

**Fifteenth Meeting of the Human Rights Forum
12 September 2008 at 3:00 pm
30/F, Conference Room, Southorn Centre**

Present

Non-government Organizations (NGOs)

Alliance of Civic Education	Ms Chan Yuk-fan
	Mr Frankie Ng
Amnesty International Hong Kong Section	Mrs Milabel Cristobal Amar
	Medeleine Mok
Broad Alliance for Rescuing Dr. Wang Bingzhang	Mr Liu Tai
Equal Opportunities Commission	Mr Ferrick Chu
Hong Kong Christian Institute	Mr Iu Shing-chi Samuel
Hong Kong Council of Social Service	Ms Angela Ng
	Ms Rachel Wong
Hong Kong Human Rights Monitor	Mr Law Yuk-kai
	Mr Kwok Hiu-chung
Hong Kong Institute of Education, Centre for Citizenship Education	Mr Chong Yiu-kwong
Hong Kong Sex Culture Society	Mr Mak Pui Chuen Matthew
Hong Kong Unison	Ms Fermi Wong
	Mr Ronald Yick
Justice	Mr Wong Hay-yiu

Office of Emily Lau, Legislative Councillor	Mr Wilson Li
Society for Community Organization	Ms Annie Lin
The Society for Truth and Light	Ms Fu Dan-mui Helen

Constitutional and Mainland Affairs Bureau (CMAB)

Mr. Arthur Ho (Chairman)	Deputy Secretary for Constitutional and Mainland Affairs
Mr. Victor Ng	Principal Assistant Secretary for Constitutional and Mainland Affairs
Mr. Stanley Ng (Secretary)	Assistant Secretary for Constitutional and Mainland Affairs

Introduction

The Chairman welcomed members to the meeting.

Matters Arising

2. One member raised the question on the amount being spent by the Home Affairs Bureau (HAB) on the survey on human rights situation in Hong Kong. He said that the Committee on the Promotion of Civic Education (CPCE) should reinstate the human rights education task force and continue with the survey.

3. The Chairman said that he would convey the opinion on the task force to HAB. The Government's current approach was to focus resource on activities and programmes such as support services for ethnic minorities. The Government would also continue to make use of various channels to collecting views on human rights situation in Hong Kong. There was no plan to conduct the survey at this stage.

**United Nations Human Rights Council Universal Periodic review –
section of the Hong Kong Special Administrative Region
(Agenda Item 1)**

4. The Chairman said that the United Nations Human Rights Council, which was created in March 2006, would undertake a universal periodic review (UPR) of the human rights situations of each State. The UPR on the People's Republic of China would take place in February 2009. In accordance with the requirement of the Human Rights Council, the Central Government would submit a written report, including a section describing the situation of Hong Kong Special Administrative Region (HKSAR). The Government had prepared a proposed outline of the section of the HKSAR and invited the public to submit views on the topics and contents to be covered.

5. Members suggested the Administration to include the following items in the report –

- (a) views on the Race Discrimination Ordinance (RDO) such as its application to the Government;
- (b) views on the deficiency of the Independent Police Complaint Council Ordinance;
- (c) views on the establishment of a human rights commission in Hong Kong;
- (d) concluding observations made by treaty bodies of those human right treaties which applied to Hong Kong;
- (e) human rights situation in Hong Kong;
- (f) Mental Health Ordinance and the Disability Discrimination Ordinance on the protection of rights of persons with mental illness.

6. The Chairman explained that whilst there was a limit set on the length of the report, issues such as the legislation of the RDO and the existing framework on protection of human rights in Hong Kong would be included in the report. Since the UPR was a newly introduced mechanism and was not intended to replace the hearings under the international human rights treaties, the Human Rights Council would also consider views submitted from the Office of the High Commissioner on Human Rights and non-government organizations (NGOs).

7. The Chairman added that representatives from the Government of the HKSAR would attend the hearing as members of the Chinese delegation.

8. As requested by Members, the Chairman agreed to check whether it would be possible to extend the deadline for NGOs to submit their views to the Human Rights Council.

[post-meeting note: the Secretariat had checked and informed Members that as the deadline for submission was set by the Human Rights Council, it would be more appropriate for NGOs to contact the Human Rights Council direct.]

