

In the case *Arjun Singh vs Department of Justice*, the court holds that the acts of the police in investigation and arrest do not amount to 'services' for the purpose of section 27 of the Race Discrimination Ordinance, Cap 62 ("RDO") and policing is not bound by the RDO. This case highlights a key weakness in the RDO as it is the only Ordinance amongst the four Discrimination Ordinances that does not mention that it is unlawful for the Government to discriminate against persons on the grounds of race in the performance of its functions or the exercise of its powers.

In the absence of the relevant provision in the RDO, the Government is in a unique position to send a clear message about protecting ethnic minorities against racial discrimination, particularly in the context of law enforcement, in which the tendencies of racial profiling of ethnic minorities have been noted globally as well as the fact that all this occurs against the backdrop of Hong Kong's obligations under ICERD. This was a missed opportunity at instilling confidence in Hong Kong's commitment to protection against racial discrimination.

Since 2004, from consultation papers attempting to legislate against racial discrimination.

Why legislate? Two reasons why the gov intends to legislate as stated in 2004:

- 1) To prevent and combat racial discrimination
- 2) To fulfil HK'S obligation under the ICERC, which is applicable to Hong Kong.

How ridiculous in 2019 we still have no specific legislation against racial discrimination which applies to actions between private parties or individuals. Articles 3 & 27 of the RDO cannot replace amending the RDO to cover Government powers and functions, what about if victims of Government discrimination cannot use the Equal opportunities commission free complaint mechanisms? This should be straightforward if the Government is fair and confident in its role as a non-discriminatory entity. COVER POWERS AND FUNCTION!

The 2004 consultation paper even proposes the bill should make it unlawful for government to discriminate against a person in the performance of its functions and the exercise of its powers.

2019, no legislation, EOC is weak, and the government has no courage to enact something that is so basic and for the benefit of the society, a so called world class city ,the international city of the world.

**Voices of Diversity**