

立法會
Legislative Council

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LC Paper No. CB(2)784/18-19
(These minutes have been seen
by the Administration)

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 19 November 2018, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon CHEUNG Kwok-kwan, JP (Chairman)
Hon LUK Chung-hung, JP (Deputy Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon Alice MAK Mei-kuen, BBS, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Jimmy NG Wing-ka, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon AU Nok-hin

Member attending : Dr Hon Fernando CHEUNG Chiu-hung

Members absent : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon MA Fung-kwok, SBS, JP
Hon CHU Hoi-dick
Hon Tanya CHAN
Hon HUI Chi-fung

Public Officers attending : Mr Andy CHAN Shui-fu, JP
Under Secretary for Constitutional and Mainland Affairs

Ms Judy CHUNG Sui-kei
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Miss Cathy LI King-tsz
Assistant Secretary for Constitutional and Mainland
Affairs

Mr Billy WOO Tak-ying
Principal Assistant Secretary for Security (Review)

Mr CHOI Ho-pun
Acting Principal Assistant Secretary for Education
(Education Commission and Planning)

Miss CHEUNG Hoi-shan
Assistant Commissioner for Labour (Policy Support)

Mr Vernon LOH
Senior Government Counsel
Department of Justice

Attendance by invitation : Item III

The Civic Party

Mr Simon HUNG Ling-fai

Mr LEUNG Kwok-hung

New Immigrants' Mutual Aid Association

Ms LAI Haixia

The Hong Kong Council of Social Service

Ms LAW Lam

Democratic Alliance for the Betterment and Progress of
Hong Kong

Mrs Pushkarna NEENA

PathFinders Limited

Ms TANG Wing-lu

Ms Kelley LOPER

Centre for Comparative and Public Law

Ms Puja Kapai PARYANI

Civil Human Rights Front

Miss LEUNG Wing-man

WE Super Women Group

Mrs Sairah ABBAS

Equal Access Group

Mr Shoaib HUSSAIN

AIM GROUP

Mr Iqbal ZAFFAR

Catholic Diocese of Hong Kong Diocesan Pastoral Centre
for Workers-Kowloon

Mr TSENG Ka-chun

Hong Kong Unison

Ms Phyllis CHEUNG

Society for Community Integration

Miss TAM Yuen-yi

Miss CHEUK Man-po

Justice Centre Hong Kong

Mr Jake MENDRIK

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai

Society for Community Organization

Miss SZE Lai-shan

- Clerk in attendance** : Ms Joanne MAK
Chief Council Secretary (2) 3
- Staff in attendance** : Mr Kelvin LEE
Senior Assistant Legal Adviser 3
- Ms Jasmine TAM
Senior Council Secretary (2) 3
- Mrs Fonny TSANG
Legislative Assistant (2) 3

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I. Information paper(s) issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

II. Items for discussion at the next meeting
[LC Paper Nos. CB(2)238/18-19(01)-(02)]

2. Member agreed to discuss the following items proposed by the Administration at the next meeting on 17 December 2018 at 2:30 pm:

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- (a) "Review on the subsidy rate of the financial assistance for candidates and the election expenses limit for the 2019 District Council Ordinary Election"; and
- (b) "2019 Voter Registration Campaign".

III. Outcome of the Hearing of the Report of the Hong Kong Special Administrative Region by the United Nations Committee on the Elimination of Racial Discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination [LC Paper Nos. CB(2)238/18-19(03) and (04)]

Meeting with deputations and the Administration

3. The Under Secretary for Constitutional and Mainland Affairs ("USCMA") said that the United Nations Committee on the Elimination of Racial Discrimination ("the Committee") conducted a hearing on the Report of the Hong Kong Special Administrative Region ("HKSAR") submitted under the International Convention on the Elimination of All Forms of Racial Discrimination ("the hearing") on 10 and 13 August 2018 in Geneva. A delegation from the HKSAR Government attended the hearing as part of the Chinese delegation. USCMA referred Members to Annexes B and C to the Administration's paper (LC Paper Nos. CB(2)238/18-19(03)) respectively for the Concluding Observations issued by the Committee on 30 August 2018 ("the Concluding Observations") and the press release issued by the HKSAR Government on its initial response on 31 August 2018. USCMA informed members that the HKSAR Government would take a critical look at all the issues relating to HKSAR as raised in the Concluding Observations and give a detailed response to the Committee's recommendations in the next report to be submitted by January 2023.

