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Excellency,

I write to inform you that on 17 August 2007 during its seventy-first session, the Committee on the Elimination of Racial Discrimination decided to request your Excellency's Government to submit detailed information relating to the implementation of paragraph 247 of the concluding observations on China, adopted at its fifty-sixth session held in August 2001 (A/56/18) in which it expressed concern about the continued absence of legal provisions protecting persons from racial discrimination in the Hong Kong Special Administrative Region.

As you recall, the Committee "recommended that the Government of the State party and the local authorities of the Hong Kong Special Administrative Region review the existing unsatisfactory situation thoroughly and that appropriate legislation be adopted to provide appropriate legal remedies and prohibit discrimination based on race, colour, descent, or national or ethnic origin, as has been done with regard to discrimination on the grounds of gender and disability."

According to information made available to the Committee, a Race Discrimination Bill has been introduced into Hong Kong Special Administrative Region Legislative Council in December 2006 which does not appear to be in conformity with the Committee's recommendation. In particular, it has been brought to the attention of the Committee that the Bill provides for a narrow definition of direct and indirect discrimination differing from the Sex Discrimination and Disability Discrimination Ordinances. Furthermore, Clause 3 of the Bill as presently drafted appears to exclude a substantial portion of Government action from the legislation and thus from the statutory right to seek redress against racial discrimination perpetrated by State authorities.

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In accordance with article 9 (1) of the Convention and rule 65 (1) of its rules of procedure, the Committee invites Your Government to comment on these issues and to send it information, to be submitted before 30 November 2007, relating to the content of the Race Discrimination Bill as a whole, and on the extent to which the obligations of the State party under the Convention have been taken into account and reflected in the Bill. This information will be considered by the Committee at its seventy-second session to be held from 18 February to 7 March 2008.

Allow me, Excellency, to underline that the Committee's observations and request for information are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,

Régis de Gouttes
Chairman of the Committee for the
Elimination of Racial Discrimination