

**Equal Opportunities Commission's submission to
the Meeting of the Bills Committee on Race Discrimination Bill
on 3 March 2007**

1. The Race Discrimination Bill (“the Bill”) gives the Equal Opportunities Commission (“EOC”) an important implementation role, similar to the role it already has under other anti-discrimination ordinances¹. In preparing for the tasks ahead under the Bill, the EOC has embarked on a programme of activities:-

(a) We are strengthening our liaison with ethnic minorities, their representatives, and other stake-holders. Activities in this respect include:-

(i) Visits to minority groups and NGOs;

(ii) Visits to different employer groups, chambers of commerce and consulates;

(b) We have started a series of training for our staff and Members in order to deepen our understanding of issues affecting ethnic minorities:-

(i) Sharing sessions have already been conducted by the Race Relations Unit of HAB and an NGO specializing in ethnic minority work. These sessions covered:-

- ◆ Demographic characteristics of ethnic minorities in Hong Kong;
- ◆ Prevalent problems they face;
- ◆ Prevalent trend of enquiries / complaints lodged by ethnic minorities;
- ◆ Skill / techniques in interacting with them
- ◆ Facilities in catering for the special needs of ethnic minorities in the course of handling enquiries and complaints
- ◆ Experience on promotion and education regarding racial harmony.

¹ The Sex Discrimination Ordinance, the Disability Discrimination Ordinance and the Family Status Discrimination Ordinance.

(ii) Overseas experts from the Human Rights and Equal Opportunities Commission in Australia have been invited to share their expertise and experience with EOC staff in the 3rd Quarter of 2007 covering:-

- ♦ Implementation of the Racial Discrimination Act in Australia;
- ♦ Landmark precedents / important milestones in racial discrimination;
- ♦ Experience in promoting diversity;
- ♦ Dealing with clients having language barrier in investigation processes
- ♦ Special skills relevant to investigation and conciliation in a multi-languages context;
- ♦ Experience sharing on formal investigation on racial issues.

(iii) Representatives of multinational corporations will be invited to share with EOC Members and staff on implementing diversity policies and programmes.

(c) As for performing statutory functions and duties under the Bill, we will draw from our own experience of implementing current anti-discrimination ordinances. In addition, we will make reference to the laws and practices of countries with similar legislation and will liaise with their implementation bodies:-

(i) EOC staff attended the Race Convention in London in November 2006, organised by the Commission for Racial Equality (“CRE”) in the United Kingdom (“UK”). The event provided a good opportunity for delegates to listen to different perspectives on race issues (including integration, identity, equal opportunities, migration, diversity, the role of business in promoting equality) and to learn about the experiences in the UK and elsewhere on implementing race discrimination law and promoting race relations.

- (ii) EOC staff also spent time at the CRE office to have in-depth discussions with CRE staff in their work areas, including the new Code of Practice on Racial Equality in Employment, complaint-handling and litigation, promoting integration in the UK, and working with the business sector.
2. As for the contents of the Bill, from the perspective of a body responsible for implementing different anti-discrimination ordinances, it is desirable that the application of general discrimination concepts should be consistent with other anti-discrimination ordinances. In this connection, the EOC notes that there are divergences between the Bill and the existing anti-discrimination ordinances in many respects, including:-
- (a) Provisions regarding indirect discrimination – the Bill contains provisions regarding what is a justifiable requirement or condition which are not found in other anti-discrimination ordinances;
 - (b) The scope of application to the Government – the Bill would not apply to the performance of governmental functions and powers, unlike other anti-discrimination ordinances;
 - (c) Transferred discrimination – the Bill covers only near relatives, whereas a similar concept in the Disability Discrimination Ordinance covers a wider range of people (i.e., associates).
3. In addition to the above, there will be other important issues worthy of careful discussion in the legislative process ahead. Diverse views and concerns will be raised in the discussion. We hope that these will be properly considered so that an appropriate balance can be reflected in the final enactment of the Bill.