



Hong Kong General Chamber of Commerce
香港總商會 1861

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16 February 2007

The Hon Margaret Ng Ngoi Yee,
Chairman, Bills Committee on Race Discrimination Bill
Legislative Council
Room 116, New Henry House
10 Ice House Street
Central
Hong Kong

Dear Ms Ng,

The Race Discrimination Ordinance

The Hong Kong General Chamber of Commerce believes the bill to eliminate all forms of racial discrimination is an important one, both from the perspective of our international obligations and from an undeniable moral position. We have previously spoken out in support of this bill, and advised on the specific issues that would make it more, or less workable in practice.

We believe the draft bill, as originally presented by the administration, is a good one. In particular, we believe that the inclusion of **recent arrivals** from other parts of China in the scope of the bills coverage would *not* result in less discrimination against recent arrivals. Rather, as we stated in our submission during the consultation period, the difficulties of strictly identifying who would be covered by such a clause are too complex. As a result, we continue to believe it would be far better to address discrimination against recent arrivals through education, rather than through legislation.

Second, we note that some may advocate that there should be no distinction drawn between **expatriates** and non-expatriates. As business people, we know that no successful company can offer extra benefits on the basis of race, but we also are concerned that there are those who might abuse the law for other purposes. In particular, we would strongly oppose frivolous law suits directed at employers who provide the terms and conditions necessary to attract the right employees. This is not acceptable to the business community as it can significantly affect the normal operation of many companies in Hong Kong.

In addition, **language** is clearly a barrier to success for many non-Chinese, particularly those from South Asia. The 1998 decision to switch about 75% of the secondary schools to Chinese medium of instruction effectively reduced the options available to non-Chinese students. Recently, the Education and Manpower Bureau website had important sections only available in Chinese.

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Some ethnic minority groups in Hong Kong advocate a strong second language programme for students who do not have Cantonese or Putonghua as a first language. The Basic Law provides for Chinese or English as the official language for Hong Kong, and so it would not be appropriate to prescribe that both languages are required in all circumstances.

Finally, there have been raised in the community some concerns about the three-year grace period for SMEs to comply with the new law. We note that similar arrangements have been made for other such ordinances and on that basis we do not believe shortening the phase-in period would serve the cause of eradicating racism from our society. We also would point out that companies in general are or will be facing a wide range of regulatory changes, including labour and IPR laws. Adding to a burden that particularly affects SMEs would be unwise.

The Chamber takes the issue of racial discrimination very seriously, and believes that it is well past time that a bill banning such practices passed into law. At the same time, we would wish to see the most practical, workable law possible, and offer the above views in that spirit.

Sincerely,



David Eldon
Chairman