

**Educational Provision for Ethnic Minority Students in Hong
Kong: Meeting the Challenges of the Proposed
Racial Discrimination Bill**

A Public Policy Research Project (HKIEd8001-PPR-2)

First Interim Report

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Summary of Key Issues

The following issues have been identified as necessary to ensure that the special needs of ethnic minority students are being met and therefore to forestall any potential action under the proposed Racial Discrimination Ordinance.

1. Teaching of Chinese as a second language is the single most important issue for ethnic minority students. EDB is making concerted efforts to prepare appropriate curriculum and the importance of this cannot be overestimated. The lack of Chinese language proficiency prevents ethnic minority students from progressing through the education system and is the most significant barrier to equity for these students.
2. In providing specific curriculum for teaching Chinese as a second language thought needs to be given to teacher education since first language and second language teaching require different skills and understandings. Second language curriculum is not just a modification of first language curriculum – it represents an entirely different context for teaching and learning.
3. In order to support teachers in this new and demanding teaching context, courses should be provided on cultural sensitivity training. This will help teachers to be aware of the special needs of ethnic minority students.
4. Additional support will be required for most ethnic minority students in order for them to achieve at the same level as students for whom Chinese is a first language. This may take the form of after school classes or weekend classes.
5. Serious thought needs to be given at both government and school level to the development of policy on multiculturalism or cultural diversity. Because Hong Kong is a predominantly Chinese society, ethnic minorities are often ‘invisible’ and so too are their needs. A public affirmation of cultural diversity that is echoed in schools could help to correct the perception of Hong Kong as a ‘monocultural’ society.

Executive Summary

The Racial Discrimination Bill was passed by the Executive Council on 21 November 2006, and was officially introduced to Legislative Council for the first reading on 13 December 2006. It has been the subject of public debate and discussion since it was introduced into the Bills Committee in January 2007¹. This interest has been maintained by non-government organizations seeking greater clarity of the Bill's provisions in relation to the quality of education of ethnic priority students.

The Education Manpower Bureau (now the Education Development Bureau – EDB) has responded to the Bill's provisions in a number of ways to ensure that the public education system is not in contravention of the Bill's provisions. Specific EDB responses are outlined in the report (Section 3).

Three key issues are seen to require attention in the future. Such issues are legal in nature since they involve an assessment of the extent to which Government actions might be seen as discriminatory under the proposed legislation. They therefore represent judgments by the project team and they are offered “without prejudice”.

1. The development of a Chinese as a Second Language curriculum to meet the needs of non-native Chinese speakers.

Rationale: Unless recognition is given to the fact that ethnic minority students as non-native Chinese speakers require specialized curriculum to meet their unique needs, action could be taken under the proposed legislation on the grounds that not addressing the needs of ethnic minority students for relevant curriculum is a form of discrimination.

2. The development of anti-prejudice/anti-racism education for both staff and students of schools to ensure that ethnic minority students are not the subject of racial slurs within the boundaries of schools.

Rationale: There is ample evidence to suggest that playgrounds in Hong Kong are sites for bullying and racial slurs. To lessen the likelihood of action under the proposed legislation the Government should set in place curriculum and staff development programmes to ensure that in all schools such behaviour is not acceptable. This may also involve the development of broader policies on multiculturalism that clearly signal the extent to which diversity is seen as an important component of social harmony and cohesion.

3. The resolution of university entrance requirements for ethnic minority students

Rationale: While both EDB and the University Grants Committee have highlighted the importance of this issue and sought to resolve it with universities, it remains unresolved. Community groups favour what is essentially an ‘affirmative action’ approach (see Appendix 1 for the definition) but universities and the Government are reluctant to endorse such an approach favouring instead case-by-case decision making. It may well be the case in the future that action could be taken claiming that lack of provision of relevant education for ethnic minorities has resulted in their inability to gain entrance to universities and it therefore has been discriminatory.

¹ See Appendix 1 for details of the Bills Committee's handling of the Bill.

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1.0 Introduction to the Project

This project is funded by Public Policy Research Funding Scheme. The funding scheme in a total amount of HK\$20 million will be allocated from the Central Policy Unit to the Research Grants Council annually for three consecutive years from 2005/06 to 2007/08 financial years. The project has been funded for three years, from October 2006 to September 2009.