4. The Panel received views from 19 deputations/individuals on the outcome of the hearing. A summary of views expressed by these deputations/individuals is in the **Appendix**.

Administration's response to deputations' views

5. In response to the views expressed by the deputations on issues under the purview of the Constitutional and Mainland Affairs Bureau ("CMAB"), USCMA made the following points:

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- (a) the Administration had provided its initial response to the Committee's Concluding Observations as set out in Annex C to its paper. The Administration would study the Committee's recommendations including the recommendation of bringing all government functions and powers within the scope of the Race Discrimination Ordinance ("RDO") (Cap. 602) and review whether there was a need to enhance the clarity of the relevant provisions in RDO;
- (b) although the definition of "race" in RDO did not cover the resident status of a person, the protection from discrimination on the ground of race provided under RDO applied equally to all persons in Hong Kong, including new arrivals from the Mainland ("NAs"). While the Equal Opportunities Commission ("EOC") had recommended in its report on the Discrimination Law Review ("DLR") that protection from discrimination on grounds of nationality, citizenship and resident status should be introduced under RDO, it proposed that further research, consultation and education on the subject were required given the complexity of the issues involved. The Administration would consider EOC's recommendation carefully and take public views into account; and
- (c) as announced in the Chief Executive's (CE's) 2018 Policy Address, the Administration would improve the Administrative Guidelines on Promotion of Racial Equality ("the Administrative Guidelines") for application to all government bureaux and departments ("B/Ds") as well as related organizations providing services to ethnic minorities ("EMs").

6. On issues which fell under the purview of the Security Bureau, the Principal Assistant Secretary for Security (Review) ("PAS(S)R") made the following points:

- (a) since the comprehensive review of the strategy of handling non-refoulement claims was launched in early 2016, there had been a decrease in the overall number of new non-refoulement claims made to the Immigration Department ("ImmD"). Generally speaking, non-refoulement claims made by minor claimants would be processed together with their parents' claims and none of the around 16 000 non-refoulement claims processed/being processed by ImmD involved a minor claimant who was unaccompanied by

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his/her parent(s). It was also noteworthy that all claimants were provided with publicly-funded legal services in making their claims. Should the parent(s) or the legal representative of a minor claimant consider it necessary for the minor's claim to be processed separately, a special request could be made to ImmD which would consider the request having regard to the actual circumstances of the case;

- (b) under the existing law of Hong Kong, parents of every child born in Hong Kong, regardless of their immigration status, should apply for the registration of the child's birth within a period of 42 days after the day of birth. Birth registration was free of charge if it was made within the aforesaid period;
- (c) among the non-refoulement claims on which determinations had been made by ImmD, none of the claimants were stateless persons. As a matter of fact, only persons who were liable to be removed to their home countries would be eligible to make non-refoulement claims under the unified screening mechanism; and
- (d) given the unique situation of Hong Kong which rendered it particularly vulnerable to the ill effects of illegal immigration, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol ("the Refugee Convention") had never been applicable to Hong Kong. While the Administration would continue to process non-refoulement claims in strict accordance with the Basic Law, other relevant legislation and court rulings, it did not see at the present stage any change to the circumstances of Hong Kong that justified a departure from its long-established position of not applying the Refugee Convention to Hong Kong.

