminatory advertisements*

17. Referring to Illustration 36 under the captioned section, Mr Jeffrey LAM said that it would not be clear whether the specification of Putonghua proficiency requirement for the job of a room cleaner in a hotel would be unlawful if the target clientele of that hotel was people from the Mainland. He considered that as racial discrimination was a complex issue, EOC should give all-round illustrations in the Code in order to clarify the legal principles involved and the illustrations used should be more representative of the racial diversity of the workforce in Hong Kong. For example, illustrations involving local Chinese employees being subjected to discriminatory acts by foreign employers should also be used. Ms LI Fung-ying concurred with his view. Ms LI also suggested that more commonly used terms should be used in the illustrations instead of the terms "華人" (Chinese) and "非華裔" (not of Chinese origin), as such terms would over-simplify the racial diversity in Hong Kong and might lead to misunderstandings.

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18. Chairperson of EOC responded that since race discrimination was such a complex issue, the illustrations in the Code could not be too exhaustive or complex. The Code merely meant to give directional guidance with the help of illustrations. EOC would nevertheless consider members' views in revising the illustrations used in the Code.

Overall approach and presentation of the draft Code

19. Dr Margaret NG said that EOC was given the statutory role under RDO to work towards the elimination of discrimination and promote equality of opportunity and harmony between persons of different racial groups. She considered that as there were many misconceptions among the public and even the legal profession about RDO, EOC should have prepared a code of practice providing practical guidance for eliminating discrimination and promoting equality of opportunity in a positive, user-friendly and non-abstract manner. Dr NG, however, considered that apart from being over-legalistic, the Code as presently drafted was problematic as it merely used illustrations to explain the law instead of providing guidance. She urged EOC to consider re-drafting the Code.

20. Mr Albert HO expressed disappointment that while the original Clause 58 of the Race Discrimination Bill which provided for an exemption for the use of languages had not been incorporated as part of RDO, the draft Code had failed to deal adequately with discrimination issues relating to language. For example, EOC did not explain in the draft Code how language barrier would lead to indirect discrimination. SCMA explained that the original proposed exemption was for the use, or failure to use, of particular languages in regard to the provision of goods, services and facilities. The issue had a lesser impact on the Code which was related to employment matters. Chairperson of EOC added that RDO did not include provisions on discrimination on the basis of language although language barrier might lead to indirect discrimination. Moreover, although the original Clause 58 had not been incorporated as part of RDO, no positive duty to cater to the language needs of ethnic minorities had been imposed in the law.

21. Mr Albert HO suggested that more illustrations on the implications of the use of languages on recruitment matters and relationships between employers and employees should be included in the Code. Ms Emily LAU also expressed the view that as people who were not native speakers of Cantonese or English did encounter discrimination from time to time due to their accents, it was imperative for EOC to address the discrimination issues relating to language in the Code.

22. Dr Margaret NG expressed concern that EOC had taken a passive approach towards discrimination issues relating to language which could be evidenced in the drafting of the Code. She suggested that EOC should explain in greater detail in the Code what would constitute indirect discrimination, by way of a series of

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illustrations on justifiable and unjustifiable acts relating to the use of languages. Chairperson of EOC maintained his view that in the absence of a positive duty to cater for the language needs of ethnic minorities in the law, the Code could merely reflect the law as it was enacted. The approach taken by EOC in drafting the Code reflected the legal provisions in RDO in dealing with discrimination issues, in so far as such provisions were relevant to language as a possible element of indirect racial discrimination.

