

立法會
Legislative Council

Ref : CB2/PL/CA

LC Paper No. CB(2)612/15-16
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 16 November 2015, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Yuk-man
Hon Claudia MO
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP

Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen, BBS

Member attending : Dr Hon Fernando CHEUNG Chiu-hung

Members absent : Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon WONG Kwok-hing, BBS, MH
Hon WONG Kwok-kin, SBS
Hon Steven HO Chun-yin, BBS
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen

Public Officers attending : Items II and III

Mr Ronald CHAN Ngok-pang, JP
Under Secretary for Constitutional and Mainland Affairs

Mr Gordon LEUNG Chung-tai, JP
Deputy Secretary for Constitutional and Mainland Affairs

Mr LI Pak-hong
Chief Electoral Officer
Registration and Electoral Office

Miss Candy MA Siu-hung
Principal Electoral Officer
Registration and Electoral Office

Item IV

Mr Ronald CHAN Ngok-pang, JP
Under Secretary for Constitutional and Mainland Affairs

Ms Winnie CHUI
Principal Assistant Secretary (Security)

Mr Michael YAU Lok-fung
Principal Assistant Secretary (Constitutional and Mainland Affairs) (Acting)

Ms Alice YEUNG Lai-shan
Senior Administrative Officer (Policy Support)
Labour Department

Mr CHENG Kwan-yam
Chief Executive Officer
Home Affairs Department

Ms Rachel SHEK Pui-yee
Senior Curriculum Development Officer (Chinese)
Education Bureau

Attendance by invitation : Item IV

Love China Hong Kong Alliance of Youth Cultural Societies

Miss Jenny CHAN
Founding Vice Chairman

Amnesty International Hong Kong

Ms TSUI Ka-wing
Campaigner

The Hong Kong Council of Social Service

Ms Lynn LAW
Officer (Family & Community)

Catholic Diocese of HK Diocesan Pastoral Centre for Workers (Kowloon)

Mr LI Ka-shu
Program Officer

A.I.M. Group

Miss Shrestha Natasha

The Hong Kong Ethnic Minority Concern Group on Equal Access to Government Services

Miss Shaheen Shabana

Society for Community Organization

Miss SZE Lai-shan
Community Organizer

New Immigrants' Women Employment Concern Group

Ms TAI Yuk-ying
Spokesperson

Hong Kong Human Rights Commission

Miss Annie LIN
Community Organizer

Hong Kong Unison

Miss Phyllis CHEUNG
Executive Director

Society for Cultural Integration

Miss Holing YIP

Justice Centre Hong Kong

Ms Zamira Monteiro
Campaigns and Communication Coordinator

EM Equal Access Core Group

Miss Sairah Abbas
Assistant Program Officer

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Staff in attendance : Mr Kelvin LEE
Senior Assistant Legal Adviser 3

Miss Cindy HO
Senior Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. Information paper(s) issued since the last meeting
[LC Paper No. CB(2)150/15-16(01)]

Members noted Hon Dennis KWOK's letter dated 23 October 2015 issued after the last meeting.

II. Items for discussion at the next meeting
[LC Paper Nos. CB(2)229/15-16(01) and (02)]

2. Members agreed to discuss the following items proposed by the Administration at the next meeting on 21 December 2015 at 2:30 pm -

- (a) enhancement of voter registration ("VR") system; and
- (b) 2016 VR campaign.

**III. Practical arrangements for the 2016 Legislative Council ("LegCo")
By-election for the New Territories East Geographical Constituency
("NTE GC")**
[LC Paper Nos. CB(2)229/15-16(03) and (04)]

3. At the invitation of the Chairman, the Under Secretary for Constitutional and Mainland Affairs ("USCMA") and the Chief Electoral Officer ("CEO") of the Registration and Electoral Office ("REO") briefed members on the salient points of the Administration's paper [LC Paper No. CB(2)229/15-16(03)]. Members noted the updated background brief prepared by the LegCo Secretariat [LC Paper No. CB(2)229/15-16(04)].