7. On issues which fell under the purview of the Labour Department ("LD"), the Assistant Commissioner for Labour (Policy Support) made the following points:

- (a) LD had all along attached great importance to facilitating the employment of EMs. In addition to general employment services, special counters and resource corners for EM job seekers were set up at all job centres under LD. Employment Services Ambassadors who could communicate in EM languages were engaged to serve EM job seekers at job centres. EM job seekers might also meet employment officers to obtain personalized

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employment advisory service. Furthermore, LD had organized inclusive job fairs at which job seekers, including EMs, could submit job applications and attend interviews with employers on the spot;

- (b) to open up more job opportunities for EMs with a lower level of Chinese proficiency, LD constantly reminded employers who advertised vacancies via LD to consider the genuine needs of the posts when specifying the language requirement and encouraged them to relax the language requirement where practicable. Amongst the private sector vacancies recorded by LD in recent years, about 70 000 vacancies each year had a lower level of Chinese language requirement; and
- (c) as announced in CE's 2018 Policy Address, LD would launch a pilot programme in conjunction with non-governmental organizations ("NGOs") to provide employment services for EM job seekers through a case management approach so as to utilize NGOs' community network, expertise in case management and experience in serving EMs.

8. On issues which fell under the purview of the Education Bureau ("EDB"), the Acting Principal Assistant Secretary for Education (Education Commission and Planning) made the following points:

- (a) given that the Chinese proficiency of non-Chinese speaking ("NCS") students, notably EM students, was crucial to their integration into the community as well as further studies and career pursuits, the policy intent was to help NCS students overcome the difficulties in learning Chinese as a second language with a view to facilitating their bridging over to mainstream Chinese Language classes. The Government did not consider it appropriate to provide NCS students with a simpler Chinese Language curriculum, which will limit their opportunities for Chinese learning in the long run;
- (b) in this connection, EDB had developed, from the perspective of second language learners, the "Chinese Language Curriculum Second Language Learning Framework" ("Learning Framework") based on the mainstream Chinese Language curriculum and input from experts and academics. The "Learning Framework" had been implemented in primary and secondary schools starting from the 2014-2015 school year. With reference to the "Learning

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Framework", teachers could set progressive learning targets, learning progress and expected learning outcomes in the reading, writing, listening and speaking domains so that their NCS students with diverse learning needs could learn Chinese progressively in a "small-step" approach;

- (c) regarding professional training for teachers, EDB had been organizing diversified and progressively advanced professional development programmes for teachers to help schools implement the "Learning Framework" and enhance teachers' professional capability of teaching Chinese as a second language. EDB had also launched the "Professional Enhancement Grant Scheme for Chinese Teachers (Teaching Chinese as a Second Language)" under the Language Fund to encourage serving Chinese Language teachers to attend relevant in-service training programmes through providing subsidies. EDB would continue to offer and update the professional development programmes for teachers in the light of their needs and would disseminate information on such programmes to teachers through different channels; and
- (d) all eligible applicants, irrespective of their races and languages spoken at home, enjoyed equal opportunities to be admitted to post-secondary programmes. For NCS applicants who met the specified circumstances, the participating institutions of the Joint University Programmes Admission System ("JUPAS") accepted alternative Chinese Language qualifications, including those under the General Certificate of Education (GCE), General Certificate of Secondary Education (GCSE) and International General Certificate of Secondary Education (IGCSE), for the purpose of satisfying the entrance requirement in respect of Chinese Language. Besides, the Applied Learning Chinese (for NCS students) of the Hong Kong Diploma of Secondary Education Examination (HKDSE) (Category B) was also accepted. All JUPAS participating institutions had uploaded the accepted alternative Chinese Language qualifications, minimum grade required, and special requirements for alternative Chinese Language qualifications in respect of individual programmes onto the JUPAS website. All post-secondary institutions enjoyed autonomy in student admission. Institutions could flexibly handle the Chinese Language requirement for NCS students on a case-by-case basis.