23. Referring to the written submissions of the Society for Community Organisation (SOCO) [LC Paper Nos. CB(2)291/08-09(01) and (02)], Ms Emily LAU invited EOC to comment on the criticisms made by SOCO that as compared with the Code of Practice on Employment issued under section 69 of the Sex Discrimination Ordinance (Cap. 480), the draft Code was inadequate in providing proactive good practices and detailed guidelines to employers. Chairperson of EOC said that the submissions received at this stage would be considered along with other submissions received during the consultation period. Ms LAU remarked that LegCo should receive views from deputations on the draft Code. At the invitation of the Chairman, SCMA advised that the Code would be an instrument made under section 63 of RDO which, although not an item of subsidiary legislation, was subject to the scrutiny of LegCo under the negative vetting procedure. LegCo may, by resolution, amend the Code during the scrutiny period provided that the Code as amended would not be inconsistent with the principal Ordinance. The Chairman said that as the Administration would revert to the Panel on the revised draft Code and table the Code at a Council meeting, LegCo would have the opportunity to receive views from deputations and further scrutinise the Code in the future.

Consultation

24. Ms Emily LAU enquired about the attendance figures for the six public consultation sessions conducted from 1 to 15 November 2008. Chairperson of EOC said that EOC was conducting many sessions on RDO and the draft Code, including six sessions for the general public and two for ethnic minorities. Attendance numbers varied. Less than 100 persons so far had registered for the two multi-lingual sessions arranged for ethnic minorities to be held on 29 November 2008. However, the four briefing sessions for civil servants were attended by several hundred participants. He undertook to submit attendance figures in writing after the meeting.

EOC

25. Ms Cyd HO considered that arranging public consultation sessions for Cantonese or English-speaking people and ethnic minorities separately was not conducive to promoting inter-racial understanding and harmony. She hoped that EOC would consider scheduling two "mixed" sessions with the provision of simultaneous interpretation services for ethnic minorities as well as Cantonese/English-speaking members of the public for the purpose of facilitating discussion

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of issues of mutual concern. Chairperson of EOC responded that the public consultation sessions were not intended for interactive purposes, as their main purpose was to introduce the contents of the draft Code. In addition, there would be technical and logistical difficulties in conducting "mixed" sessions.

26. Ms Cyd HO asked how many copies of the draft Code were made available in the common languages of ethnic minorities for consultation purposes. Chairperson of EOC said that the draft Code had only been published in Chinese and English, the two official languages, but information notes highlighting the contents of the draft Code in Chinese, English, and six other common languages of ethnic minorities i.e. Hindi, Indonesian, Nepali, Tagalog, Thai and Urdu were available. He pointed out that under section 63(14) of RDO, a failure to observe any provision of the Code would not in itself lead to any liability, but any code of practice issued under section 63 shall be admissible in evidence in any relevant proceedings before the court. Chairperson of EOC explained that in the light of the legal implications of the Code, EOC had not arranged to provide translated versions of the Code in the languages of ethnic minorities because it was not certain whether these translated versions could meet the accuracy requirement for legal purposes.

27. Dr Margaret NG queried how EOC as a public body could justify that not providing translation of the draft Code in the languages of ethnic minorities was proportionate for the objective of consulting ethnic minorities. She considered that the decision was unacceptable and its failure to provide the translation constituted an act of indirect discrimination. Chairperson of EOC responded that as RDO was in Chinese and English, it was logical for EOC to issue the draft Code in these two official languages and only the Chinese and English versions of the Code would be subject to scrutiny of LegCo. Chief Legal Counsel of EOC supplemented that EOC had reasonably balanced its available resources and the need to provide ethnic minorities with opportunities to express their views by arranging public consultation sessions targeting ethnic minorities and publishing information notes in their native languages.

28. Dr Margaret NG and Ms Cyd HO expressed dissatisfaction with the EOC's explanation. Dr NG stressed that EOC had an obligation under section 63 of RDO to consult appropriate organisations which should include ethnic minorities on the Code. EOC should at the very least make sure that ethnic minorities would have access to the contents of the draft Code in a language they could comprehend so that they could engage meaningfully in the consultation process. Ms HO said that as a proponent of equal opportunities, EOC should have adopted a good practice by publishing the draft Code in the languages of ethnic minorities for their benefit. They requested that EOC should proceed as a matter of priority with translation of the draft Code into the languages of ethnic minorities and scheduling additional public consultation sessions for them when the translated versions were available.