Discussion

Timeframe for holding a by-election

4. Mr SIN Chung-kai requested the Administration to consider amending the Legislative Council Ordinance (Cap. 542) to provide for a timeframe for holding by-elections for filling vacancies in the membership of LegCo. Ms Claudia MO expressed support for the proposal and suggested that a LegCo by-election should be held within five months after such a vacancy arose. USCMA responded that the existing legislation only stipulated that no

Action

by-election would be held to fill a vacancy occurring in the membership of LegCo/District Councils ("DCs") within the four months preceding the end of the current term of office of LegCo/DCs. The established practice was that the Electoral Affairs Commission ("EAC") would arrange a by-election as early as possible. He added that every effort had been made by REO to hold the LegCo by-election for NTE GC as early as possible.

Election advertisements ("EAs")

5. Dr CHIANG Lai-wan and Ms Claudia MO expressed concern on whether prior written consent had to be obtained from the persons who appeared in photographs published in a candidate's EAs. CEO explained that under section 27 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), if the name, logo or pictorial representation of any person or organization was included in an EA in such a way as to imply, or to be likely to cause electors to believe, that the candidate had the support of the person or organization concerned, the candidate was required to obtain consent of the person or organization concerned. CEO said that to avoid misunderstanding, if an EA carried a photograph of the candidate participating in an activity with other attendees, the candidate concerned could consider adding a caption to specify or explain the particular nature of the event. However, if the photograph was likely to cause electors to believe that the candidate had the support of those persons appearing in the photograph, it would be prudent for the candidate to obtain the prior written consent of the persons concerned.

6. Mr James TIEN enquired about the regulation of the dissemination of EAs through social networking and communication websites (such as Facebook) on the Internet. CEO explained that any material published for the purpose of promoting or prejudicing the election of any candidate in an election would be regarded as an EA and subject to the public inspection requirement. For EAs posted onto social networking or communication websites like Facebook, candidates would only need to post the hyperlinks to these websites onto the Central Platform maintained by CEO in order to satisfy the public inspection requirement in relation to the EAs published. If web surfers showed support to the candidate out of their own volition by giving responses or indicating "like" in EA published by the candidate through the said platform, the candidate would then not be required to seek those web surfers' prior written consent of support. If, however, a supporter was instructed by the candidate or his/her election helpers to share or forward the election campaigns through the online platform with the intention to promote the candidate's election or prejudice the election of other candidates, such act would be regarded as publication of the

Action

candidate's EAs and any costs incurred would have to be included in the candidate's election expenses.

7. Dr Priscilla LEUNG said that email service providers like Gmail would tend to put in place regulatory measures over the sending of emails to a large number of recipients at any one time. In the recent DC election, candidates who had encountered that problem were left with no choice but to send out EAs in smaller batches using separate email accounts. To address the problem, Dr LEUNG considered that each candidate should be provided with the address labels pertaining to the electors in the constituency concerned (including those who had provided REO with their email addresses) so that candidates could have a choice of sending their EAs by post to electors when they needed to.

8. CEO explained that for environmental protection reasons, it had been an established arrangement not to provide to candidates printed address labels of those electors who had provided REO with their email addresses for receipt of EAs. In response to Dr Priscilla LEUNG's concern, CEO advised that it was not uncommon for email service providers to put in place measures to guard against the sending of junk mails. He noted that special arrangement could be made with relevant email service providers, if necessary, before sending emails to a large number of recipients.

9. Mr IP Kwok-him said that some DC candidates had been asked by the staff of the Post Office to provide written consent for their EAs which included photographs with the appearance of other persons, before they were allowed to send out their EAs free of postage. Ms Claudia MO said that she was also aware of two such cases involving DC election candidates, and queried if the Post Office had the authority to do so. Mr Paul TSE also considered it inappropriate for staff of the Post Office to do so. CEO said that the incidents had arisen from misunderstanding and the staff of the Post Office had only acted out of goodwill to remind the candidates of the relevant statutory provisions. Upon knowing about the incidents, REO had followed up to clarify with the Post Office that under existing arrangements, candidates were not required to produce the written consent of support to the Post Office for inspection when mailing their EAs.