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Discussion

Inadequacies of the Race Discrimination Ordinance

9. Mr CHAN Chi-chuen said that the judgment of *Singh Arjun v. Secretary for Justice* showed that the prohibition against racial discrimination in the provision of "services" in RDO was not applicable in terms of government acts in relation to law enforcement. In his view, the Administrative Guidelines were ineffective in promoting racial equality as they were not binding and B/Ds would not be held liable for non-compliance with the Guidelines. Dr CHENG Chung-tai urged the Administration to take heed of the calls of deputations for bringing all government functions and powers within the scope of RDO and mandating all B/Ds, including the disciplined services, to comply with the Administrative Guidelines in performing their duties. Mr CHAN Chi-chuen and Ms Claudia MO enquired about the Administration's timetable for introducing necessary amendments to RDO to cover government functions and powers.

10. USCMA said that as required by the Committee, the Administration would provide a detailed response to and clarify its position on the Committee's recommendations, including the recommendation of bringing all government functions and powers within the scope of RDO, in the next report of HKSAR to be submitted by January 2023. Citing a complaint from EMs about a promotional poster issued by the Environmental Campaign Committee as an example, Dr CHENG Chung-tai stressed the need for B/Ds and relevant public authorities to enhance their awareness of non-discrimination on the ground of race and sensitivity towards cultural differences and racial equality issues.

11. Mrs Regina IP considered that the existing legislation in Hong Kong was inadequate in tackling the issue of racist hate speech and hate crimes. Pointing out that the United Kingdom had from time to time updated its legislation to combat racist hate speech and hate crimes, Mrs IP expressed dissatisfaction with the lack of action taken by the HKSAR Government in this regard. In response to Mrs IP's enquiry, USCMA said that sections 45(1) and 46 of RDO specifically dealt with the issue of racial vilification and serious racial vilification respectively. At Mrs IP's request, USCMA undertook to provide after the meeting information on prosecutions instituted, if any, under the aforementioned sections of RDO.

12. The Deputy Chairman queried the effectiveness of RDO in combating racial vilification. Referring to the complaints lodged with EOC in relation to

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the oaths taken by Ms YAU Wai-ching and Mr Sixtus LEUNG Chung-hang, the Deputy Chairman expressed dissatisfaction with EOC's conclusion that according to the legal advice it had sought, the conduct of Ms YAU and Mr LEUNG did not constitute any unlawful act including racial vilification under RDO. He was also concerned that according to the Administration's paper, none of the 401 complaint cases in relation to race discrimination under RDO handled by EOC during the period from April 2013 to March 2018 was related to serious vilification. He urged the Administration to review whether the existing definitions of "vilification" and "serious vilification" under RDO were too narrow. USCMA said that while he would not comment on EOC's handling of individual complaint cases, the Administration would bear in mind relevant cases when examining the Committee's recommendations relating to HKSAR.

13. Mrs Regina IP called on the Administration to address the Committee's concern that indirect discrimination with regard to language, immigration status and nationality should be included among the prohibited grounds of discrimination in RDO. Echoing the view expressed by some deputations that protection from discrimination on grounds of nationality, citizenship and resident status should be introduced under RDO, the Deputy Chairman asked why the Administration had not followed up on that as also recommended by EOC in 2016. USCMA clarified that the issue had been discussed during the scrutiny of the Race Discrimination Bill by the Legislative Council ("LegCo"). RDO expressly provided that any discriminatory act done on the ground of a person's nationality, citizenship or resident status did not constitute racial discrimination. That said, the Administration would re-examine the issue in the light of the views raised by the Committee, EOC and LegCo Members.

14. Mr Christopher CHEUNG considered that discrimination against NAs was prevalent in Hong Kong. He was particularly concerned that some LegCo Members often made such discriminatory or hostile remarks that NAs were to compete for resources with the local people, and that these Members even requested the Government to reduce the daily quota of 150 One-way Permits for Mainland residents coming to settle in Hong Kong for family reunion. He asked whether the Government agreed that the problem of discrimination against NAs in Hong Kong was deteriorating, and if it did, whether it had plans to legislate to protect NAs and to take measures to eliminate misconceptions about NAs among the local people.