9. In response to Members' enquiry about the establishment of a human rights commission in Hong Kong, the Chairman explained that human rights were protected by the Basic Law and relevant ordinances in Hong Kong. There was also an established human rights protection framework in Hong Kong, including statutory organizations like the Office of the Ombudsman, Equal Opportunities Commission (EOC) and Data Privacy Protection Commission. The Government did not see a need for establishing another institution to supersede the existing institutions.

10. Members raised the questions of whether the Government would consider protecting rights of sexual minorities through legislation. The Chairman explained that as there were diverse views in the society, the Government did not have any plan to introduce legislation and would continue to listen to views of the public.

11. In response to members' proposal of establishing a human rights education task force under the Constitutional and Mainland Affairs Bureau (CMAB), the Chairman explained that CMAB had been carrying out activities to promote human rights. Other Bureaux also conducted related activities such as civic education by the CPCE. CMAB would consider discussing the topic on human rights education at the next meeting.

Follow up work on the Race Discrimination Ordinance (Agenda Item 2)

12. The Chairman said that after its passage at the Legislative Council on 10 July 2008, the RDO would be implemented in phases.

Sections empowering the EOC would be implemented in around October so that the EOC could commence relevant work, including preparation of the draft Code of Practice on Employment under the RDO (CoP) and public education on the Ordinance. After the public had become more familiar with the RDO, the next phrase was to implement the remaining sections of the Ordinance.

13. The Administration would carry out other initiatives to provide support and assistance to ethnic minorities. These included the establishment of four regional service support centres for ethnic minorities, formulation of the administrative guideline on promotion of racial equality, etc. The Administration would continue to fund support activities such as the Community Development Teams. The Race Relations Unit would continue its work on promoting support service for ethnic minorities. Other duties such as handling complaints related to race discrimination would be taken up by the EOC.

14. In response to members' enquiry, the Chairman said that following the introduction of the Race Discrimination Bill and its enactment, public awareness on racial harmony had been raised. Departments could approach the EOC for advice on implementation of the RDO. The Administration would identify sufficient resources for EOC to implement the RDO but the EOC had the flexibility to determine the usage of its resources. The Government would also prepare administrative guidelines for relevant Bureaux and Departments to promote racial equality.

15. Mr. Ferrick Chu of EOC explained that the EOC had met with two NGOs on preparing the draft Code of Practice (CoP) on Employment. The EOC would prepare the CoP on employment first as past experience indicated that most complaints were related to employment. There would also be overseas cases that EOC could refer to. He supplemented that the CoP was a guide to help the employers and employees to be aware of issues related to employment but not a solution to resolve all the issues.

16. Mr. Chu said that the EOC would consider providing guideline on education as and when appropriate. The Chairman added that the issue of language was also a public concern and suggested the EOC to provide guideline in this regard.

17. In response to a member's enquiry, the Chairman said that the Government would consult relevant parties on the preparation of the

administrative guidelines.

18. On a Member's suggestion on the role of EOC in public education and whether any of the four support centres could serve as EOC's sub-office, Mr Chu responded that the priority of the EOC was to prepare the draft CoP which was to be publicized in October. Publicity would be launched to enhance public awareness. The Chairman added that the four support centres would not serve as EOC's sub-office as they would be operated by NGOs.

Application of the Race Discrimination Ordinance to the Government (Agenda Item 3)

19. The Chairman said that after taking into consideration views expressed by the public and LegCo members, Clause 3 of the RDO was amended to "this ordinance binds the Government". In response to enquiry from a member, the Chairman explained that services of the Government would be covered by the RDO. As issues related to race were very complicated and cases could be brought up in the court even though race was not a consideration, not all Government functions were included to avoid unnecessary litigations. The Chairman added that the Government was bound by the Basic Law and the Hong Kong Bill of Rights Ordinance that it should not discriminate on the ground of race.

20. In response to Members' concerns raised on how EOC would enforce the RDO, Mr. Chu responded that the EOC would provide assistance to help various parties to understand the Ordinance, e.g. seminars would be conducted specifically for the Police in December.

21. The Chairman supplemented that there were various channels for complaints should a person consider that he or she had been treated unfairly on the ground of race.

Any other business

22. Members suggested that the following items could be considered to be include in the next meeting –

- Promotion of human rights education;
- Establishment of the regional support service centres for ethnic minorities;

- Monitoring of the Hong Kong Police and the hearing of the Convention Against Torture and Other Punishment and Unfair Treatment;

Constitutional and Mainland Affairs Bureau
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