

立法會
Legislative Council

Ref : CB2/HS/2/16

LC Paper No. CB(2)1310/17-18
(These minutes have been seen
by the Administration)

Subcommittee on Rights of Ethnic Minorities

Minutes of the meeting
held on Tuesday, 23 January 2018, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex

- Members present** :
- Hon Paul TSE Wai-chun, JP (Chairman)
 - Hon Alice MAK Mei-kuen, BBS, JP (Deputy Chairman)
 - Hon Abraham SHEK Lai-him, GBS, JP
 - Hon Claudia MO
 - Hon LEUNG Che-cheung, SBS, MH, JP
 - Hon KWOK Wai-keung, JP
 - Hon Dennis KWOK Wing-hang
 - Dr Hon Fernando CHEUNG Chiu-hung
 - Dr Hon Helena WONG Pik-wan
 - Hon IP Kin-yuen
 - Hon POON Siu-ping, BBS, MH
 - Dr Hon CHIANG Lai-wan, JP
 - Hon Andrew WAN Siu-kin
 - Hon CHU Hoi-dick
 - Hon Holden CHOW Ho-ding
 - Hon SHIU Ka-chun
- Members absent** :
- Dr Hon Junius HO Kwan-yiu, JP
- Public Officers attending** :
- Mr Andy CHAN Shui-fu, JP
Under Secretary for Constitutional and Mainland Affairs

 - Mr CHEUNG Doi-ching
Principal Assistant Secretary (Constitutional and Mainland Affairs) 5

Miss Cathy LI King-tsz
Assistant Secretary (Constitutional and Mainland
Affairs) 5A

Ms Teresa CHAN Mo-ngan
Principal Assistant Secretary (Education Commission
and Planning)
Education Bureau

Mr LO Pui-lam
Chief Curriculum Development Officer (Chinese)
Education Bureau

Dr Kellie SO Pui-sheung
Principal Medical & Health Officer (2)
Department of Health

Mr CHENG Kwan-yam
Chief Executive Officer (3)
Home Affairs Department

Dr Ian CHEUNG
Chief Manager (Cluster Performance)
Hospital Authority

Mr Hans LI
Chief Manager (Business Support Services)
Hospital Authority

Mr Antony LUI
Senior Manager (Business Support Services) 2
Hospital Authority

Ms Catherine FONG Mei-lan
Senior Housing Manager/Applications (1)
Housing Department

Ms Elaine CHENG Yee-ling
Senior Housing Manager/Tenancy Management Policy
Housing Department

Ms Catherine LAW Sui-fong
Senior Labour Officer (Employment Services) (Policy)
Labour Department

Ms Loletta LO Yin-fun
Chief Social Work Officer (Corporate Planning &
Coordination)
Social Welfare Department

Dr Francis WONG
Director - Hong Kong Institute of Construction
Construction Industry Council

Mr Y L CHU
Senior Manager - Training and Development
Construction Industry Council

Dr MA Chi
Deputy Executive Director (Training Services)
Employees Retraining Board

Professor Ronald CHUNG Chi-kit
Deputy Executive Director
Vocational Training Council