1.1. Project Aims

The project aims to investigate current educational provision for ethnic minority students in Hong Kong schools in the light of the Race Discrimination Bill. The first year of the project examined relevant system level policy documents, including the Bill and government documents on educational provision for ethnic minority students in Hong Kong. Key policymakers responsible for ethnic minority students have been interviewed. Policies of some Asian countries and western countries on the issue of educational provision for ethnic minority children have been reviewed. In the second year of the project, the research team will assess the views of school policymakers and teachers on the provision of education for ethnic minority students by conducting surveys, interviews and school document analysis. In the third year of the project the research team will mainly study a sample of teachers, parents and students within the sample schools. Observations will be carried out in classrooms.

1.2 Purpose of this Report

This is an interim report of the project. The report firstly will review the Race Discrimination Bill and the current government's support to ethnic minority students. A brief background of ethnic minority students in Hong Kong will be given. Then potential implications of the Bill for educational provision for ethnic minority students will be discussed in three areas including the broad policy context, school, curriculum, and classroom teaching, and teacher education.

2.0 The Race Discrimination Bill

A bill to outlaw racial discrimination has long been awaited in Hong Kong and

legislation has been introduced to the Legislative Council. The legislation is necessary, as the existing legislation bounded by Hong Kong Bill of Rights Ordinance (HKBORO) only covers the government and public authorities. This means that only the government and public authorities are prohibited from engaging in any act of discrimination including racial discrimination, and this Ordinance does not apply to private organizations and individuals. The Bill then aims to fill this gap which had been repeatedly criticized by United Nations' human rights treaty monitoring bodies such as United Nations High Commissioner for Human Rights.²

The Bill was first introduced to the public in 2004. After public consultation held by Home Affairs Bureau from September 2004 to February 2005, the proposed Bill was finally passed by the Executive Council on 21 November 2006, and was officially introduced to Legislative Council for the first reading on 13 December 2006.

2.1 Summary of the Bill

The Bill regards “race” as “the race, colour, descent or national or ethnic origin of a person” (Home Affairs Bureau, 2006a: Clause 8(1)). The objective of the Bill is 1). to make racial discrimination and harassment in prescribed areas and vilification on the ground of race unlawful and to prohibit serious vilification on that ground; 2). to extend the jurisdiction of the Equal Opportunities Commission to cover racial discrimination (Home Affairs Bureau, 2006b: 3).

The Bill suggests application to six areas of activities in both public and private sectors. They are 1) employment; 2) education; 3) provision of goods, facilities, services and premises; 4) election and appointment to public bodies; 5) pupillage and tenancy by, and instructions to, barristers; 6) membership of and access to clubs (Home Affairs Bureau, 2006b: 4). The Bill prohibits direct racial discrimination and indirect racial discrimination which covers requirement or condition imposed inherently putting people of a racial group at a particular disadvantage.

Exemption being introduced by the Bill has been the most controversial part. For example, in the area of employment, employers are allowed to hire domestic helpers

² *Legislative Council Brief: Race Discrimination Bill* (2006). Paper HAB/CR/1/19/102

of a particular race (Home Affairs Bureau, 2006a: Clause 10(7)). Companies with not more than five staff will be exempt for the first three years of the enactment of the Bill (Home Affairs Bureau, 2006a: Clause 10(3) & (8)). In the area of education, schools will be exempt in their choices of medium of instruction and holiday arrangement (Home Affairs Bureau, 2006a: Clause 26(2)). While the government insisted that the Bill was drafted on the basis of the UK Race Relations Act 1976 which as they argued was well tested with court cases, human rights advocates have argued that the 1976 Act has long been criticized as too narrow and regressive.³

2.1 Education and the Bill

In the area of education, in particular, the Bill states that no educational establishment is allowed to discriminate against any person on the ground of race in terms of admission and students' treatment.

It is unlawful for the responsible body for an educational establishment to discriminate against a person ---

(a). in the terms on which it offers to admit that person to the establishment as a student;

(b). by refusing, or deliberately omitting to accept, an application for that person's admission to the establishment as a student; or ---

(c). where the person is a student of the establishment ---

(i). in the way it affords the person access to any benefits, facilities or services, or by refusing or deliberately omitting to afford the person access to them; or

(ii). by expelling the person from the establishment or subjecting him or her to any other detriment (Home Affairs Bureau, 2006a: Clause 26(1)).

Nevertheless, the Bill notes that it is not mandatory for schools to make any change or special arrangement for people of any race.

