

RACE DISCRIMINATION BILL

COMMITTEE STAGE

Amendments to be moved by the Honourable Margaret NG

Clause

Amendments Proposed

4

By adding—

“(1A) In any circumstances relevant for the purposes of any provision referred to in subsection (1B), a person (“the discriminator”) also discriminates against another person if the discriminator applies to that other person a provision, criterion or practice which the discriminator applies or would apply equally to persons not of the same racial group as that other person, but—

- (a) which puts or would put persons of the same racial group as that other person at a particular disadvantage when compared with other persons;
- (b) which puts that other person at that disadvantage; and
- (c) which the discriminator cannot show to be a proportionate means of achieving a legitimate aim.

(1B) The provisions mentioned in subsection (1A) are—

- (a) Part 2A;

- (b) Part 3, except sections 24 and 25;
- (c) sections 26 to 29;
- (d) sections 34 and 35; and
- (e) Part 5, in its application to the provisions referred to in paragraphs (a) to (d).

(1C) Where, if by virtue of subsection (1A), a person discriminates against another person, subsection (1)(b) does not apply to the first-mentioned person.”.

- 8(3)(b) By deleting subparagraph (i).
- 8(3)(b) By deleting subparagraph (ii) and substituting—  
“ (ii) has or has not the right to land in Hong Kong;”.
- 8(3)(b) By adding “or” after “(Cap. 115);” in subparagraph (iv).
- 8(3) By deleting paragraph (c).
- 8(3) By deleting “nationality,” in paragraph (d) where it twice appears.
- New By adding immediately before Part 3—

“PART 2A

GOVERNMENT

**9A. Government**

It is unlawful for the Government to

discriminate against a person on the ground of race of that person in the performance of its functions or the exercise of its powers.”.

New

By adding—

**“9B. General statutory duty of the Government**

(1) The Government shall, in carrying out its functions, have due regard to the need—

- (a) to eliminate racial discrimination; and
- (b) to promote equality of opportunity and good relations between persons of different racial groups.

(2) For the purpose of subsection (1), each of the bureaux and departments of the Government and the public authorities specified in Schedule 6 shall—

- (a) state those of its functions and policies, or proposed policies, which it has assessed as relevant to the performance of its duty under subsection (1);
- (b) assess and consult on the likely impact of its proposed policies on the promotion of racial equality;
- (c) monitor its policies for any adverse impact on the promotion of racial equality;
- (d) publish the results of such assessment and consultation as are mentioned in sub-paragraph (b) and such monitoring as is

mentioned in sub-paragraph (c);

- (e) ensure public access to information and services that it provides;
- (f) provide training for its staff in connection with the duties imposed by this section; and
- (g) review the assessment referred to in paragraph (a) at reasonable intervals or at the request of a committee of the Legislative Council.

(3) The Chief Secretary for Administration may, by notice published in the Gazette, amend Schedule 6.

(4) No exceptions or exclusions provided in this Ordinance shall operate to abrogate or limit the duty of the Government referred to in subsection (1) or release the Government from such duty or any part thereof.”.

10(3) By deleting “subsections (1) and” and substituting “subsection”.

10(8) By deleting “third” and substituting “first”.

10(10) By deleting everything after “in the Gazette,” and substituting—

“amend subsection (3) by substituting another number for the number appearing after the word “exceed” in that subsection.”.

17(1) By deleting “firm consisting of not less than 6 partners,” and substituting “firm,”.

- 17 By deleting subclause (7).
- 41 By deleting subclause (1) and substituting—
- “(1) In this section, “discriminatory practice” (歧視性的做法) means—
- (a) the application of a requirement or condition which results in an act of discrimination which is unlawful by virtue of any provision of Part 2A, 3 or 4 as read with section 4(1)(b), or which would be likely to result in such an act of discrimination if the persons to whom it is applied were not all of the same racial group; or
  - (b) the application of a provision, criteria or practice which results in an act of discrimination which is unlawful by virtue of any provision of Part 2A, 3 or 4 as read with section 4(1A), or which would be likely to result in such an act of discrimination if the persons to whom it is applied were not all of the same racial group.”.
- 42(1) By adding “2A,” before “3”.
- 43 By adding “2A,” before “3”.
- 44(1) By adding “2A,” before “3”.
- PART 6 By adding in the heading “2A,” before “3,”.
- 49 By adding “2A,” before “3,”.

- 50(1) By adding “2A,” before “3,”.
- 51(1) By adding “2A,” before “3,”.
- 52(1) By adding “2A,” before “3,”.
- 55 By adding “2A,” before “3,”.
- 56 By adding in the heading of the clause “**2A**,” after “**Parts**”.
- 56 By adding “2A,” before “3,”.
- 58 By adding—

“(1A) Subsection (1) does not apply to section 20 when the vocational training course is specifically provided for persons speaking a particular vernacular.

(1B) Subsection (1) does not apply to section 27 when the service provided is medical treatment within the meaning of section 2 of Medical Clinics Ordinance (Cap. 343).

(1C) For the avoidance of doubt, it is declared that nothing in subsection (1B) requires—

- (a) a provider of medical treatment to provide to a patient a verbatim translation in the vernacular of that patient of any written or oral communication or medicinal label; or
- (b) the presence of a translator of a patient’s vernacular when the patient is receiving medical

treatment.”.

58(3)	By adding after “the language” “and “vernacular” means the language spoken by a person but does not include a dialect”.
59(2)	By adding “2A,” before “3,”.
71(1)(a)	By adding “2A,” before “3,”.
81(9)(b)	By adding “2A,” before “3,”.
New	By adding—

“SCHEDULE 6

SPECIFIED BUREAUX AND  
DEPARTMENTS OF THE GOVERNMENT  
AND PUBLIC AUTHORITIES

1. Home Affairs Bureau
2. Home Affairs Department
3. Food and Health Bureau
4. Department of Health
5. Labour Department
6. Education Bureau
7. Social Welfare Department
8. Hospital Authority
9. Vocational Training Council

10. Employees Retraining Board
11. Construction Industry Council”.