Attendance by : Session One
invitation

Catholic Workers Centre

Mrs Sairah ABBAS
Assistant Program Officer

Mr LEUNG Kwok-hung

Equal Access Group

Mr Shoaib HUSSAIN
Member

Catholic Diocese of HK Diocesan Pastoral Centre for
Workers Kowloon

Mr TSENG Ka-chun
Program Officer

The Hong Kong Council of Social Service

Ms LAW Lam
Officer

Ms Sammi FU
Member of Islands District Council

Hong Kong Unison

Miss TAM Kayla
Campaign Officer

Yan Oi Tong Community Centre

Mr Daniel MA Ho-kwan
Chief Supervisor

Mr POON Wing-lok

Ms Lamia Sreya RAHMAN

Ms Shama MASHROOR

Ms Arlin L RAI

Mr Mohsin KHAN

Ms Rabia ASLAM

Ms Suskihanna GURUNG

Ms Yasmeen ZAHIRA

Session Two

Society for Cultural Integration

Ms Payal BISWAS
Project Officer

Mr Siddhartha DATTA

Ms Sahara Parveen MUHAMMAD

Ms Habiba ASLAM UMME

Ms Salma Saghir ASLAM UMME

Mr Danilo REYES ANDRES

Health In Action

Miss Karen LAU
Advocacy and Research Coordinator

DAB

Mr Dewan Saiful ALAM
Member of DAB Ethnic Minorities Committee

Hong Kong Christian Service

Mr CHEUNG Muk-yan
Chief Supervisor

Centre for Comparative and Public Law, Faculty of Law,
University of Hong Kong

Ms Puja KAPAI
Associate Professor of Law

Refugee Union Hong Kong

Miss Fatima QURESHI

Association Concerning Sexual Violence Against Women

Ms Linda WONG
Executive Director

Mr CHAN Man-wai

Mr CHOW Now-hang

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

Staff in attendance : Mr Dennis HO
Senior Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. Implementation and review of the Administrative Guidelines on Promotion of Racial Equality

[LC Paper Nos. CB(2)723/17-18(01) to (03)]

The Subcommittee deliberated (index of proceedings attached at **Annex I**).

2. The Subcommittee received views from 30 deputations/individuals attending the meeting. The Subcommittee noted the following major views expressed by the deputations:

- (a) the adoption of the Administrative Guidelines on Promotion of Racial Equality ("the Guidelines") by government bureaux and departments ("B/Ds") and public authorities ("relevant authorities") was merely voluntary, and the checklists of measures drawn up by them were remedial and piecemeal. It was suggested that compliance with the Guidelines should be mandatory, and the scope of application of the Guidelines should be extended to cover all public authorities. The Administration was urged to step up publicity of the Guidelines and staff training to enhance cultural sensitivity of staff;
- (b) relevant authorities failed to meet the needs of ethnic minorities ("EMs") for interpretation services, which had posed a major problem to EMs in gaining access to public services (including medical, public housing, employment, social welfare and education services). Some frontline staff did not introduce the interpretation services to EMs who approached them but asked EMs to bring along their friends or relatives who spoke Chinese. It was suggested that interpretation services across relevant authorities

should be provided centrally;

- (c) relevant authorities should keep disaggregated data on the ethnicities and languages of their service users to facilitate their planning of services for EMs. Usage rates of the interpretations services provided to EMs by relevant authorities should be made public, and the feedback of EMs and stakeholders concerned should be gauged to seek continuous improvement to the interpretations services and implementation of the Guidelines;
- (d) it was suggested that the Labour Department ("LD") should hire more EM employment officers to provide tailored employment services to EM job seekers; and resident interpreters should be provided at each hospital/clinic under the Hospital Authority;
- (e) relevant statistical data should be collected and indicators be set by relevant authorities for the evaluation of the effectiveness of the Guidelines. In this connection, the Constitutional and Mainland Affairs Bureau ("CMAB") should draw up guidelines on collection of relevant information and statistics;
- (f) the Guidelines were not legally binding, and the monitoring of the compliance with the Guidelines among relevant authorities was inadequate. Besides, the lack of a proper complaint and reporting mechanism had weakened the effectiveness of the Guidelines in safeguarding EMs' equal opportunities in accessing public services. It was suggested that a high-level committee chaired by the Chief Secretary for Administration should be set up to be responsible for monitoring the implementation;
- (g) the existing legislation was considered not effective in prohibiting acts of racial discrimination by the Government. For example, EM people were more likely to be stopped and searched by the Police due to racial profiling. The Administration was urged to expeditiously take forward the Equal Opportunities Commission's ("EOC") recommendation to amend the Race Discrimination Ordinance (Cap. 602) ("RDO") by providing that it was unlawful for the Government to discriminate in performing its functions or exercising its powers;
- (h) while many EM youths were longing to integrate into the mainstream society and to be treated equally as Hong Kong citizens, they were not being taught Chinese as a second language at a level suitable to them so as to improve their Chinese standards

to meet their actual needs. Without adequate Chinese language proficiency and qualification, these EM youths were not provided with equal opportunities in pursuing further studies and career in Hong Kong as compared with their local ethnic-Chinese counterparts; and

- (i) to enhance EMs' employment opportunities, it was suggested that the Chinese language proficiency requirements for civil service positions should be lowered; and LD should organize job fairs which offered not only low-skilled, low-paid jobs but also jobs for the more educated EMs. Moreover, the cultural sensitivity of school teachers should be boosted so that EM students would not feel alienated at school. It was pointed out that some schools admitting relatively smaller numbers of non-Chinese speaking ("NCS") students did not apply for the additional funding from the Education Bureau for organizing after-school Chinese language support programmes for NCS students because they did not want to go through the administrative work.

