

立法會
Legislative Council

LC Paper No. CB(2)2836/07-08
(These minutes have been seen
by the Administration)

Ref : CB2/BC/2/06

**Bills Committee on
Race Discrimination Bill**

**Minutes of meeting
held on Wednesday, 9 April 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Abraham SHEK Lai-him, SBS, JP (Deputy Chairman)
Hon Martin LEE Chu-ming, SC, JP
Dr Hon LUI Ming-wah, SBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, SBS, JP
Hon Bernard CHAN, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon Fernando CHEUNG Chiu-hung
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon TAM Heung-man
Hon Mrs Anson CHAN, GBM, JP
- Members absent** : Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon Albert CHAN Wai-yip
Hon Daniel LAM Wai-keung, SBS, JP

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- Public Officers attending** : Mr Arthur HO
Deputy Secretary for Constitutional and Mainland Affairs (1)
- Mr Victor NG
Principal Assistant Secretary for Constitutional and Mainland Affairs (5)
- Mr Stanley NG
Assistant Secretary for Constitutional and Mainland Affairs (5)A
- Miss Betty CHEUNG
Senior Government Counsel
- Miss Shandy LIU
Senior Government Counsel
- Clerk in attendance** : Miss Flora TAI
Chief Council Secretary (2)2
- Staff in attendance** : Mr KAU Kin-wah
Assistant Legal Adviser 6
- Ms Joanne MAK
Senior Council Secretary (2)2
- Ms Anna CHEUNG
Legislative Assistant (2)2

I. Meeting with the Administration

- LC Paper No. LS64/07-08 -- Paper entitled "Legal effect of the Administration's proposed amendment to Clause 3 of the Race Discrimination Bill" prepared by the legal adviser to the Bills Committee
- LC Paper No. CB(3)176/06-07 -- The Bill
- Appendix III to LC Paper No. CB(2)859/06-07 -- Marked-up copy of the relevant provisions of ordinances to be amended by the Bill

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| LC Paper No. LS48/06-07 | -- Table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom |
| LC Paper No. CB(2)1030/07-08(01) | -- Summary of views received from deputations/individuals on specific clauses of the Bill (as at 6 February 2008) prepared by the Legislative Council Secretariat |
| LC Paper No. CB(2)1249/06-07(01) | -- List of questions raised by Hon CHOY So-yuk |
| LC Paper No. CB(2)1259/07-08(01) | -- Table prepared by the Legislative Council Secretariat summarising the views received from deputations on options of draft amendments set out in LC Paper No. LS14/07-08 |
| LC Paper No. LS14/07-08 | -- Paper entitled "Discussion drafts of Committee Stage amendments for Members' consideration" prepared by the legal adviser to the Bills Committee |

Clause-by-clause examination of the Bill

The Bills Committee completed scrutiny of Clauses 26 to 31 of the Bill and discussed issues relating to Clauses 36 and 37 (index of proceedings attached at **Annex**).

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2. The Administration was requested to -
 - (a) review the drafting of Clause 26(2) to clarify the scope of exception;
 - (b) explain why there was a need for the exception provision on arrangements of medium of instruction and whether the effect of the provision was that schools would have no legal obligation to modify their medium of instruction to cater for any special needs of ethnic minority students;
 - (c) explain the scope of coverage of the "services of" and "undertaking by or of" the Government as referred to in Clause 27(2)(h);

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- (d) explain the scope of coverage of organizations providing goods, facilities and services (Clause 27), voluntary bodies (Clause 31), clubs (Clauses 36 - 37) and trade unions, etc. (Clause 18);
- (e) explain the meaning of "disregarding any minor exceptions" in Clause 31(1)(a);
- (f) explain the need for the exception provisions in Clauses 18(5) (trade unions etc), 31 (voluntary bodies) and 37 (clubs) despite the existence of Clause 4; and
- (g) consider the suggestion of deleting Clauses 31 and 37.

Date of next meeting

3. Members noted that the next meeting would be held on Wednesday, 16 April 2008, at 8:30 am.
4. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
30 September 2008

**Proceedings of the meeting of Bills Committee on
Race Discrimination Bill
on Wednesday, 9 April 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 001845	Chairman Admin ALA6 Ms Emily LAU	Clause-by-clause examination of the Bill <u>Clause 26</u> Ambiguity of the scope of exception under Clause 26(2) and implications of the exemption to arrangements made by schools in relation to medium of instruction.	Admin to review drafting of Clause 26(2) and explain the relevant policy issue and implications of the exception (para. 2(a)-(b) of minutes)
001846 - 002619	Admin Chairman ALA6 Mr CHEUNG Man-kwong	<u>Clause 27</u> Concerns about the scope of coverage of Clause 27(2)(h).	Admin to explain the scope of coverage of the "services of" and "undertaking by or of" the Government as referred to in Clause 27(2)(h) (para. 2(c) of minutes)
002620 - 003013	Admin Chairman ALA6	<u>Clauses 28, 29 and 30</u>	
003014 - 003110	Chairman ALA6 Admin	<u>Clause 31</u>	
003111 - 003806	Miss CHAN Yuen-han Admin Chairman	<u>Clause 30(1)(c)</u>	
003807 - 011350	Chairman Ms Emily LAU Admin Mr Martin LEE Miss CHOY So-yuk Mr WONG Ting-kwong Miss CHAN Yuen-han	<u>Clauses 31, 36, 37 and 18</u> Queries and concerns about - the need for the exception provisions for voluntary bodies; - the meaning of "disregarding any minor exceptions" in Clause 31(1)(a);	Admin to provide a paper to address various concerns raised by members regarding Clauses 18, 31, 36 and 37 (para. 2(d)-(g) of minutes)

Time marker	Speaker	Subject	Action required
		<ul style="list-style-type: none"> - whether it would be unlawful under the Bill for organizations (such as the Chinese General Chamber of Commerce) to be comprised exclusively of members of the Chinese race since the organization was not a voluntary body and would not be exempted under Clause 31; and - whether Clause 31 might encourage racist groups to be formed in Hong Kong. 	
011351 - 011618	Break		
011619 - 015736	Miss CHOY So-yuk Admin Chairman Mr Ronny TONG Deputy Chairman Ms LI Fung-ying Ms Emily LAU Dr LUI Ming-wah Dr Fernando CHEUNG Mr Howard YOUNG Miss CHAN Yuen-han Dr YEUNG Sum	Queries and concerns about <ul style="list-style-type: none"> - the scope of coverage of organizations providing goods, facilities and services (Clause 27), voluntary bodies (Clause 31), clubs (Clauses 36 - 37) and trade unions, etc. (Clause 18); - the need for the exception provisions in Clauses 18(5) (trade unions etc), 31 (voluntary bodies) and 37 (clubs) given the existence of Clause 4; and - how "trade associations" would be categorized. Suggestion of deleting Clauses 31 and 37.	
015737 - 015832	Chairman Admin Ms Emily LAU	Date of next meeting	