10. Mr IP Kwok-him said that some DC election candidates recently had also reflected to him that the frontline staff of the Post Office was very stringent in enforcing the size limits imposed on the postage-free election mail as they did not allow even very minor deviations from the stipulated size. He said that the candidates and their electioneering teams had to make a lot of efforts to make their election publicity materials smaller in order to comply with the size

Action

requirements. CEO said that REO had received similar comments from DC candidates and had followed up with the Post Office. He explained that the size specifications were stipulated in the electoral legislation and set out in the guidelines on election-related activities and, in this regard, the frontline staff were obliged to enforce the statutory provisions strictly to ensure fairness even though the deviation from the size limits might only be marginal. Mr IP Kwok-him and Ms Claudia MO considered that some flexibility should be allowed for minor deviations, e.g. less than one inch.

11. Noting that REO had sent an email in August 2015 to registered electors who had provided REO with their email addresses reminding them that candidate(s) might send EAs by email to them for the 2015 DC Ordinary Election, Mr SIN Chung-kai requested that the same arrangement should be made before each election/by-election to remind the electors concerned. He added that those email addresses which were found to be obsolete should be removed. CEO responded that the relevant data had been brought more up-to-date after the earlier updating exercise. Given that such an exercise would unavoidably generate some degree of inconvenience to electors, it would be prudent not to conduct it too frequently. Initially, REO planned to conduct another round of updating prior to the 2016 LegCo General Election.

12. Mr Paul TSE called on the Administration to follow up his suggestion previously made on the provision of cash rebates to those election candidates who chose not to utilize the free postage provided by the Government. He considered that the provision of cash rebates in lieu of free postage would provide financial incentive to encourage candidates in sending EAs to electors by more environmental-friendly means instead of by post.

Exit poll

13. Dr CHIANG Lai-wan enquired whether EAC intended to impose more stringent measures to regulate the conduct of exit poll so as to ensure fairness in the elections. Mr CHAN Han-pan also expressed concern about the possible use of exit poll results by relevant organizations before the close of poll. He noted that in some other places, the conduct of opinion polls was prohibited one week before the relevant election.

14. CEO advised that as set out in the existing Guidelines on Election-related Activities in respect of the LegCo Election which would also apply to the LegCo by-election, persons or organizations intending to conduct exit polls would need to make an application to REO. They were required to abide by the guidelines governing the conduct of exit polls and to make a statutory

Action

declaration undertaking not to release, directly or indirectly, the results of the exit polls or make specific remarks or predictions on the performance of any candidate before the close of poll.

Polling hours

15. Dr CHIANG Lai-wan considered that the polling hours which lasted for 15 hours (from 7:30 am to 10:30 pm) of past elections were too long compared with many other countries or places. She asked whether the Administration would consider shortening the polling hours. CEO responded that members had discussed and expressed views on the subject before. It was generally agreed that there was room for discussion as to whether the polling hours could be shortened. However, changing the existing polling hours would affect all electors in Hong Kong. If there were specific comments to make such change, there should first be discussion and wide consensus in society. Nevertheless, EAC was open to views and suggestions in this regard. The Chairman considered that the public might be receptive to a moderate change in the polling hours.

Staffing arrangement

16. Ms Claudia MO asked about the need for recruiting about 4 700 civil servants to carry out polling and counting duties on the polling day. CEO explained that for the 2015 DC Ordinary Election, around 150 ordinary polling stations ("OPSs") would be set up for the DC constituency areas in NTE. REO planned to set up roughly the same number of OPSs in the LegCo by-election to facilitate electors to cast their votes. About 5 000 staff would be required to man these polling stations. He added that depending on the size of the polling stations, each of them would be manned by some 20 to 50 staff.

VR

17. In response to Mr CHAN Han-pan, CEO said that no updating exercise would be held before the LegCo by-election and the by-election would be held on the basis of the electoral records in the 2015 final registers ("FR"). Mr IP Kwok-him said that some candidates had reflected to him that erroneous data were found in the address labels pertaining to the electors provided to candidates and as a result, their EAs could not be sent to the electors concerned. CEO said that the address labels were provided to candidates based on the records on FR published in September 2015. REO would endeavour to strengthen the verification of registration particulars when handling VR applications, so as to ensure that the registration particulars were accurate.