3. The Administration made the following initial response to the views and concerns expressed by deputations:

- (a) since the promulgation of the Guidelines in 2010, the Administration had kept its operation under review. Over the years, the scope of application of the Guidelines had been extended from 14 in 2010 to 23 relevant authorities. CMAB would keep the coverage of the Guidelines under regular review. CMAB would also continue to request relevant authorities to collect data and set indicators for the continuous improvement of services provision to EMs having regard to their own operational circumstances;
- (b) the Guidelines and the checklists of measures drawn up by relevant authorities were available on CMAB's website in Chinese, English and six EM languages;
- (c) CMAB would liaise with relevant authorities to see whether there was room for improvement in the provision of interpretation services to EMs and explore the feasibility of drawing up standard guidelines and procedures for interpretation services. CMAB had provided an additional allocation of \$3 million to the Ethnic Minorities Unit ("the EM Unit") of EOC in 2017-2018. The EM Unit would embark on a series of initiatives for the purpose of promoting equal opportunities for EMs including the one on

exploring the prospect of introducing accreditation for interpreters of EM languages. As for the recommendations made by EOC, the Administration sought to focus on taking forward the nine recommendations of priority under the Discrimination Law Review first, and it would follow up on the remaining recommendations at a later stage; and

- (d) the Guidelines were administrative in nature and the relevant public authorities were required to comply. CMAB and relevant authorities would continue to keep the Guidelines under regular review, especially in the context of how to enhance existing measures and introduce new measures that would promote racial equality.

Follow-up actions required of the Administration

- Admin 4. The Administration was requested to:
- (a) provide supplementary information in writing in response to the deputations' views and concerns;
 - (b) amend RDO by providing that it was unlawful for the Government to discriminate in performing its functions or exercising its powers;
 - (c) consider the views and suggestions made by the Deputy Chairman in her letter dated 17 January 2018 [LC Paper No. CB(2)723/17-18(02)], including that:
 - (i) the Administration should consider setting up a high-level committee to be responsible for monitoring the implementation of the Guidelines as well as policies and measures to promote racial equality;
 - (ii) relevant authorities should keep disaggregated data on the ethnicities and languages of their service users, because such data would be useful for planning services for EMs; and
 - (iii) relevant authorities should adopt standard procedures for arranging the provision of interpretation services to EMs;
 - (d) look into the reasons behind the very low usage rates of the interpretation services, and consider members' suggestions that EM staff should be recruited to provide services to EMs; and

- (e) consider the suggestion of designating District Officers to coordinate EM support services within their respective districts.

Motions

- Admin 5. The Chairman put the three motions moved by Ms Claudia MO, Dr Fernando CHEUNG and Mr SHIU Ka-chun respectively (wording of the motions at **Annex II**) to vote. Members present unanimously voted for the motions. The Chairman declared that the three motions were passed. The Administration was requested to provide a written response to the three motions.

(Post-meeting note: The Administration's responses to the three motions were circulated to members vide LC Paper No. CB(2)1019/17-18 on 12 March 2018.)