Nothing in subsection (1) is to be construed as requiring the responsible body for an educational establishment ---

(a). to modify for persons of any racial group arrangements of the establishment regarding holidays or medium of instruction; or

³ South China Morning Post. "Race bill is 'no panacea for prejudice'", 3 December 2006.

(b). to make different arrangements on those matters for persons of any racial group persons (Home Affairs Bureau, 2006a: Clause 26(2)).

In addition, exception for use or failure to use a particular language is allowed as mentioned in Clause 58.

(1). Nothing in section 20, 21, 26, 27, 28, 29, 35 or 36 renders unlawful the use of, or the failure to use, any language in any circumstances relevant for the purposes of the section.

(2). For the avoidance of doubt, nothing in subsection (1) affects the Official Languages Ordinance (Cap. 5) or provisions on the use of language contained in any other enactment.

(3). In this section, a reference to the use of, or failure to use, a language includes a reference to the provision of, or failure to provide, a translation, interpretation or transcription into the language.

3.0 Educational Provision for Ethnic Minority Students in Hong Kong

Hong Kong is a multi-ethnic society. In 2001, 5.1% of the total population was ethnic minorities which refers to people with non-Chinese ethnicity. Most were from South Asian countries including the Philippines, Indonesia, India, Nepal, Pakistan and Thailand (Census and Statistics Department, 2002: 5). In 2006, the population of ethnic minority decreased by 0.1%, and the majority was South Asian in ethnicity (Census and Statistics Department, 2007: 36). As shown in 2001 census, around 60% of ethnic minorities in Hong Kong were aged 25 to 44. Some of them came to Hong Kong with their children, and some of their children were born in Hong Kong. In 2001, around 38,048 of ethnic minority children aged below 15 were reported in Hong Kong, of which 17,704 were studying full-time courses in primary and secondary schools (Census and Statistics Department, 2002: 21 and 47). In 2006/07 school year, it is reported that 3,390 students, with 470 in secondary schools and 2,920 in primary schools, were studying in public sector schools including government, aided and caput schools (Education and Manpower Bureau, 2006a).⁴

⁴ Ethnic minority students studying in DSS (Direct Subsidy Scheme) schools were not included in the data.

These students were mainly Indians, Pakistanis and Nepalese.⁵

Previous research on ethnic minority groups found that ethnic minorities in Hong Kong faced various kinds of difficulty in adaptation, including limited choice and opportunity in education, shortage of support in learning Chinese, difficulty in joining local public sector schools, difficulty in obtaining information about school placement, lack of interaction with Chinese students, and so on (Yang Memorial Methodist Social Service, 2000; Loper, 2004; Ku et al., 2005). Some ethnic minority students, especially students originally from South Asian countries, may have difficulty in learning English as they had no knowledge of English until they came to Hong Kong.

Even though the Race Discrimination Bill was introduced into Legislative Council in December 2006, the government has been criticized for excluding ethnic minority students from mainstream education.⁶ Human rights advocates and ethnic minority concern groups have called for equal treatment for these students, and urged education support such as a special curriculum on Chinese as a Second Language for these students. In particular, human rights advocates have expressed concern about the exemption on the use of language prescribed by the Bill, and regarded it as “legalized language discrimination”.⁷

3.1 Support from the Government

In response to the Bill, Education and Manpower Bureau has modified a list of measures for ethnic minority students. These measures mainly cover Chinese language learning and teaching.

Before the new school place allocation policy was finalized in the 2004/05 school year, ethnic minority children suffered from limited choice of schools. There were only 4 public sector schools with 2 primary and 2 secondary schools providing

⁵ HKSAR Government Press Release (2006). Replies to written questions: Schooling of ethnic minority children, 13 December 2006.

⁶ See China Daily (Hong Kong Edition). “Minority report: Gov’t vows equal opportunity for all”, 7 December 2006; South China Morning Post. “Equality chief accepts language fears”, 16 December 2006. South China Morning Post. “EMB put on notice to assist switch into Chinese”, 16 December 2006.

⁷ Sing Pao. “Many exemptions, ethnic minority group discontent”, 30 November 2006.

non-Chinese curriculum (Ku et al., 2005). Under the new school placement policy, these children can approach schools by themselves as long as the schools can provide support for them in learning Chinese.