Action

IV. An outline of the topics in the third report of the Hong Kong Special Administrative Region ("HKSAR") under the International Convention on the Elimination of All Forms of Racial Discrimination ("ICERD")

[LC Paper Nos. CB(2)229/15-16(05) and CB(2)248/15-16(01)]

Presentation of views by deputations

18. 18.The Panel received views from a total of 13 deputations. A record of the 13 deputations and the submissions received is in **Appendix**.

Discussion

Meal arrangement for ethnic minorities ("EMs") in custody

19. Regarding the concern raised by Hong Kong Human Rights Commission about the rigid policy of the Correctional Services Department ("CSD")/Police Force on food provision to EMs in custody and negligence of their specific dietary needs for racial/religious reasons, Dr CHIANG Lai-wan said that she had also received such complaints and had followed up with CSD. She noted that improvements had been made by CSD. While CSD currently provided several dietary scales for prisoners (including EMs in custody), they could also apply for a change of diet for religious or other reasons.

Education for non-Chinese speaking ("NCS") students

20. Dr CHIANG Lai-wan observed that some "designated schools" currently had a relatively high proportion of NCS students (e.g. around 80% to 90%). She asked the Administration to explore how support measures could be strengthened to facilitate the integration of NCS students into the community. She said that some parents often complained that since the circulars issued by schools were available in Chinese only, they could not understand the contents of the circulars. She suggested that the schools should issue circulars in both Chinese and English to parents.

21. The Senior Curriculum Development Officer (Chinese) ("SCDO(C)") explained that the Administration had already abolished, since the 2013-2014 school year, the so-called "designated schools" system. Instead, all schools admitting 10 or more NCS students were provided with additional funding. The number of schools admitting 10 or more NCS students had increased from 119 in 2012-2013 to 151 in 2013-2014, and further to 173 in 2014-2015. She added that dedicated briefing sessions for NCS parents were organized on key

Action

subjects such as admission to kindergartens, allocation of Primary One and Secondary One school places, etc. Moreover, the Administration had enhanced provision of professional support services to kindergartens to facilitate NCS children's smooth transition from kindergartens to primary schools. She added that schools which admitted a greater number of NCS students were encouraged to engage their NCS students in learning networks or community activities with a view to enhancing interactions with their Chinese-speaking peers and broadening their exposure to Chinese. It was believed that the various enhanced support measures would enhance NCS students' learning and facilitate their early integration into the local education setting.

22. Mr Abraham SHEK declared that he was the Chairman of the Board of Governors of the English Schools Foundation. He said that he did not see the above measures taken by the Administration could effectively enable EM children to enjoy equal opportunities in terms of education. He stressed the importance of enhancing support to NCS students at the pre-school level. He further said that as the majority of EM families were socio-economically disadvantaged, they were unable to give adequate financial and family support for their children in education. He said that the Administration should formulate a comprehensive strategy on enhancing education opportunities for EM children and promoting their social mobility through education. At the request of Mr SHEK, SCDO(C) agreed to provide supplementary information on the Administration's strategy in this regard.

Admin

Support measures for EM

23. Dr Fernando CHEUNG urged the Administration to step up efforts to address the long standing problems encountered by EM living in Hong Kong, such as issues relating to refugees stranded in Hong Kong, protection of foreign domestic helpers ("FDHs") and EMs in poverty. He asked whether and how the Administration would monitor the implementation of the Administrative Guidelines on Promotion of Racial Equality ("the Guidelines") as the Guidelines had no binding effect. He noted that some deputations also complained that EM who did not know English or Chinese were not provided with any interpretation service through a video conferencing system when they applied for the Comprehensive Social Security Assistance. However, such video conferencing system installed in the relevant support service centres for EM had never been used. He stressed that the Administration should monitor closely the implementation of the Guidelines.

