



平等機會委員會

EQUAL OPPORTUNITIES COMMISSION

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14 May 2009

Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road
Central
Hong Kong
Attention: Ms. Clara Tam, Assistant Legal Adviser

Dear Ms. Tam,

Code of Practice on Employment
Under the Race Discrimination Ordinance (G.N.2733)

I refer to your letter to the Commission's Chairperson dated 13 May 2009.

The Commission is grateful for your comments on the Chinese and English texts of the Code. The following is our response:-

Chinese text para.2.1.1

We have no objection to your comment of replacing “乎” with “符”.

Chinese text para.2.1.4(3)

We suggest deleting “典籍”.

Chinese text Illustration 1 on p.7

We have no objection to your comment of adding “考慮”.

Chinese text para.3.7.3

We have no objection to your comments.

Chinese text para.4.2.3

We have no objection to your comment of replacing “識” with “悉”.

Chinese text para.5.3.15(1)

We have no objection to your comment.

Chinese and English texts para.6.4.3

We have no objection to your comments.

Chinese text sample policy para.3.4

We have no objection to your comment.

Chinese and English texts sample policy para.3.8

We note your comment that the part you underlined is not consistent with the corresponding English text. We take the view that the Chinese text correctly reflects the intended meaning. We also take the view that the corresponding English text should be read to mean that matters such as grievances, disciplinary action, performance assessment and termination of employment should be monitored in terms of racial group composition. Read in this way, there is no inconsistency between the Chinese and English texts.

Chinese text sample policy para.3.10(2)(b)

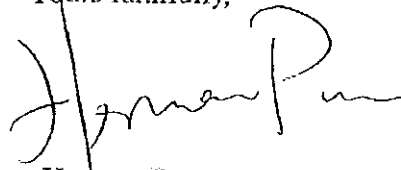
We have no objection to your comment.

Chinese text sample policy para.3.11

We have no objection to your comment.

In addition, we would like to point out that the correct citation for the case of *Chang Ying Kwan v Wyeth (HK) Ltd* referred to in footnote 92 in both the Chinese and English texts should be “[2001] 2 HKC 129”.

Yours faithfully,



Herman Poon

Chief Legal Counsel

Equal Opportunities Commission