In the 2006/2007 school year, Education and Manpower Bureau has designated 10 primary and 5 secondary schools to receive intensive on-site support in order to enhance the teaching of ethnic minority students. The support includes regular visits by professional officers to schools, providing help to schools in developing school-based Chinese language curricula, teaching and learning strategies and other school-based teaching resources (Education and Manpower Bureau, 2006b and 2007).

The teaching of Chinese to students for whom Chinese is not their first language has become a major issue highlighted by ethnic minority parents. In response to public pressure the Curriculum Development Institute (CDI) is now producing a supplementary curriculum guide on teaching Chinese to non-Chinese students. It is not a curriculum for teaching Chinese as a second language but it is recognition that the needs of non-native speakers of Chinese are different from those of native speakers. Ethnic minority students are also supported by a 4-week Summer Bridging Programme currently covering Primary One students that will be extended to Primary Two to Primary Four students. Tertiary institutions will be commissioned to initiate Chinese Learning Support Centre for these students, and training programmes for Chinese language teachers in these 15 designated schools (Education and Manpower Bureau, 2007).

For newly arrived children, including both Chinese and non-Chinese-speaking, the Education and Manpower Bureau (now EDB) has introduced a 60-hour induction programme for helping them to adapt to the new social and schooling environment since 2005. With the Bureau's subsidy, the programme aims mainly to strengthen children's personal development, social adaptation, and basic learning skill, is operated by non-government organizations (Education and Manpower Bureau, 2004a).

Moreover, the 6-month full-time initiation programme supported by the Bureau was initiated in 2000. It is to provide an alternative support service for newly arrived

children before they join mainstream schools in Hong Kong. As an integrated programme, it aims to enhance the children’s Chinese and English language abilities, to help them in adapting to the new learning and classroom environment in Hong Kong, and to facilitate their personal development and social adaptation. The programme is operated in a school setting, and the school can use the grant to design their own curriculum to meet their students’ needs (Education and Manpower Bureau, 2004b). Since 2004, five schools have joined the programme; one school is in Hong Kong Island, three in Kowloon and one in New Territories. Three schools provide primary level and two have secondary level for newly arrived children from Mainland, whereas only two offer primary level and one has secondary level for newly arrived non-Chinese speaking children and returnee children (See Table 1) (Education and Manpower Bureau, 2004c).

Table 1: Characteristics of Schools Adopting Full-time Initiation Programme

School	School Location	Newly Arrived Children from Mainland China		Newly Arrived Non-Chinese Speaking Children and Returnee Children	
		Primary	Secondary	Primary	Secondary
A	Hong Kong	✓	✓		
B	Kowloon	✓		✓	
C	Kowloon			✓	
D	Kowloon		✓		✓
E	New Territories	✓			

Note: “✓” means that the school has adopted the programme.

Source: Education and Manpower Bureau, 2004c

The support schemes offered by Education and Manpower Bureau seem to be able to increase learning opportunities for ethnic minority students. Yet some advocates argue that these services are unable to help these children to receive mainstream education. They indicate that only around 20 out of 500 South Asian ethnic minority students pass the Hong Kong Certificate of Education Examination and get places in Form Six.⁸ For university entrance examinations, Education and Manpower Bureau recommends non-Chinese-speaking students to participate in the General Certificate of Secondary Education (GCSE) examination in Chinese subject in Hong Kong starting from 2007. However, the Bureau and universities have not yet reached a

⁸ South China Morning Post. “Minority interest”, 5 October 2006.

consensus over this issue,⁹ and it remains difficult for non-Chinese-speaking students to be admitted to universities in Hong Kong.

The adoption of the new senior secondary curriculum will exacerbate this situation for ethnic minority students, as Chinese is one of the four core subjects under the new curriculum. Some principals from schools having traditionally provided French as an alternative for non-Chinese-speaking students have raised concern about this issue, but no official reply has yet been given from the government.¹⁰ Universities can and do currently provide waivers for students who for whatever reason have not taken Chinese for matriculation. Community groups are seeking affirmative action for ethnic minority students in relation to university entrance but the issue remains unresolved apart from reluctance by universities to favour one group over another.

3.2 Potential Implications of Race Discrimination Bill for Education

The proposed Racial Discrimination Ordinance raises key questions with regard to the education of minority students in Hong Kong. These questions relate to 1) the broad policy context; 2) implications for schools, curriculum, and classroom teaching; and, 3) implications for teacher education and 4) university entrance. The following sections are meant to foreshadow potential issues and to highlight some resources to begin to deal with these issues.