II. Any other business

6. There being no other business, the meeting ended at 7:14 pm.

Council Business Division 2
Legislative Council Secretariat
30 April 2018

**Proceedings of the meeting of the
Subcommittee on Rights of Ethnic Minorities
on Tuesday, 23 January 2018, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
<i>Agenda item I - Implementation and review of the Administrative Guidelines on Promotion of Racial Equality</i>			
000920 - 001613	Chairman Administration	Opening remarks Briefing by the Administration [LC Paper No. CB(2)723/17-18(01)]	
001614 - 001944	Catholic Workers Centre	Presentation of views	
001945 - 002253	Mr LEUNG Kwok-hung	Presentation of views	
002254 - 002614	Equal Access Group	Presentation of views	
002615 - 002942	Catholic Diocese of HK Diocesan Pastoral Centre for Workers Kowloon	Presentation of views [LC Paper No. CB(2)760/17-18(01)]	
002943 - 003258	The Hong Kong Council of Social Service	Presentation of views [LC Paper No. CB(2)808/17-18(01)]	
003259 - 003544	Ms Sammi FU	Presentation of views	
003545 - 003853	Hong Kong Unison	Presentation of views [LC Paper No. CB(2)808/17-18(02)]	
003854 - 004202	Yan Oi Tong Community Centre	Presentation of views	
004203 - 004524	Mr POON Wing-lok	Presentation of views	
004525 - 004836	Ms Lamia Sreya RAHMAN	Presentation of views [LC Paper No. CB(2)912/17-18(01)]	
004837 - 005201	Ms Shama MASHROOR	Presentation of views	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
005202 - 005505	Ms Arlin L RAI	Presentation of views [LC Paper No. CB(2)912/17-18(02)]	
005506 - 005900	Mr Mohsin KHAN	Presentation of views	
005901 - 010252	Ms Rabia ASLAM	Presentation of views	
010253 - 010601	Ms Suskihanna GURUNG	Presentation of views	
010602 - 010904	Ms Yasmeen ZAHIRA	Presentation of views	
010905 - 011218	Chairman Administration	The Administration's initial response to the views and concerns expressed by the deputations/individuals.	
011219 - 011617	Chairman Deputy Chairman	The Deputy Chairman expressed her views as set out in her letter dated 17 January 2018 (Annex to LC Paper No. CB(2)723/17-18(02)).	
011618 - 011845	Chairman Ms Claudia MO	Ms Claudia MO urged the Administration to amend the Race Discrimination Ordinance ("RDO") by providing that it was unlawful for the Government to discriminate in performing its functions or exercising its powers and to provide a timetable in this regard. She said that in the area of education, ethnic minority ("EM") students should be taught Chinese as a second language at a level suitable to them.	
011846 - 012131	Chairman Dr Fernando CHEUNG	Dr Fernando CHEUNG echoed Ms Claudia MO's concern that Government functions and powers were not covered by RDO. He enquired about the Administration's measures to monitor the compliance with the Administrative Guidelines on Promotion of Racial Equality ("the Guidelines") among the government bureaux and departments and public authorities ("relevant authorities") and the outcome of the review of implementation.	
012132 - 012317	Chairman Mr CHU Hoi-dick	Mr CHU Hoi-dick asked about the details of the financial resources earmarked for the relevant authorities for providing support for EMs. He also enquired whether the Administration would consider the suggestion raised by Mr Abraham SHEK at the Chief Executive's Question and Answer Session on 11 January 2018 to set aside \$500 million to enhance the support for the teaching and learning of non-Chinese speaking ("NCS") students.	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
012318 - 012504	Chairman Mr POON Siu-ping	Mr POON Siu-ping enquired whether the Administration would consider setting up a high-level committee to be responsible for monitoring the implementation of the Guidelines as well as policies and measures to promote racial equality. With reference to paragraph 16 of the Administration's paper [LC Paper No. CB(2)723/17-18(01)], Mr POON further sought details of the proposed enhancements of existing measures and new measures to support EMs.	
012505 - 012840	Chairman Mr Abraham SHEK Administration	Mr Abraham SHEK considered that equal access to education was a basic right for EM students, and shared some deputations' concern that the existing policy on teaching Chinese as a second language should be strengthened to help NCS students learn Chinese. The Administration advised that the Education Bureau ("EDB") implemented the "Chinese Language Curriculum Second Language Learning Framework" ("Learning Framework") in primary and secondary schools from the 2014-2015 school year, to help NCS students overcome the difficulties in learning Chinese as a second language with a view to enabling them to bridge over to mainstream Chinese Language classes and master the Chinese language. Starting from the 2014-2015 school year, EDB had provided public sector and Direct Subsidy Scheme schools offering the local curriculum and admitting 10 or more NCS students with an additional funding to enhance their support for the Chinese learning and teaching of NCS students. Besides, in-service training programmes were organized for teachers on teaching Chinese as a second language. Seminars were also organized in collaboration with the Equal Opportunities Commission ("EOC") to promote cultural integration in school settings. Racial harmony and "respect for others" were emphasized in the school curriculum from primary to senior secondary education. The Administration added that alternative Chinese Language qualifications were provided to NCS students to help them meet the general entrance requirements for admission to University Grants Committee-funded universities.	