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29. Mr Albert HO stressed that the Administration should provide adequate resources to EOC for the smooth implementation of RDO. Ms Emily LAU asked whether EOC was unable to provide translated versions of the draft Code in the languages of ethnic minorities because of its lack of resources. She suggested that EOC should seek assistance from relevant consulates for the translation work. SCMA explained that the Administration had allocated additional resources to EOC for the implementation of RDO including the issuance of relevant codes of practice. He envisaged that the resources required for EOC to convert the information notes into full translated versions of the draft Code in the six other languages of ethnic minorities should not be substantial, and EOC had ample reserves to do so. The primary concern of EOC was whether the translated versions of the draft Code could meet the accuracy requirement for legal purposes.

30. Chairperson of EOC responded that the pool of translators who were able to translate legal documents in the languages of ethnic minorities was fairly small. He considered that given the resources and time available, EOC had adopted a practical approach in making the public consultation arrangements. Ms Emily LAU requested that EOC should provide the Panel with a paper setting out how many translated versions of the draft Code would be published in the languages of ethnic minorities, the numbers of such translated versions to be printed and the costs involved. The Chairman suggested that in case there were practical difficulties to provide the full versions of the draft Code in the languages of ethnic minorities, EOC should at least provide translations of the draft Code as detailed as possible. In the light of the strong views expressed by members, Chairperson of EOC undertook to re-consider the requests made by members in paragraph 28 above.

EOC

Additional codes of practice to be issued under RDO

31. Citing the view of SOCO that codes of practice should also be issued under RDO on housing, education and the provision of goods, facilities, services and premises, Ms Emily LAU asked whether the UK Commission for Equality and Human Rights had published codes of practice on these areas. Chairperson of EOC responded that codes of practice on employment, race, disability, housing, and transport services had been published in UK, but only after the relevant anti-discrimination law had been implemented for years and considerable case law had been built up. EOC was much more proactive in issuing the draft Code shortly after the enactment of RDO.

32. Mr LEUNG Kwok-hung expressed the view that a code of practice on housing should be issued as soon as possible to address the discrimination problem encountered by ethnic minorities on this area. Chairperson of EOC said that in subsequent years, more codes of practice on specified areas under RDO

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would be issued. He further remarked that preparation of the relevant codes of practice would involve considerable time and effort, as EOC needed to familiarise itself with the whole spectrum of services provided in Hong Kong, as well as the various aspects of the specified areas such as education.

33. Mr CHEUNG Man-kwong expressed concern that in view of the remark made by the Chairperson of EOC, it might take a long time for EOC to publish a code of practice on education. He pointed out that EDB had provided focused support to designated schools in enhancing the learning and teaching of NCS students, notably the ethnic minority students. However, ethnic minority students in non-designated schools would face great language difficulties in pursuing their studies as focused support was not made available. Mr CHEUNG considered that before the issuance of a code of practice on education, EOC had the obligation to issue guidelines to these non-designated schools in an attempt to address the problem. Sharing his view, Ms Emily LAU said that the language difficulties would have adverse impact on the opportunities of these ethnic minority students to pursue further studies. Chairperson of EOC agreed that such guidelines could be issued as an interim measure on specific aspects in the spectrum of educational services. SCMA said that he would also refer members' concerns to EDB for consideration.

EOC  
SCMA

Employees Retraining Levy

34. Mr LEUNG Kwok-hung expressed the view that the Employees Retraining Levy was a blatant act of discrimination by the Government against imported labour, including foreign domestic helpers. SCMA pointed out that the issue was beyond the scope of the Code. Mr LEUNG maintained that the issue was of relevance, given its implications on the employer-employee relationship. The Chairman advised that as the issue fell outside the remit of this Panel, Mr LEUNG should consider taking up the relevant issue with the Administration at a future meeting of the Panel on Manpower.

