

Co-signing Joint Statement
The RDB paves the way for Hong Kong Government Abuses

For a long time Hong Kong has been criticized for a lack of adequate legal provisions to promote racial equality and prevent and remedy discrimination on the ground of race.

Finally in December 2006 the Hong Kong Government introduced the Race Discrimination Bill (RDB). However the proposed RDB contains significant weaknesses which would reduce the effectiveness of the Bill, and even legalize some discrimination on the ground of race. Four fundamental weaknesses of the Bill are:

- 1. non-application to many Government acts;**
- 2. limited definition of direct and indirect discrimination;**
- 3. the broad exemptions, especially those on language and education; and**
- 4. the distinction between permanent residents (PRs) and non-PRs.**

The Government is trying to put itself outside the Equal Opportunities Commission's jurisdiction and is clearly afraid of challenges to its policies. It has broken its promise that the Race Discrimination Bill would be 'modeled on the structure and format' of the three existing anti-discrimination ordinances, namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO). The RDB is much weaker than these three laws. The proposed RDB paves the way for Government abuses and justifications of existing racially discriminatory policies and practices. It will weaken the cultural sensitivity of decision makers and service providers. The law as currently drafted would send a clear message to Government departments and officials that they do not need to promote racial equality as the law does not require them to do so. The RDB should have been a pledge in the form of law by the Government to combat racial discrimination and to promote racial equality and harmony. It now becomes a signal of non-commitment and a tool for entrenching and institutionalizing racial discrimination.

We thus urge the Government to make substantive improvements to the proposed RDB, otherwise the Bills Committee should consider to reject the Bill. It should be noted that if the Government insists on pushing through the current RDB, we foresee that the United Nations Committee on the Elimination of Racial Discrimination would take vigorous action in early 2008 and the Government shall be seriously criticized.

種族歧視草案為香港政府的歧視行為鋪路

聯合聲明

一直以來香港被批評缺乏足夠的法律機制，以促進種族平等、防止種族歧視及對受害人作出補償。

直至 2006 年 12 月，香港政府終於提交《種族歧視條例草案》。然而，草案的嚴重缺憾，大大削弱條例的效力，甚至將一些種族歧視合法化。草案四個根本性的缺憾是：

1. 不適用於多項政府及公營機構的行為；
2. 狹義地定義直接及間接歧視；
3. 豁免太廣，特別是語言及教育方面；
4. 永久及非永久居民的分野。

政府嘗試將自己置於平等機會委員會的權限之外，明顯地懼怕它的政策受到質疑。此外，政府曾提出《種族歧視條例》會參照現行的《性別歧視條例》、《殘疾歧視條例》及《家庭崗位歧視條例》的框架為藍本，可是政府卻違反承諾。草案的效力遠遜於其他三條反歧視條例。更甚是草案為政府的歧視行為鋪路，亦將現存的政府政策及行為合理化。這將減低決策者及服務提供者的文化敏感度。草案內容亦額清楚地向政府部門及公務員傳遞無須推廣種族平等及促進融和的訊息。草案的原意是以法律形式承諾消除歧視及促進種族平等及融和，如今卻成為缺乏承擔的象徵和將歧視鞏固和制度化的工具。

我們促請政府修訂目前的草案，不然立法會的法案委員會應考慮否決草案。若政府一意孤行強行通過目前的草案，可以預計今年初聯合國消除種族歧視委員會將會採取明確的行動，屆時可能令香港政府受到嚴厲的批評。

Co-signed by 聯署團體

**(A) The Committee on the Promotion of Racial Harmony under
Constitutional and Mainland Affairs Bureau**

1. Ms Raees Begum Baig
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3. Ms Aruna Gurung
4. Ms. Devi Novianti
5. Ms Vandana Rajwani
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9. Mr. Saeed-Uddin M. H.
10. Mr. James Arthur Elms

(B) Legislative Counsel Members:

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2. 劉千石 Chin Shek LAU
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4. 劉慧卿 Emily LAU
5. 梁耀忠 Yiu Chung LEUNG
6. 梁國雄 Kwok Hung LEUNG
7. 馮檢基 Frederick FUNG
8. 鄭經翰 Albert CHENG
9. 陳偉業 Albert CHAN

(C) Political Parties and Trade Unions

1. Hong Kong Confederation of Trade Unions 香港職工會聯盟
2. Neighborhood and Worker Service Centre 街坊工友服務處
3. The Frontier 前綫
4. League of Social Democrats 社會民主連線
5. Hong Kong Association for Democracy and People's Livelihood 民主民生協進會

(D) Non-Government Organizations and Ethnic Minority Organizations/Concern Groups

1. Hong Kong Human Rights Monitor 香港人權監察
2. Hong Kong Unison Limited 香港融樂會
3. Amnesty International Hong Kong 國際特赦香港分會
4. Colours in Peace

5. Hong Kong Christian Institute 香港基督徒學會
6. Civil Human Rights Front 民間人權陣線
7. Hong Kong Informal Education Research Centre 香港非正規教育研究中心
8. Rainbow Action 彩虹行動
9. Civil Rights for Sexual Diversities 香港性權會
10. Justice and Peace Commission of Hong Kong Catholic Diocese
天主教正義和平委員會（香港教區）
11. Zi Teng 紫藤
12. Society for the Study of Sexualities and Sex-pol (SSSS) 香港性學會
13. HK Discrimination Policies Concern Network 關注香港歧視政策網絡
14. Hong Kong Women Christian Council 香港婦女基督徒協會
15. Queer Sisters 姊妹同志
16. Women Coalition of HKSAR 香港女同盟會
17. Asian Human Rights Commission 亞洲人權委員會
18. Asian Legal Resource Centre 亞洲法律資源中心
19. The Association for the Advancement of Feminism 新婦女協進會

(E) Ethnic Minority Organizations/concern groups and Trade Unions

1. Hong Kong Against Racial Discrimination (HARD)
2. Pakistan Association of Hong Kong
3. Khatme-Nubuwwat Movement Hong Kong
4. Hong Kong Islamic Youth Association
5. Filipino Migrant Workers Union
6. Cordillera Alliance in Hong Kong
7. Abra Tinguian Ilocano Society
8. United Pangasinan Hong Kong
9. MIGRANTE Sectoral Party - Hong Kong Chapter
10. Asia Pacific Mission for Migrants
11. United Filipinos in Hong Kong (Unifil-Migrante-HK)
12. Asian Migrant's Coordinating Body
13. Human Welfares Association
14. Hong Kong Integrated Nepalese Society
15. Bethune House Migrant Women's Refuge
16. International Human Rights Forum
17. Society for Cultural Integration
18. Missions for Migrants Workers
19. Asian Migrants Centre
20. The Hong Kong Coalition of Indonesian Migrant Workers Organization (KOTKIHO)