012841 - 013133	Chairman Dr CHIANG Lai-wan	Dr CHIANG Lai-wan enquired about the effectiveness of the additional funding to schools admitting 10 or more NCS students. She requested the Administration/Hospital Authority ("HA") to explain why deputations reflected that some EMs seeking healthcare services were not provided with interpretation services. She also considered that the Labour Department ("LD") should engage more EM employment officers to provide tailored employment services to EM job seekers.	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
013134 - 013445	Chairman Mr Andrew WAN	<p>Mr Andrew WAN expressed concern that usage of interpretation services provided by the Housing Department ("HD") and the Social Welfare Department ("SWD") were very low (e.g. only 12 requests for interpretation service were handled by HD in the past three years). He queried why HD issued notification letters to EM public rental housing ("PRH") applicants in Chinese only. Mr WAN also made the following suggestions:</p> <ul style="list-style-type: none"> (i) the Administration should step up the promotion of the free interpretation services which were available for the EMs in need; (ii) EM staff should be recruited by SWD to provide services to EMs; and (iii) District Officers should be designated to coordinate EM support services within their respective districts. 	
013446 - 013603	Chairman Mr Dennis KWOK	<p>Mr Dennis KWOK considered that the Government should be given the legal obligation to ensure equal opportunities in accessing education for EM students. He asked the Administration to provide a timetable of amending RDO by providing that it was unlawful for the Government to discriminate in performing its functions or exercising its powers.</p>	
013604 - 014643	Chairman Mr Abraham SHEK Administration HA	<p>The Administration advised that it was committed to eliminating racial discrimination and promoting equal opportunities among EMs, and fostering EMs' social integration. The Administration stressed that the relevant provisions of the Hong Kong Bill of Rights Ordinance (Cap. 383) prohibited the Government and public authorities from engaging in practices that would entail any form of discrimination including race discrimination. RDO was also binding on the Government and it prohibited discriminatory acts and practices in all the areas specified in RDO. At the present stage, the Administration sought to focus on taking forward EOC's nine recommendations of priority under its Discrimination Law Review first, and it would follow up on the remaining recommendations at a later stage. It would be difficult to provide a timetable on the other recommendations at this stage, when study on whether and how other recommendations would be taken forward had not even been started.</p> <p>The Administration explained that the purpose of the Guidelines was to provide general guidance to relevant authorities to promote racial equality and ensure equal access by EMs to public services in the key areas concerned, and to</p>	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
		<p>take this into account in the formulation, implementation and review of relevant policies and measures. The Administration would carefully consider deputations' and members' views in conducting its review of the Guidelines.</p> <p>Representative of HA said that on-site or telephone interpretation services covering 18 languages were provided in public hospitals and clinics under HA primarily through its service contractor (which provided a 24-hour service), part-time court interpreters and relevant consulates. For scheduled services (such as medical appointment at the general outpatient and specialist clinics), patients might request the hospital/clinic concerned to arrange interpretation services in advance. For non-scheduled service (such as emergency hospital admission), hospital staff would arrange immediate provision of telephone or on-site interpretation services as soon as possible. In 2016-2017, more than 12 000 sessions of interpretation services were arranged in public hospitals and clinics under HA.</p> <p>The Administration advised that apart from the EM Employment Services Ambassadors, since May 2017, LD had engaged two Employment Assistants proficient in EM languages on a pilot basis to provide employment services for EM job seekers in partnership with experienced Employment Officers. LD would keep this pilot measure under review and consider the way forward in due course.