15. USCMA explained that under the existing RDO, the definition of "race" was confined to a person's "race, colour, descent or national or ethnic origin" and did not cover the person's nationality, citizenship or resident status. On

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whether RDO should be amended to include immigration status and nationality among the prohibited grounds of discrimination as raised by the Committee, the Government would study the relevant issues in detail. In response to Mr Christopher CHEUNG's further enquiry, USCMA said that it had been the Government's policy to facilitate the early integration of NAs into the local community. Various B/Ds had been providing NAs with a range of support services, such as education support, employment support, housing and social welfare services.

Equal Opportunities Commission

16. Mr LAM Cheuk-ting said that he shared the Society for Community Integration's concern that EOC was not set up or operating in accordance with the Paris Principles, which stressed that a human rights institution should be independent from the Government. Pointing out that the Chairperson and members of EOC were appointed by CE, Mr LAM asked whether the Administration would consider reforming the appointment mechanism by vesting the authority of appointment in an independent selection board comprising representatives from the civil society so as to ensure the institutional independence of EOC.

17. USCMA said that the Paris Principles were a detailed set of principles for the establishment and operation of national human rights institutions. It was not an international convention or a standard of law. He stressed that human rights were fully protected by law in HKSAR, and were enshrined in the Basic Law, the Hong Kong Bill of Rights Ordinance (Cap. 383) and other relevant legislation. These were buttressed by the rule of law and an independent judiciary. Under the existing institutional framework, there were a number of organizations which helped promote and safeguard human rights and equal opportunities. These organizations included not only EOC but also the Ombudsman, the Privacy Commissioner for Personal Data, and the legal aid services. USCMA further advised that as the current term of office of the Chairperson of EOC would expire soon, an open recruitment exercise was being conducted and the selection board also comprised non-official members.

18. Mr LAM Cheuk-ting noted that in response to a motion passed by the Panel at its meeting on 14 February 2018, the Administration advised that EOC had set up a Review Panel to look into matters relating to EOC's operation and the relevant reviews were expected to be completed by mid-2018. He asked whether the reviews had been completed and whether the findings would be made public. USCMA replied that the said reviews were still in progress.

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Non-ethnic Chinese illegal immigrants

19. Dr CHIANG Lai-wan expressed concern that there was an increase in cases of crime committed by non-ethnic Chinese illegal immigrants ("NECIIs") including those who were released on recognizance in recent years as non-refoulement claimants. She pointed out that many EMs who had been living in Hong Kong for many years complained that their daily life were affected as the problems caused by NECIIs had left Hong Kong people with a negative impression of EMs. Dr CHIANG asked whether the Administration would consider adopting the arrangement of "immediate repatriation upon arrest" or revoking the applications for non-refoulement protection made by NECIIs who had committed crimes with reference to the practices adopted by certain overseas jurisdictions.

20. PAS(S)R responded that the Government had actively introduced measures to address the surge in the number of non-refoulement claimants in recent years. They included launching joint operations with relevant Mainland authorities to combat the smuggling of illegal immigrants across the boundary, expediting the screening of pending claims and repatriation of rejected claimants, and stepping up enforcement against criminal activities involving NECIIs. PAS(S)R further said that while the Government would make reference to other jurisdictions' practices and experience in tackling the issue of illegal immigrants, the arrangement of "immediate repatriation upon arrest" would unlikely conform with the requirements/principles laid down in the relevant laws and court judgments in Hong Kong in relation to the procedures for dealing with non-refoulement claimants.

Human trafficking

21. Mr Dennis KWOK expressed concern that the Administration had not followed up on the recommendation repeatedly made by various committees of UN that Hong Kong should enact comprehensive laws to prohibit all forms of trafficking in persons. In response to Mr KWOK's enquiry, USCMA advised that HKSAR's fourth report in the light of the International Covenant on Civil and Political Rights had been submitted to UN. Mr KWOK requested the Administration to make available the report for public reference as soon as possible. USCMA undertook to look into the matter after the meeting.