Action

Admin

24. USCMA said that the Constitutional and Mainland Affairs Bureau issued the Guidelines in 2010. Application of the Guidelines had been extended from 14 bureaux/departments and public authorities in 2010 to 23 now. Under the Guidelines, relevant bureaux/departments and public authorities had drawn up checklists of measures that would assist in promoting racial equality and equal access to key public services to enhance the transparency of their work. The implementation of the Guidelines, which was last reviewed in late 2014, had been smooth according to the feedback provided by relevant bureaux/departments. Dr CHEUNG requested the Administration to provide the outcome of its review on the implementation of the Guidelines and relevant checklists and to ensure equal access by EMs to public services. USCMA agreed to provide the requested information for members' reference.

25. Noting that there was zero usage of the video conferencing system between the relevant bureaux/departments and the Centre for Harmony and Enhancement of Ethnic Minority Residents ("CHEER"), Mr LEUNG Kwok-hung asked whether the Administration would look at the issue. The Chief Executive Officer of the Home Affairs Department ("HAD") explained that HAD provided support services to facilitate the integration of EMs into the community, including funding non-profit-making organizations to operate six support service centres and two sub-centres for EMs to provide a range of services for them. One of the centres, namely CHEER, which was operated by the Hong Kong Christian Service, also provided general interpretation and translation service. He stressed that under the Guidelines, relevant bureaux/departments should take appropriate measures to ensure equal access by EMs to public services. Relevant bureaux/departments might choose any interpretation and translation service providers which could meet their specific needs, including but not limited to CHEER. Instead of video conferencing, he noticed that some bureaux/departments would use three-way telephone conference calls with the interpreters of CHEER to handle enquiries of EMs where appropriate. Apart from interpretation services, government bureaux/departments and public authorities might also employ other appropriate measures to facilitate access of EMs to public services having regard to their respective circumstances.

Discrimination against new arrivals from the Mainland

26. Dr CHIANG Lai-wan expressed concern that discrimination against new arrivals from the Mainland was prevalent in Hong Kong. She noted that many students from the Mainland under the Admission Scheme for Mainland Talents

Action

and Professionals felt that they were not welcomed and decided not to stay in Hong Kong for work after graduation. She suggested that a study on discrimination experienced by new arrivals from the Mainland should be carried out.

27. USCMA responded that the Administration had been working on various fronts, including regulating the export of powdered formula and fine-tuning the Individual Visit Scheme, to try to minimize the tension between Hong Kong and the Mainland. He added that the Equal Opportunities Commission ("EOC") was conducting a discrimination law review ("DLR") which included a review of the definitions and scope of coverage of the existing anti-discrimination laws and EOC had already completed the public consultation on DLR. EOC was in the process of consolidating the views received for drafting its recommendations to the Government on how the anti-discrimination laws should be modernized. He noted that EOC aimed to make a submission to the Government in early 2016 outlining its recommendations on the law reform proposals. The Administration would map out the way forward having regard to EOC's recommendations.

28. Ms Claudia MO expressed concern that some new arrivals from the Mainland, in particular women, had faced discrimination on the basis of their accent. USCMA responded that efforts were being made to promote social inclusion through publicity and public education. Mr IP Kwok-him noted that some alleged acts of discrimination might be rather subjective, and requested the deputations to provide further information. Miss SZE Lai-shan of Society for Community Organization ("SOCO") explained that according to the surveys of new arrivals conducted by SOCO over the past decade, a majority of the respondents had experienced discrimination in employment (e.g. being offered a lower salary or assigned more work) on the ground that he/she was a new immigrant or because of his/her accent. Moreover, about 30% of the respondents indicated that they were discriminated by frontline staff in the use of various public services and their service requests were often rejected or delayed.

29. Mr Paul TSE declared that he was an ex-member of EOC. He was of the view that though new arrivals or visitors from the Mainland did not constitute a racial or ethnic group in Hong Kong and the discrimination against them could not be defined as discrimination on the grounds of "race" under the legislation, it was imperative for EOC to address the problem of discrimination encountered by them. He considered it necessary for EOC to expedite its work on reviewing the definition of racial discrimination as part of DLR.