</p> <p>Regarding the support for the Chinese language learning for NCS students, the Administration advised that since the 2014-2015 school year, EDB had allocated about \$200 million per year to step up the education support for NCS students. Among others, an additional funding was provided for public sector and Direct Subsidy Scheme schools offering the local curriculum and admitting 10 or more NCS students to facilitate their implementation of the Learning Framework and creation of an inclusive learning environment. In the 2017-2018 school year, 228 schools were provided with the additional funding and those schools would cater for the needs of their NCS students by, for example, formulating school-based learning and teaching strategies to support their NCS students' effective learning of Chinese through optimal use of the additional funding so as to facilitate their academic and career pursuits as well as integration into the community. According to the annual school reports and annual school plans, schools generally deployed about 10% of the additional funding to appoint EM assistants and/or procure translation services to enhance the communication with parents of NCS students. To ensure the quality of the support measures, EDB had drawn up the research framework based on the</p>	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
		<p>advice of research and language experts to evaluate the effectiveness of various support measures for the Chinese learning of NCS students and to refine individual measures where appropriate. EDB would collate quantitative and qualitative data on the progress of NCS students for further analysis. The initial findings would be reported to the Legislative Council in due course.</p> <p>In response to Mr Andrew WAN's concern, the Administration clarified that PRH applicants could select Chinese or English to be used in correspondences issued by HD. HD had handled 12 requests for on-site interpretation service last year for the purpose of attending detailed vetting interviews or flat selection exercise for PRH applicants.</p> <p>Due to the shortage of time, the Administration was requested to provide supplementary information in writing in response to the deputations' views and concerns after the meeting.</p>	<p>Admin (para. 4 of minutes)</p>
<i>Break</i>			
015105 - 015136	Chairman	Opening remarks	
015137 - 015453	Society for Cultural Integration	Presentation of views	
015454 - 015549	Chairman Clerk	<p>Voting on a motion moved by Ms Claudia MO</p> <p>The Administration was requested to provide a written response to the motion after the meeting.</p>	<p>Admin (para. 5 of minutes)</p>
015550 - 015905	Mr Siddhartha DATTA	<p>Presentation of views [LC Paper No. CB(2)912/17-18(03)]</p>	
015906 - 020214	Ms Sahara Parveen MUHAMMAD	Presentation of views	
020215 - 020531	Ms Habiba ASLAM UMME	Presentation of views	
020532 - 020822	Ms Salma Saghir ASLAM UMME	Presentation of views	
020823 - 021126	Mr Danilo REYES ANDRES	Presentation of views	
021127 - 021438	Health In Action	<p>Presentation of views [LC Paper No. CB(2)723/17-18(04)]</p>	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
021439 - 021907	Chairman Clerk Ms Claudia MO Dr Fernando CHEUNG	Voting on motions moved by Dr Fernando CHEUNG and Mr SHIU Ka-chun The Administration was requested to provide a written response to the motions after the meeting.	Admin (para. 5 of minutes)
021908 - 022227	DAB	Presentation of views [LC Paper No. CB(2)751/17-18(01)] <i>(extension of meeting)</i>	
022228 - 022631	Hong Kong Christian Service	Presentation of views [LC Paper No. CB(2)723/17-18(05)]	
022632 - 022957	Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong	Presentation of views [LC Paper No. CB(2)760/17-18(02)]	
022958 - 023257	Refugee Union Hong Kong	Presentation of views [LC Paper No. CB(2)723/17-18(06)]	
023258 - 023651	Association Concerning Sexual Violence Against Women	Presentation of views [LC Paper No. CB(2)751/17-18(02)] <i>(further extension of meeting)</i>	
023652 - 024007	Mr CHAN Man-wai	Presentation of views	
024008 - 024332	Mr CHOW Now-hang	Presentation of views	
024333 - 024837	Chairman Mr SHIU Ka-chun Ms Claudia MO Mr Abraham SHEK Dr Fernando CHEUNG Administration	Mr SHIU Ka-chun echoed some deputations' view that many EM youths were longing to integrate into the mainstream society and to be treated equally as Hong Kong citizens. Referring to the motion moved by Dr Fernando CHEUNG, Ms Claudia MO requested to put on record that the Administration had not refused to take forward EOC's recommendation to amend RDO to cover Government functions and powers. The Administration's initial response to the views and concerns expressed by the deputations/individuals. In reply to Dr Fernando CHEUNG's enquiry, the Administration advised that any non-compliance with the Guidelines might constitute maladministration which could be	