3.2.1. The Broad Policy Context

The Bill has already led to a policy review within EDB in order to ensure that government schools are not in violation of its provisions. We anticipate, however, that questions regarding the treatment of ethnic minority students will continue to be part of public discussion and debate.

At one level these questions are likely to be related to broad issues of social justice rather than specific actions under the proposed Ordinance. Issues related to International Charters (UN Charter of Human Rights, UN Charter of Child Rights),

⁹ South China Morning Post. "Legco 'misled' on ethnic issue", 13 January 2007; South China Morning Post. "I did not mislead Legco", 17 January 2007.

¹⁰ South China Morning Post. "EMB put on notice to assist switch into Chinese", 16 December 2006.

while not incorporated directly in Hong Kong law, will lead to questions about the treatment of minority and refugee students, as well as children of migrant and illegal workers. The public policy issue for all these groups centres on questions of differentiation; between what is considered “fair” and the relationship to what is “equitable”. How can the Government be seen to treat all groups in society in a fair and equitable way? At the heart of the question is the value placed by both the Government and society on the cultural diversity that characterizes Hong Kong. At the moment cultural diversity is not seen as a cause for celebration by many individuals within society. In this sense, diversity does not currently contribute to social harmony and cohesion. The greater the exposure given to the disadvantage suffered by ethnic minorities, the greater the realization that solutions are needed to restore social harmony. It may be that the Racial Discrimination Bill needs to be accompanied by a broad multicultural policy that affirms cultural diversity as a community value. This would have the effect of signalling to the ethnic minority community the Government’s seriousness in addressing their problems. At the same time it may deflect any potential action under the proposed Ordinance.

3.2.2 Implications for Schools, Curriculum and Classroom Teaching

We anticipate that issues related to the broad policy context will have direct impact on policies related to whole school responses to minority students’ needs. We think that EDB has been responsive at the level of school support and curriculum. EDB officers have led the negotiations with universities on entrance requirements for ethnic minority students. Chinese has now been made a compulsory subject for all students in public schools. These actions in themselves may not remedy the situation immediately, but they are a clear indication of the Government’s intention to be ‘fair and equitable’ in relation to ethnic minority students.

Yet there are other areas that can provide the opportunity for discriminatory action:

- lack of support for school/home relationships;
- informal and discriminatory student-student interactions in classroom, on the playground and other out-of-classroom areas; and
- lack of provision for supplemental language, mentoring, and other support

programs for minority students, and potentially their parents as well

How much support should the Government provide to ensure adequate home-schools relationship with ethnic minority students? If it does not provide such support can it be held accountable under the proposed Ordinance? If ethnic minority students are the subject of racial slurs either in class or in the playground, will the Government be accountable under the Ordinance? If the Government does not provide adequate training for teachers on these issues, will it be held accountable under the Ordinance? We do not know the answers to these questions but our combined experience suggests that some consideration should be given to them.

Despite the progress EDB has made in the curriculum area, questions as to the modification of curriculum content of textbooks to reflect the multicultural, multiracial, multilingual diversity of Hong Kong may also arise. At the classroom teaching level, we expect increased demands for modifications in teaching Chinese language to minority students. We envision a call for creation and implementation of a broad range of Chinese as a Second Language (CSL) curriculum. These anticipated demands and potential resulting changes will also create demands for improved/innovative dissemination of materials (perhaps through technology). The system must be seen to be responsive to these issues in light of the Government's broad commitment to social justice and the requirements of the proposed Ordinance. Policies need to be able to respond to these issues

3.3 Implications for Teacher Education

The broad policy context and the school and classroom level policy context will in turn impact demands for change/reform of teacher education. We expect increased emphasis to be placed on training teachers on multiculturalism and minority education issues, and the introduction of anti-racist and critical multicultural education (including prejudice reduction) in teacher preparation courses. We also expect there will eventually be a demand for all teachers to have some training in Chinese as a Second Language(CSL) and for some teachers to obtain specialized certification in teaching CSL students in special classes or as they are incorporated into mainstream classes. In addition to modification of teacher education programs we expect this

might lead to allocation of some resources to provide financial incentives for teachers to receive extra training. Some teacher education institutions/universities in the West and in Asia have implemented procedures for the recruitment of minority teachers and some have designed specific programs to prepare minority teachers. We anticipate this might be raised as a policy issue in the future in Hong Kong.