Action

FDHs

30. Mr CHAN Chi-chuen expressed concern about the "two-week rule" and the "live-in requirement" for FDHs and urged the Administration to review on a yearly basis the continued need for imposing the requirements. He said that some FDHs dared not report their cases even though they had been abused or exploited by their employers as they were worried that, under the "two-week rule", they might have to return to their places of origin if their contracts were terminated prematurely. He also noted that some FDHs were not provided with reasonable living condition and had very long working hours.

31. The Senior Administrative Officer (Policy Support) ("SAO(PS)") of the Labour Department ("LD") advised that LD attached great importance to protecting the rights and benefits of FDHs and FDHs were encouraged to report their cases to LD if they considered their rights and benefits had been infringed. LD had also strengthened the publicity and educational efforts to increase FDHs' awareness of their rights. She further explained that the "live-in requirement" was the cornerstone of the HKSAR's policy of importing FDHs. It had been the HKSAR Government's established policy that, as in many other jurisdictions, priority of employment should be given to the local workforce, and the importation of FDHs was allowed to meet the acute shortfall of full-time live-in domestic helpers locally. Furthermore, the Government also needed to take into account the employers' affordability in providing separate accommodation to their FDHs, the risks of allowing FDHs to live out, as well as issues such as the pressure on private housing and public transportation, etc. The Government considered it necessary to retain the "live-in requirement" for FDHs. SAO(PS) further explained that the "two-week rule" was necessary for effective immigration control. Its purpose was to allow sufficient time for FDHs to prepare for their departure instead of facilitating them to find new employers.

32. Mr CHAN Chi-chuen enquired whether FDHs who had been victims of domestic violence might apply for extension of stay in Hong Kong. Principal Assistant Secretary (Security) ("PAS(S)") said that FDHs who had been abused should report their cases to the Immigration Department. If there was evidence that a FDH had been abused or in the event that a FDH had to stay in Hong Kong to settle labour dispute, flexibility would be exercised by the Immigration Department to extend the FDH's stay to enable him/her to wait for the conclusion or determination of the case. In this regard, the Immigration Department had produced leaflets in various EM languages for publicity.

Action

Admin Mr CHAN requested the Administration to provide statistics on such applications from FDHs who had been victims of domestic violence over the past three years, including the number of cases approved and the period of extension granted. PAS(S) undertook to follow up on Mr CHAN's request after the meeting.

33. Concluding the discussion, USCMA thanked deputations for their views. He said that the HKSAR Government would submit its third report on the implementation of ICERD in HKSAR for incorporation as part of the report of the People's Republic of China. The third report would cover developments in HKSAR since the relevant United Nations Committee last examined the situation in Hong Kong in 2009. The Administration would carefully consider the views and suggestions from Members and the public in drafting the third report.

V. Any other business

34. There being no other business, the meeting ended at 5:05 pm.

Council Business Division 2
Legislative Council Secretariat
11 January 2016

Panel on Constitutional Affairs

Meeting on Monday, 16 November 2015, at 2:30 pm

Meeting to receive views on "An outline of the topics in the third report of the Hong Kong Special Administrative Region under the International Convention on the Elimination of All Forms of Racial Discrimination"

