

For discussion  
On 6 November 2017

**Legislative Council Subcommittee on Rights of Ethnic Minorities**

**Implementation and Review of the Race Discrimination Ordinance**

**Background**

As promulgated in the 2017 Policy Address, the Government seeks to provide the ethnic minorities (EMs) with equal opportunities and facilitate their integration into our community through enhancing relevant legislation as well as enhancing employment and other support services for the EM. Issues relating to supporting EMs straddle across different policy areas. For instance, the Education Bureau is dealing with education issues and the Labour and Welfare Bureau is handling employment services for the EMs.

**Race Discrimination Ordinance (Cap. 602) (RDO)**

2. The RDO was enacted in 2008 and came into effect in 2009. The RDO provides that it is unlawful to discriminate against a person on the ground of race in specified areas, including employment, education, the provision of goods, facilities or services, and the disposal or management of premises. The RDO also makes racial harassment (engaging in unwelcome conduct that offends, humiliates or intimidates another person, or conduct that creates a hostile or intimidating environment for that other person) and vilification (by any activity in public, inciting hatred towards, serious contempt for, or severe ridicule of, another person) unlawful.

**Role of the Equal Opportunities Commission (EOC)**

3. Under the RDO, the EOC is entrusted with the functions and powers to work towards the elimination of racial discrimination and to promote equality of opportunity and harmony between persons of different racial groups. It has the power to conduct formal investigations and obtain information in accordance with the RDO. The EOC is empowered to deal with individual complaints and provide legal assistance. In addition, the EOC can make recommendations to the Government for amending the anti-discrimination ordinances, including

the RDO. Details of the EOC's work on the implementation, promotion and review of the RDO are covered in a separate paper to the Subcommittee.

### **Review of the RDO**

4. With an aim to study how the four discrimination ordinances (including the RDO) could be updated in order to meet the needs of Hong Kong people, the EOC carried out a review and submitted its report on the Discrimination Law Review (DLR) to the Government last year. The submissions contained a total of 73 recommendations, including 27 which are considered by the EOC to be of higher priority. The Constitutional and Mainland Affairs Bureau (CMAB), in consultation with relevant government bureaux/departments, consulted the Legislative Council Panel on Constitutional Affairs (CA Panel) on those recommendations that were considered to be capable of driving consensus among stakeholders and society on 20 March 2017. With support from the CA Panel, the Government will take forward nine recommendations of priority, of which seven involve the RDO including –

- (a) prohibiting discrimination and harassment on the ground of race of an “associate” instead of a “near relative” under the RDO;
- (b) providing protection from direct racial discrimination and racial harassment by “imputation” in the RDO;
- (c) providing protection from sexual, disability and racial harassment to persons in a common workplace (such as consignment workers) in the Sex Discrimination Ordinance (Cap. 480) (SDO), the Disability Discrimination Ordinance (Cap. 484) (DDO) and the RDO;
- (d) providing protection from disability and racial harassment of service providers by service users under DDO and RDO;
- (e) providing protection from disability and racial harassment of service providers by service users under DDO and RDO, where such harassment takes place outside Hong Kong, but on Hong Kong registered aircraft and ships;
- (f) providing protection of tenants or sub-tenants from sexual, disability or racial harassment by another tenant or sub-tenant occupying the same premises under SDO, DDO and RDO; and

- (g) repealing provisions which require proof of intention to discriminate in order to obtain an award of damages for indirect discrimination under the SDO, the Family Status Discrimination Ordinance (Cap. 527) and the RDO.

The Government's target is to submit the legislative amendment proposals covering the nine recommendations of priority in the form of a composite bill to the Legislative Council in the 2017-18 legislative session.

### **Publicity and Public Education**

5. To step up the efforts on publicity and education on the RDO, CMAB has been providing a recurrent funding of \$4.69 million to the EOC starting from 2014-15. To this end, the EOC has set up an Ethnic Minorities Unit (the EM Unit) with 7 full-time staff to promote equal opportunities for ethnic minorities through advocacy, training and promotional efforts. Besides, CMAB also provided an additional funding of \$2 million to the EOC in 2014-15 for promoting the RDO. This is in addition to the annual subvention in the form of lump sum allocation to the EOC which covers its expenditure on manpower and remuneration, office accommodation expenses, and expenditure for implementing the anti-discrimination ordinances, etc.

6. This year, CMAB has further provided an allocation of \$3 million to the EM Unit. The EM Unit will embark on a series of initiatives for the purpose of promoting equal opportunities for EMs. These include a media campaign targeting the mainstream population, with particular focus on employers, service providers and landlords, urging them to look beyond racial stereotypes and adopt non-discriminatory service practices. Besides, integrated research on EM education, academic and employment pathways will be carried out with a view to drawing up practical guidebooks for EM youth; and to explore the prospect of introducing accreditation for interpreters of EM languages.

7. In addition to the publicity and public education initiatives that have been / are being carried out by the EOC, CMAB and the Radio Television Hong Kong (RTHK) have, since 2014, co-operated to produce two TV documentary series ("Hong Kong, My Home" 《我家在香港》) for broadcast at local TV channels and on the Internet. In the light of the positive feedback, CMAB has commissioned RTHK to produce a third drama series which was aired from 27 July to 7 September 2017. We

also conducted a media education programme for secondary and primary school students from 16 March to 8 July 2017 with the theme of “racial harmony” (《傳媒初體驗 之 種族融和》).

### **The Way Forward**

8. The Government firmly believes that legislation must go hand in hand with public education and support for better integration of EMs. The Government will continue to maintain close liaison with the EOC on all fronts with a view to eliminating racial discrimination and promoting equal opportunities for EMs.

### **Advice Sought**

9. Members are invited to note and provide comments on the paper.

**Constitutional and Mainland Affairs Bureau**  
**October 2017**