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(At 4:26 pm, the Chairman directed that the meeting be extended by 15 minutes beyond the appointed ending time.)

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Response made by the Hong Kong Special Administrative Region Government delegation at the hearing

22. Mr Dennis KWOK and Dr Fernando CHEUNG noted with concern that some NGOs were dissatisfied with the brief oral response made by the HKSAR Government delegation at the hearing. Mr KWOK stressed that as the delegation was representing Hong Kong to attend the hearing, they should respond to the Committee's comments and questions in a proactive, responsible and open manner.

23. USCMA clarified that the HKSAR Government had proactively responded to the questions and issues raised by the Committee before and at the hearing. He pointed out that the Committee issued a "list of themes" before the hearing, and made it clear that no written replies were necessary. Nevertheless, the HKSAR Government had prepared a Written Response to the "list of themes", as well as questions and issues raised at the hearing on 10 August 2018 to facilitate discussion at the subsequent hearing on 13 August 2018, though this was not required by the Committee. At the hearing on 13 August 2018, the HKSAR Government delegation orally responded to the key questions and issues raised by the Committee on 10 August 2018. The delegation also suggested the Committee refer to the relevant parts of the Written Response for details with respect to other specific issues raised.

24. Dr Fernando CHEUNG asked whether the HKSAR Government would implement the following recommendations made by the Committee in the Concluding Observations: (a) racist hate speech and hate crimes should be publicly condemned; (b) HKSAR should adopt comprehensive laws on refugee status in conformity with the Refugee Convention; and (c) the "two-week rule" and the "live-in requirement" applicable to foreign domestic helpers ("FDHs") should be examined; and measures to protect FDHs, including investigations, prosecutions and sanctions, should be provided in HKSAR's next periodic report. Dr CHEUNG also enquired when the HKSAR Government would follow up on the recommendation made by EOC under DLR that all government functions and powers should be brought within the scope of RDO. USCMA reiterated that the Administration would take a critical look at all the issues relating to HKSAR as raised in the Concluding Observations and give a detailed response to the Committee's recommendations in HKSAR's next report to be submitted by January 2023. Dr CHEUNG requested the Administration to provide a written response to his aforesaid questions after the meeting.

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IV. Any other business

25. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2
Legislative Council Secretariat
12 February 2019

Panel on Constitutional Affairs

Meeting on Monday, 19 November 2018, at 2:30 pm

Meeting to receive views on "Outcome of the hearing of the Report of the Hong Kong Special Administrative Region by the United Nations Committee on the Elimination of Racial Discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination"

Summary of views and concerns expressed by deputations/individuals

No.	Name of deputation / individual	Submission / Major views and concerns
1.	The Civic Party	<ul style="list-style-type: none"> LC Paper No. CB(2)308/18-19(01)
2.*	Mr LEUNG Kwok-hung	<ul style="list-style-type: none"> The \$500 million earmarked by the Government for strengthening support for ethnic minorities ("EMs") would not solve the current problems faced by EMs if no performance indicators and monitoring mechanism were put in place to ensure that the support measures targeting EMs (including provision of additional funding to schools admitting non-Chinese speaking ("NCS") students) were effective. More efforts should also be made to enhance teachers' professional capability in teaching and supporting NCS students. The poverty rates of South Asians overall and Pakistanis specifically were disproportionately high. Specific indicators should be set for alleviating poverty among EMs. The Government should compile and publish statistical information on the participation of EMs in public services.
3.	New Immigrants' Mutual Aid Association	<ul style="list-style-type: none"> LC Paper No. CB(2)238/18-19(05)
4.	The Hong Kong Council of Social Service	<ul style="list-style-type: none"> LC Paper No. CB(2)342/18-19(01)
5.*	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> Although much efforts had been made by authorities concerned in tackling the problem of racial discrimination in Hong Kong, negative stereotypes or misunderstandings about the EM communities were still prevalent in Hong Kong. The Government should draw up guidelines and programmes for promoting racial equality and conduct surveys to evaluate the effectiveness of their implementation. The Government should also address the poverty situation of EMs and the difficulties encountered by them in seeking jobs.
6.	PathFinders Limited	<ul style="list-style-type: none"> LC Paper No. CB(2)308/18-19(06)
7.	Ms Kelley LOPER	<ul style="list-style-type: none"> LC Paper No. CB(2)308/18-19(02)

