

LEGISLATIVE COUNCIL BRIEF

RACE DISCRIMINATION ORDINANCE (Chapter 602)

RACE DISCRIMINATION (FORMAL INVESTIGATIONS) RULES AND RACE DISCRIMINATION (INVESTIGATION AND CONCILIATION) RULES

INTRODUCTION

The Race Discrimination Ordinance (RDO), Cap.602, was passed on 10 July 2008. Under section 82 of the RDO which became effective on 3 October 2008, the Equal Opportunities Commission (EOC) may make rules to prescribe matters relevant to conducting formal investigations under section 64 of the RDO; issuing enforcement notices under section 71 of the RDO; and conducting investigation and conciliation of complaints under section 78 of the RDO .

THE RULES

2. The EOC has made the following rules:-
 - (i) The Race Discrimination (Formal Investigations) Rules (FIRs); and
 - (ii) The Race Discrimination (Investigation and Conciliation) Rules (ICRs).

3. Both the FIRs and ICRs are in materially the same terms as the corresponding rules under other similar ordinances (the Sex Discrimination Ordinance (Cap.480), Disability Discrimination Ordinance (Cap.487) and the Family Status Discrimination Ordinance (Cap.527)).

4. The FIRs are relevant to the conduct of formal investigations under section 64 of the RDO. They prescribe the manner in which notice of a formal investigation under section 65 of the RDO is to be given; the form of the notice requiring persons to provide information under section 66(1) of the RDO; the form of enforcement notices issued pursuant to section 71(2) of the RDO; and the manner of service of all such notices.

5. The ICRs are relevant to investigation and conciliation of complaints under section 78 of the RDO. They prescribe matters relating to representative complaints; enable the EOC to require information by notice; prescribe restrictions on disclosure of such information; enable the EOC to direct attendance in conferences and prescribe the procedures at such conferences.

Equal Opportunities Commission
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