

Legislative Council Panel on Constitutional Affairs

**Report of the Hong Kong Special Administrative Region
under the International Convention
on the Elimination of All Forms of Racial Discrimination**

Purpose

This paper invites Members' attention to Part Two of the combined Tenth to Thirteenth Reports submitted to the United Nations (UN) by the Central People's Government (CPG) under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which concerns implementation of the ICERD in the Hong Kong Special Administrative Region (HKSAR).

Report under ICERD

2. ICERD was first applied to Hong Kong in 1969. Since 1 July 1997, it has continued to apply to the HKSAR.

3. Under ICERD, State Parties have an obligation to submit to the Committee on the Elimination of Racial Discrimination (CERD) periodic reports on the implementation of the Convention. The report on the HKSAR is submitted as part of the Report of the People's Republic of China (the PRC Report).

4. The report on the HKSAR has been prepared in accordance with the relevant CERD guidelines. It covers the general profile of the HKSAR and the implementation of ICERD in Hong Kong. The key issues covered include:

- (a) the legal framework within which human rights are protected, including the rule of law maintained by an independent judiciary, the relevant provisions guaranteeing human rights in the Basic Law, the other legal instruments in the local legislation, legal aid services, various statutory bodies

concerned and relevant mechanisms for handling complaints and investigations;

- (b) information and publicity activities to promote public awareness of human rights;
- (c) introduction of the Race Discrimination Bill (RDB) which addressed the views of the CERD as expressed in its 2001 Concluding Observations Note¹. In preparing the Report, we have taken into account the issues raised by the CERD to the CPG. The issues involved are addressed in detail in Annex III to Part Two of the Report;
- (d) other information in relation to the various articles of ICERD, including –
 - (i) the administrative measures implemented to promote racial harmony such as the Equal Opportunities (Race) Funding Scheme to support community projects;
 - (ii) the measures for the protection of various rights of ethnic minorities, particularly in regard to their political, civil, economic, social and cultural rights;
 - (iii) the legislative and administrative framework for the provision of effective protection and remedies against act of racial discrimination; and
 - (iv) measures taken in the fields of teaching and public education and at district level to combat prejudices which lead to racial discrimination.

¹ In its 2001 Concluding Observations, the CERD expressed concern over “the continuous absence in the Hong Kong Special Administrative Region of legal provisions protecting persons from racial discrimination to which they may be subjected by private persons, groups or organizations.”

5. Earlier this year, the CPG submitted to the CERD its combined Tenth to Thirteen Reports under ICERD. The Report has since been published by the Office of the United Nations High Commissioner for Human Rights on its web-site. In accordance with established practice, we have published the HKSAR part of the Report (Part Two of the PRC Report) locally and distributed it to the public, including ethnic minority groups and interested non-government organizations. Copies of the same were sent to Members on 3 October 2008. The HKSAR part of the Report is also available on the website of the Constitutional and Mainland Affairs Bureau.

UN Hearing

6. It is CERD's practice to hold public meetings to discuss the periodic reports from State Parties. According to the UN website, the hearing on the PRC Report is tentatively scheduled to be held during the 75th session of the CERD, to be convened on 3 – 21 August 2009. Officials from relevant Bureaux and Departments will attend the hearing as members of the Chinese delegation to answer questions and to provide further information as appropriate.

Constitutional and Mainland Affairs Bureau
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