8.	Centre for Comparative and Public Law	<ul style="list-style-type: none"> ● LC Paper No. CB(2)308/18-19(06)
9.	Civil Human Rights Front	<ul style="list-style-type: none"> ● LC Paper No. CB(2)308/18-19(06)
10.	WE Super Women Group	<ul style="list-style-type: none"> ● LC Paper No. CB(2)308/18-19(03)
11.*	Equal Access Group	<ul style="list-style-type: none"> ● Many EMs faced discrimination in job-seeking and recruitment processes. The Equal Opportunities Commission ("EOC") should collaborate with the Labour Department to promote awareness of prohibited discriminatory acts in the employment field under the Race Discrimination Ordinance ("RDO") (Cap. 602) and call on employers to review whether it was practicable to lower the Chinese language requirement in respect of their advertised jobs. ● The scope of application of RDO should be extended to cover all Government functions and powers. RDO should also be amended to provide for protection from discrimination on the ground of religion and prohibit acts of indirect discrimination in employment such as imposing unreasonable Chinese language requirements.
12.*	AIM GROUP	<ul style="list-style-type: none"> ● Employers often turned down job applications from EMs on the ground that they could not read and write Chinese even though no Chinese language requirement was specified in the relevant job advertisements. ● Many EMs did not know where to seek help when they experienced direct or indirect discrimination in job-seeking or at work. The Government should step up publicity and promotional efforts to raise public awareness of anti-discrimination laws and the work of EOC.
13.	Catholic Diocese of Hong Kong Diocesan Pastoral Centre for Workers-Kowloon	<ul style="list-style-type: none"> ● LC Paper No. CB(2)308/18-19(04)
14.	Hong Kong Unison	<ul style="list-style-type: none"> ● LC Paper No. CB(2)262/18-19(01) ● LC Paper No. CB(2)308/18-19(06)
15.*	Society for Community Integration	<ul style="list-style-type: none"> ● The Government should follow up on the concern expressed by the United Nations Committee on the Elimination of Racial Discrimination ("the Committee") that EOC had been assigned a C rating by the Global Alliance of National Human Rights Institutions, which indicated that the composition and operation of EOC did not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (i.e. the Paris Principles). ● The fact that most of the 51 employment-related racial discrimination complaints handled by EOC between

		<p>April 2013 and March 2015 were discontinued reflected that the current threshold for substantiating racial discrimination complaints was too high. The Government should conduct inspections and investigations relating to racially discriminatory practices in employment as recommended by the Committee.</p> <ul style="list-style-type: none">● The Government should also follow up on the concern raised by the Committee about racist hate speech and hate crimes in Hong Kong. EOC and other relevant authorities should closely monitor whether negative portrayals and hostile statements in traditional and social media targeting EMs constituted offences under RDO and take necessary enforcement actions in a timely manner. They should also publicly condemn racist hate speech and hate crimes, and enhance public education on human rights and racial equality.
16.	Miss CHEUK Man Po	● LC Paper No. CB(2)308/18-19(05)
17.	Justice Centre Hong Kong	● LC Paper No. CB(2)342/18-19(02)
18.	Hong Kong Human Rights Monitor	● LC Paper No. CB(2)308/18-19(06)
19.	Society for Community Organization	● LC Paper No. CB(2)238/18-19(05)

* No submissions provided for this meeting