Summary of views and concerns expressed by deputations

No.	Name of deputation	Submission / Major views and concerns
1.*	Love China Hong Kong Alliance of Youth Cultural Societies	<ul style="list-style-type: none"> ● The Administration should conduct an overall review to ensure that its policies could cater for the specific needs of the ethnic minorities ("EMs"). ● The Administration should encourage non-governmental organizations to organize youth programmes for EM to facilitate the younger generation to integrate into the community.
2.	Amnesty International Hong Kong	<ul style="list-style-type: none"> ● LC Paper No. CB(2)366/15-16(01)
3.	The Hong Kong Council of Social Service	<ul style="list-style-type: none"> ● LC Paper No. CB(2)344/15-16(01)
4.*	Catholic Diocese of HK Diocesan Pastoral Centre for Workers (Kowloon)	<ul style="list-style-type: none"> ● The Administration should put in place effective measures to monitor the implementation of the Administrative Guidelines on Promotion of Racial Equality ("the Guidelines"). It was found that, e.g. frontline staff of the job centres of the Labour Department ("LD") did not proactively provide EM with interpretation service. ● To facilitate employment of EM, LD should monitor whether the language requirements in job advertisements posted by employers were justifiable and were based on genuine job requirements. ● Vocational training organizations, such as the Construction Industry Council, offered very few training courses in English for EM to enhance their vocational skills.
5.*	A.I.M. Group	<ul style="list-style-type: none"> ● Some EMs with high academic qualifications were only engaged in low-skilled jobs because in addition to language barriers, their academic qualifications obtained in their home countries were not recognized in Hong Kong. ● The Administration should introduce support measures for the young EM generation (e.g. provision of student financial assistance and learning resources, and waiver of examination fees etc.) so that they could pursue further studies and secure employment.

No.	Name of deputation	Submission / Major views and concerns
6.*	The Hong Kong Ethnic Minority Concern Group on Equal Access to Government Services	<ul style="list-style-type: none"> ● The Housing Department ("HD") did not provide any support for those EMs who could not communicate in Cantonese or English in their applications for public rental housing. Some EMs were not familiar with the application procedures and had their applications rejected or delayed due to language barriers. ● The Administration should provide and promote interpretation service for EMs to enable them to gain access to various public services.
7.	Society for Community Organization	<ul style="list-style-type: none"> ● LC Paper No. CB(2)304/15-16(01)
8.	New Immigrants' Women Employment Concern Group	<ul style="list-style-type: none"> ● LC Paper No. CB(2)304/15-16(01)
9.*	Hong Kong Human Rights Commission	<ul style="list-style-type: none"> ● The scope of coverage of the Race Discrimination Ordinance (Cap. 602) ("RDO") was limited which only covered certain Government activities and exercise of its powers, i.e. employment, education, and the provision of goods and services. There was no protection from racial discrimination in relation to the exercise of Government functions (such as those of the Correctional Services Department ("CSD") and the Police Force). ● The rigid policy of CSD/Police Force on food allocation to EMs in custody neglected their specific dietary needs on the grounds of race or religion. ● Foreign female prisoners found themselves in a vulnerable situation, because they were separated from their families and often felt marginalized due to language and cultural barriers. ● Most foreign prisoners who wished to go back to their home countries to serve their imprisonment sentences could not do so because Hong Kong had only signed transfer of sentenced persons ("TSP") agreements with 14 countries/jurisdictions. The Government was urged to sign TSP agreements with more countries/jurisdictions.
10.	Hong Kong Unison	<ul style="list-style-type: none"> ● LC Paper No. CB(2)229/15-16(06)

No.	Name of deputation	Submission / Major views and concerns
11.*	Society for Cultural Integration	<ul style="list-style-type: none">● In view of various concerns raised on RDO, the Administration should advise the relevant UN Committee on its plan to review RDO and provide the legislative timetable.● The support measures for EM provided by various bureaux/departments were piecemeal and lacked coordination. The Administration should regularly review the effectiveness of its policy and measures on different EM groups.● Information on the websites of bureaux/departments should be provided in both Chinese and English.● The Administration should enhance EMs' political participation and appointment of them to various advisory/statutory bodies.
12.	Justice Centre Hong Kong	<ul style="list-style-type: none">● LC Paper No. CB(2)304/15-16(02)
13.*	EM Equal Access Core Group	<ul style="list-style-type: none">● The Administration should enhance the provision of interpretation service as the language barrier was the major problem which hindered EMs from gaining access to public services (e.g. student financial assistance, public rental housing, transport subsidy and comprehensive social security assistance etc.).● The relevant bureaux/departments should provide interpretation services to EMs to facilitate their use of public services in accordance with the Guidelines.● Training should be provided to frontline staff of bureaux/departments to raise their sensitivity towards the needs of EM.

* No submissions provided for this meeting