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
		handled by the Ombudsman. The Administration was requested to provide a written response to the deputations' views and concerns after the meeting.	Admin (para. 4 of minutes)
<i>Agenda item II - Any other business</i>			
024838 - 024850	Chairman	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
30 April 2018

少數族裔權益事宜小組委員會

在 2018 年 1 月 23 日的會議上

就議程第 I 項"《促進種族平等行政指引》的落實情況及檢討"
通過的議案

(議案中文措辭)

本小組委員會敦促政府盡早修訂《種族歧視條例》，把政府職能及職權納入條例檢討中，彌補《促進種族平等行政指引》的不足，以助促進種族平等。

動議人：毛孟靜議員

(English translation of the motion)

Subcommittee on Rights of Ethnic Minorities

Motion passed under agenda item I

**"Implementation and review of the Administrative Guidelines on
Promotion of Racial Equality"
at the meeting on 23 January 2018**

This Subcommittee urges the Government to expeditiously amend the Race Discrimination Ordinance ("RDO") and include government functions and powers in the review of RDO, so as to address the inadequacies of the Administrative Guidelines on Promotion of Racial Equality and help promote racial equality.

Moved by : Hon Claudia MO

少數族裔權益事宜小組委員會

在 2018 年 1 月 23 日的會議上

**就議程第 I 項"《促進種族平等行政指引》的落實情況及檢討"
通過的議案**

(議案中文措辭)

雖然香港有《種族歧視條例》及《促進種族平等行政指引》，但《條例》並不應用於政府。平等機會委員會要求及早修例，將政府納入法例規管範圍，但政府卻拒絕此建議。《指引》雖然訂立了卻完全沒有監察，令香港少數族裔在使用公共服務時(包括教育、房屋、醫療、就業及社福等)受到不平等對待。本小組委員會促請政府立即進行修例，並成立一高層次少數族裔事務委員會，從少數族裔的角度監察政府政策、公共服務、法例及資源分配，確保少數族裔得到平等機會及免於受到歧視。

動議人：張超雄議員

(English translation of the motion)

Subcommittee on Rights of Ethnic Minorities

**Motion passed under agenda item I
"Implementation and review of the Administrative Guidelines on
Promotion of Racial Equality"
at the meeting on 23 January 2018**

Although Hong Kong has implemented the Race Discrimination Ordinance ("RDO") and the Administrative Guidelines on Promotion of Racial Equality ("the Administrative Guidelines"), RDO does not apply to the Government. The Equal Opportunities Commission has requested that amendments be expeditiously made to RDO by placing the Government under statutory regulation, yet the Government has turned down this suggestion. While the Administrative Guidelines have been drawn up, there is no monitoring at all, resulting that ethnic minorities ("EMs") in Hong Kong are unfairly treated when accessing to public services (including education, housing, healthcare, employment and social welfare services, etc.). This Subcommittee urges the Government to immediately amend RDO and set up a high-level commission on EMs for monitoring government policies, public services, legislation and resource allocation from the perspective of EMs, with a view to ensuring equal opportunities for EMs and protecting them against discrimination.

Moved by : Dr Hon Fernando CHEUNG Chiu-hung

少數族裔權益事宜小組委員會

在 2018 年 1 月 23 日的會議上

**就議程第 I 項"《促進種族平等行政指引》的落實情況及檢討"
通過的議案**

(議案中文措辭)

政府經常以"避免種族歧視"為理由，拒絕收集與少數族裔服務使用者的相關數據。但事實上，不少國家已清楚列明，收集數據反而是積極杜絕種族歧視的有效手段。本委員會促請政府訂立收集資料指引，確保收集及使用相關種族資料時，必須以消除歧視或促進種族平等為目的。

動議人：邵家臻議員

(English translation of the motion)

Subcommittee on Rights of Ethnic Minorities

Motion passed under agenda item I

**"Implementation and review of the Administrative Guidelines on
Promotion of Racial Equality"
at the meeting on 23 January 2018**

The Government often refuses to collect data relating to ethnic minority service users on grounds of "avoiding racial discrimination". However, many countries have in fact clearly stated that data collection is an effective means of vigorously stamping out racial discrimination instead. This Subcommittee urges the Government to draw up guidelines on data collection to ensure that the collection and use of the relevant ethnicity data shall aim to eliminate discrimination or promote racial equality.

Moved by : Hon SHIU Ka-chun