4.0 Local and International Resources

Below is a list of resources that we have found useful in examining issues of educational provision for ethnic minority students.

Project website: http://www.ied.edu.hk/fpece_project/EM/Links.html

Our project website is the most comprehensive source of information on educational provision for ethnic minority students in Hong Kong. The Links section in particular is an up to date resource on current policies and issues.

Books and Articles:

➤ Aspect of whole-school and classroom

Ballenger, C. (1999). *Teaching other people's children: Literacy and learning in a bilingual classroom*. New York: Teachers College Press.

Cummins, J. (1989). *Empowering minority students*. Sacramento, CA: California Association for Bilingual Education.

Dentler, R. A., & Hafner, A. L. (1997). *Hosting newcomers: Structuring educational opportunities for immigrant children*. New York: Teachers College Press.

➤ Aspect of language curriculum

Wong-Fillmore, L. (1991a). When learning a second language means losing the first. *Early Childhood Research Quarterly*, 6, 323-346.

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➤ Development of Race Discrimination Bill in Hong Kong

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Education and Manpower Bureau (2006b). EMB attaches importance to providing education support for ethnic minorities. Retrieved December 1, 2006, from <http://www.emb.gov.hk/index.aspx?nodeid=5845&langno=1>

Education and Manpower Bureau (2007). EMB attaches importance to providing education support for ethnic minorities. Retrieved January 16, 2007, from [http://www.emb.gov.hk/FileManager/EN/Content_4409/ncs%20leaflet%20\(e\).pdf](http://www.emb.gov.hk/FileManager/EN/Content_4409/ncs%20leaflet%20(e).pdf)

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6.0 Appendices

6.1 Bills Committee on Race Discrimination Bill Meetings Agenda

Date	Meeting Summary
<i>16 January 2007</i>	<ul style="list-style-type: none"> • The Bill • Legislative Council Brief • Legal Service Division Report on the Bill • Markedup copy of the relevant provisions of ordinances to be amended by the Bill • Background brief prepared by the Legislative Council Secretariat • Submission from "15 Teachers in the Faculty of Education, The University of Hong Kong" • Submission from HKSKH Lady Maclehole Centre
<i>29 January 2007</i>	<ul style="list-style-type: none"> • List of issues raised by members at the meeting on 16 January 2007 • Paper entitled "Definition of 'race' " provided by the Administration • Paper entitled "Compatibility of the Race Discrimination Bill with the Basic Law and international human rights treaties" provided by the Administration • Paper entitled "The meaning of 'race' in race discrimination legislation of certain relevant overseas jurisdictions" prepared by Legal Service Division of the Legislative Council Secretariat • The Bill • Legislative Council Brief
<i>5 February 2007</i>	<ul style="list-style-type: none"> • Paper entitled "Education for the ethnic minorities" provided by the Administration • Paper entitled "Discriminatory advertisements" provided by the Administration • Paper entitled "Consequential amendments to other ordinances" provided by the Administration • Paper entitled "Compatibility with Articles 24 and 25 of Basic

	<p>Law" provided by the Administration</p> <ul style="list-style-type: none"> • List of issues raised by members at the meeting on 16 January 2007 • The Bill • Legislative Council Brief
<i>28 February 2007</i>	<ul style="list-style-type: none"> • Paper entitled "Affirmative action" provided by the Administration • Paper entitled "The Belgian Linguistics case" provided by the Administration • Paper entitled "Propriety of support measures for ethnic minorities" provided by the Administration • Full text of the judgment of the Belgian Linguistics case • Paper entitled "Issues relating to education for ethnic minorities" prepared by Legislative Council Secretariat • Paper on the case of Equal Opportunities Commission v Birmingham City Council provided by legal adviser to the Bills Committee • Paper entitled "Compatibility with Articles 24 and 25 of Basic Law" provided by the Administration • Paper entitled "Discriminatory advertisements" provided by the Administration • Paper entitled "Consequential amendments to other ordinances" provided by the Administration • List of issues raised by members at the meeting on 16 January 2007 • The Bill • Legislative Council Brief
<i>3 March 2007</i>	<ul style="list-style-type: none"> • Meeting with deputations and the Administration
<i>23 March 2007</i>	<ul style="list-style-type: none"> • Paper entitled "The Belgian Linguistics case" • Paper entitled "Propriety of support measures for ethnic minorities" • Paper entitled "Affirmative action in the United States" provided by the Administration • Paper entitled "Followup information on education for the ethnic minorities" provided by the Administration • Paper entitled "Compatibility with Articles 24 and 25 of Basic

