



香港工業總會
FHKI

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Federation of Hong Kong Industries

香港九龍尖沙咀 漢口道5-15號

漢口中心4樓

4/F, Hankow Centre, 5-15 Hankow Road

Tsimshatsui, Kowloon, Hong Kong

電話 Tel +852 2732 3168 傳真 Fax +852 2721 3494

電郵 Email fhki@fhki.org.hk

Clerk to Bills Committee on Race Discrimination Bill
Legislative Council Secretariat
3/F, Citibank Tower
3 Garden Road
Central
Hong Kong

1 March 2007

立法會 CB(2)1219/06-07(03)號文件
LC Paper No. CB(2)1219/06-07(03)

Dear Madam,

Race Discrimination Bill

In relation to the Race Discrimination Bill being scrutinised by the Legislative Council, the Federation of Hong Kong Industries would like to submit the following views to the Bills Committee for its consideration.

1. As a matter of principle, we agree that all residents of Hong Kong should enjoy the same freedoms and civil rights and be offered equal opportunities in social domains including employment, education as well as provision of goods and services, irrespective of their race, ethnicity or descent. This is, in fact, one of the core values that Hong Kong has been advocating and practising steadfastly to maintain its status as a meritocratic, harmonious and equitable society.
2. As a racially diversified city with some five per cent of its population comprising non-Chinese, Hong Kong is well known for its high degree of racial and cultural tolerance and respect for people of different ethnicities. Unlike many other cosmopolitan cities, Hong Kong has not seen any major racial conflicts that warrant government intervention. The harmony between people of different races or ethnic origins who work and live in Hong Kong has all along been a cherished asset of our society. It has also contributed greatly to our success in cultivating a stable environment for social and economic development.
3. Against this background, we do not see the need for extra measures on racial discrimination. Nor do we consider it necessary to legislate against such misconduct in social domains. We are concerned that this might provoke unnecessary disputes between private parties, as it is not easy to prove (or refute) that racial discrimination is the motive of an act. These disputes, if not handled carefully, would make Hong Kong a highly litigious place. Contrary to the original purpose of legislation, conflicts so generated might gradually instil a sense of hostility in the community between races.

4. As a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination, Hong Kong has provided sufficient legal safeguards to protect ethnic minorities from unfair treatment. For instance, the Basic Law and the Hong Kong Bill of Rights Ordinance have accorded racial minorities the same civil rights as local Chinese. There are also specific provisions in the Television Ordinance and the Telecommunications Ordinance to prohibit racially motivated acts of violence and activities. We strongly feel that enacting further anti-racial discrimination legislation would only complicate Hong Kong's legal system and increase the complexity of compliance.
5. In regard to the occasional complaints about racial discrimination in employment, we believe that most of these cases were due to misunderstanding or employers' careless association of a job skill with the ethnicity of job applicants, not because they have personal antipathy toward any particular race groups. These can be readily rectified through codes of practice or self-regulatory guidelines on equal employment opportunities, without resort to legislative control.
6. In our view, discrimination and prejudice are largely a result of social misconceptions. Accordingly, the best solution to the problem is to increase Hong Kong people's appreciation of racial and cultural tolerance through civic education and public campaigns. As the adoption of a legislative approach will necessarily add administrative burden and compliance costs to law-abiding employers, Hong Kong should refrain from taking this course while there is no hard evidence to suggest that racial discrimination has deteriorated in our society.

We very much hope that our views will be seriously considered by the Bills Committee.

Yours faithfully,



Kenneth Ting
Chairman

c.c. Hon. Andrew Leung, SBS, JP