**IV. Establishment of Regional Support Service Centres for Ethnic Minorities**

The Administration's proposal

35. Under Secretary for Constitutional and Mainland Affairs (USCMA) briefed members on the salient points of the Administration's paper setting out the proposed implementation plan for the establishment of four regional support service centres for ethnic minorities [LC Paper No. CB(2)265/08-09(04)]. USCMA said that the centres in various parts of the territory would provide ethnic minorities with telephone interpretation service and training to improve their Chinese and English proficiencies. Centralised telephone interpretation between

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English or Chinese and seven ethnic minority languages, i.e. Urdu, Hindi, Punjabi, Nepalese, Tagalog, Bahasa Indonesia and Thai, would be provided. The centres would organise activities and provide services to facilitate the integration of ethnic minorities into the community. USCMA added that once the plan was finalised, NGOs would be invited to establish and operate the centres. The target was to implement the proposals before mid-2009.

Discussion

36. Referring to paragraph 5 of the background brief prepared by the Legislative Council Secretariat on the establishment of regional support services centres for ethnic minorities [LC Paper No. CB(2)265/08-09(05)], Ms Emily LAU enquired about the implementation status and adequacy of the interpretation service provided by the Hospital Authority (HA) to facilitate ethnic minorities using public services. USCMA said that since June 2008, HA had implemented a telephone/booking service in four languages, viz., Urdu, Nepalese, Hindi and Punjabi, with the help of the Hong Kong Sheng Kung Hui Lady MacLehose Centre. USCMA added that the Administration had taken into account the data of ethnic minority populations in Hong Kong available from the Census and Statistics Department's thematic report on ethnic minorities under the 2006 Population By-census in stipulating the seven ethnic minority languages required to be supported by the telephone interpretation service. The future operator for the telephone interpretation service could propose to implement the full spectrum of the seven languages in phases if it had difficulties in providing services for all the seven languages initially.

37. Referring to paragraphs 19-20 of the Administration's paper, Ms Emily LAU asked whether the proposed opening hours of the support service centres would be adequate to meet the needs of ethnic minorities. USCMA explained that bearing in mind the normal operating hours of the public services involved, the centralised interpretation service would be provided from 0800 hours to 2200 hours, seven days a week, except on general holidays in order to assist ethnic minorities in using public services. He added that the centres for provision of language training and other support services would be open for at least 12 hours a day and for six days a week, except public holidays. These centres would provide language training and integration programmes for the ethnic minorities.

38. Ms Emily LAU further asked whether the \$16 million earmarked for the operating expenses of the four centres in their first year of operation would be sufficient for recruiting suitable language teachers with a bachelor's degree from a Hong Kong university or equivalent, and the number of recruits envisaged. USCMA responded that \$7 million would be allocated to the support centre providing centralised telephone interpretation services and the other three support service centres would be provided with \$3 million each. NGOs which would establish and operate these centres should have ample experience and expertise to

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determine the number of recruits, the experience required and their remuneration levels for the purpose of serving the needs of ethnic minorities. USCMA added that the future operators may hire part-time staff as appropriate to organise language programmes and integration activities for ethnic minorities in the evenings.

39. Ms Emily LAU further sought clarification on whether recruits to the post of graduate language teachers would need to be proficient in any of the prescribed ethnic minority languages, in addition to proficiency in English or Cantonese. USCMA responded that this would be an advantage.

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40. Ms Emily LAU asked whether the Administration would review the implementation plan for the establishment of four regional support service centres for ethnic minorities and report to the Panel in due course. USCMA responded that the Administration planned to conduct a review after the plan had been implemented for two years and would report to the Panel. Mrs Sophie LEUNG considered that as the plan was a new initiative, the Administration should keep the plan under review during these two years of implementation and allow room for operators to provide additional support facilities for ethnic minorities as appropriate. USCMA said that the Administration would consider members' views.

41. The meeting ended at 4:37 pm.

Council Business Division 2  
Legislative Council Secretariat  
12 February 2009