

THE AMERICAN CHAMBER OF COMMERCE IN HONG KONG

Position Paper

LEGISLATION ON RACIAL DISCRIMINATION

The Issue

Race discrimination occurs in Hong Kong, as it does everywhere else in the world, whether it be in employment, provision of services, housing, education, or elsewhere. If Hong Kong is to achieve and maintain its status as “Asia’s World City,” race discrimination should not be tolerated. Human rights and fundamental freedoms should be observed for all.

Position

The Hong Kong SAR government should implement race discrimination legislation to provide protection to all individuals regardless of their race, color, descent, or national or ethnic origin, whether the discriminatory action is a distinction, exclusion, restriction or preference 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 private life. [This is based on Article 1.1 of the International Convention on the Elimination of All Forms of Racial Discrimination 1965.] The legislation should be supported by public education.

Rationale

The International Convention on the Elimination of all Forms of Racial Discrimination applies to the SAR and obligates signatories to introduce specific legislation against racial discrimination. In May 2001, the United Nations Committee on Economic, Social and Cultural Rights again called for Hong Kong legislation on this issue.

The Hong Kong Bill of Rights Ordinance already prohibits all forms of discrimination, including racial discrimination, on the part of the Government and public bodies. Supplemental legislation would extend this to the private sector.

Cultivating a multicultural society is necessary for the survival and proliferation of any world city. World cities must respect and protect diversity and the quality of life in order to maintain an attractive living and working environment. A discrimination-free workplace increases productivity due to minimised complaints and legal liability.

The SAR government should follow the successful path set by the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance, which have been accepted by the Hong Kong society at large, including the business community.