	<p>Law" provided by the Administration</p> <ul style="list-style-type: none"> • Paper entitled "A table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom" prepared by Legal Service Division of the Legislative Council Secretariat
<i>19 April 2007</i>	<ul style="list-style-type: none"> • The Administration's response to issues raised by deputations/individuals at the meeting on 3 March 2007 • Major issues raised by deputations/individuals prepared by the Legislative Council Secretariat • Table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom prepared by Legal Service Division of the Legislative Council Secretariat • List of issues raised by members (as at 17 April 2007)
<i>23 April 2007</i>	<ul style="list-style-type: none"> • The Bill • The Administration's response to issues raised by deputations/individuals at the meeting on 3 March 2007 • Major issues raised by deputations/individuals prepared by the Legislative Council Secretariat • Table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom prepared by Legal Service Division of the Legislative Council Secretariat • List of issues raised by members (as at 17 April 2007)
<i>15 May 2007</i>	<ul style="list-style-type: none"> • The Bill • Paper entitled "Indirect discrimination and assessment of justifiability" provided by the Administration • The Administration's response to issues raised by deputations/individuals at the meeting on 3 March 2007 • Major issues raised by deputations/individuals prepared by the Legislative Council Secretariat • Table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom prepared by Legal Service Division of the Legislative Council Secretariat • List of issues raised by members (as at 17 April 2007)

<p><i>31 May 2007</i></p>	<ul style="list-style-type: none"> • The Bill • Paper entitled "Discrimination to which the Bill applies" prepared by the Legislative Council Secretariat • The Administration's response to issues raised by deputations/individuals at the meeting on 3 March 2007 • Major issues raised by deputations/individuals prepared by the Legislative Council Secretariat • Table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom prepared by Legal Service Division • List of issues raised by members (as at 17 April 2007)
<p><i>26 June 2007</i></p>	<ul style="list-style-type: none"> • The Bill • Paper entitled "Scrutiny progress of the Bill" prepared by the Legislative Council Secretariat • List of issues raised by members (as at 30 May 2007) • Paper entitled "The difference between the 'reasonable practicability' test and the 'unjustifiable hardship' defence" provided by the Administration • The Administration's response to issues raised by deputations/individuals at the meeting on 3 March 2007 Major issues raised by deputations/individuals prepared by the Legislative Council Secretariat • Table of comparison of the provisions of the Race Discrimination Bill with those of the Race Relations Act 1976 of the United Kingdom prepared by Legal Service Division

Based on information provide at

<http://www.legco.gov.hk/yr06-07/english/bc/bc52/general/bc52.htm>

6.2 Definitions

Racial Discrimination:

‘...the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life’ (Office of High Commissioner of Human Rights, 1969: Article 1.1).

Equality:

‘...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to own property alone as well as in association with others;
 - (vi) The right to inherit;
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;

- (e) Economic, social and cultural rights, in particular:
- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.’

(Quoted from Office of High Commissioner of Human Rights, 1969: Article 5.)

For example, similar to other universities in Hong Kong, the Hong Kong Institute of Education has set up guiding principles for equal opportunities in the areas of disability, sex, pregnancy, family or marital status. However, race has not been identified as an item in such principles.¹¹

Affirmative Action:

‘The International Convention on the Elimination of All Forms of Racial Discrimination stipulates (Office of High Commissioner of Human Rights, United Nations, 1969: Article 2.2) that affirmative action programs may be required of states that have ratified the convention, in order to rectify systematic discrimination. It states, however, that such programs “shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved”. The United Nations Human Rights Committee states that “the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant. For example, in a State where the general conditions of a certain part of the population prevent or impair their enjoyment of human rights, the State should take specific action to correct those conditions. Such action may involve granting for a time to the part of the population concerned certain preferential treatment in specific matters as compared with the rest of the population. However, as long as such action is needed to correct discrimination, in fact, it is a case of legitimate differentiation under the Covenant”’. (Quoted from Wikipedia. Retrieved February 23, 2007, from http://en.wikipedia.org/wiki/Affirmative_action

¹¹ Hong Kong Institute of Education (2007). What are HKIED’s guiding principles on equal opportunities. Retrieved February 26, 2007, from http://intranet.ied.edu.hk/equal_opportunity/EoportC.html