

**An outline of the topics to be covered in the fourth report of
the Hong Kong Special Administrative Region under
the International Convention on the Elimination of All Forms of
Racial Discrimination**

Introduction

The Government of the Hong Kong Special Administrative Region (HKSAR) is drafting the fourth report of the HKSAR under the United Nations (UN) International Convention on the Elimination of All Forms of Racial Discrimination (the Convention). The HKSAR's report will be included as part of the periodic report to be submitted to the UN by the Central Government.

2. We have prepared an outline of the report, which sets out the broad subject headings and individual topics that we plan to cover in the report. We invite members of the public to submit their views. Any individuals or organisations wishing to offer views are invited to send them to the Constitutional and Mainland Affairs Bureau (CMAB) on or before 2 December 2024:

by e-mail: icerd_consultation@cmab.gov.hk

by post: Team 5
Constitutional and Mainland Affairs Bureau
Central Government Offices
12/F, East Wing,
2 Tim Mei Avenue, Tamar, Hong Kong

by fax: 2840 0657

3. It is voluntary for members of the public to provide their personal data when offering their views. The personal data so collected will only be used by the Government for purposes related to the preparation of the report and subsequent follow-up actions directly relevant to the report. Individuals or organisations who have provided views will be seen as consenting to allow the Government to reproduce, quote, summarise or publicise some or all of the content of their views (including names of individuals and organisations if such were provided). If there is disagreement with such arrangement, please indicate it when providing views.

4. Anyone providing personal data has rights of access and correction with respect to such personal data. They should make these requests in writing through the channels mentioned in paragraph 2 above to Assistant Secretary for Constitutional and Mainland Affairs (5A).

5. The text of the Convention is available on the CMAB website¹.

6. References to “the previous report”² are to the third report of the HKSAR submitted by the Central Government in January 2017 and considered by the UN Committee on the Elimination of Racial Discrimination (the Committee) in August 2018. References to “the initial report”³ are to the report of the HKSAR submitted by the Central Government in October 2000 and considered by the Committee in July and August 2001.

The Report

7. The fourth report, covering the period of 2017 to 2023, will consist mainly of information/explanations about any significant developments related to the implementation of the Convention in the HKSAR since the submission of the previous report, and responses to the concerns and recommendations raised in the Committee’s Concluding Observations⁴ on the previous report (the Concluding Observations).

8. In suggesting additional topics to be included in the report, please indicate why those issues are significant and relevant to the application of the Convention in the HKSAR. Respondents may also set out their views on the Government’s performance in handling such issues.

Part I: Common Core Document of the Hong Kong Special Administrative Region

9. The “Common Core Document” part follows the standard format, form and content as prescribed by the “Harmonized Guidelines

¹ https://www.cmab.gov.hk/doc/en/documents/policy_responsibilities/ICERD.pdf

² HKSAR’s third report is available at <https://www.cmab.gov.hk/en/issues/report3A.htm>

³ HKSAR’s initial report is available at <https://www.cmab.gov.hk/en/issues/report.htm>

⁴ the Committee’s Concluding Observations on the third report is available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FCO%2FCHN%2FCO%2F14-17&Lang=en

on Reporting under the International Human Rights Treaties of the UN”⁵. This part of the report contains information of a general and factual nature relating to the implementation of the human right treaties applicable to the HKSAR.

Part II: Information in relation to each of the Articles in the Convention

10. This part of the report contains specific information relating to the implementation of Articles 1 to 7 of the Convention in the HKSAR as prescribed by the Committee’s “Guidelines for the CERD-Specific Document to be Submitted by States Parties under Article 9, Paragraph 1, of the Convention”⁶.

11. The three previous reports submitted by the HKSAR Government already contained information on the laws, policies and measures that were in place to ensure the HKSAR’s compliance with the Convention, and many of them remain unchanged, or have changed only slightly. We will not repeat descriptions or explanations of such in this report. This approach avoids repetition and excessive length, and conforms to the guidance in the UN Manual on Human Rights Reporting⁷.

Article 1: Definition of racial discrimination

12. We will inform the Committee that the situation remains the same as described in paragraphs 1.1, 1.2 and 1.5 of the previous report. In the aforementioned paragraphs, we summarised the HKSAR Government’s policy with regard to racial discrimination and the legal framework of such policy, and provided information on the way the Convention and the rights set out in it become part of the domestic legal order, as well as mentioned the general background information on the HKSAR.

⁵ The Harmonized Guidelines is available at <https://documents.un.org/doc/undoc/gen/g09/428/29/pdf/g0942829.pdf>

⁶ Guidelines for the CERD-Specific Document is available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2F2007%2F1&Lang=en

⁷ The Manual on Human Rights Reporting is available at <https://www.refworld.org/reference/manuals/ohchr/1997/en/91864>

Article 2: Policy of eliminating racial discrimination

13. We will inform the Committee that the general legal framework for the protection of individual rights and freedoms remains essentially as described in paragraphs 2 to 5 of the initial report, and the implementation of the Race Discrimination Ordinance (RDO)(Cap. 602) remains largely the same as paragraphs 2.3 to 2.5 of the previous report. Updates in respect of the following will also be mentioned to the Committee –

- administrative measures to promote racial harmony;
- support services provided to ethnic minorities
- relevant training provided to public officers ; and
- special groups (e.g. foreign domestic helpers; illegal immigrants, including those seeking non-refoulement protection; or the victims of trafficking-in-persons, etc.)

Article 3: No racial segregation or apartheid

14. We will inform the Committee the position remains as explained in paragraph 61 of the initial report. That is, neither apartheid nor any form of racial segregation has been practised in the HKSAR, nor would it be tolerated by the people or the HKSAR Government. We will provide an update on the patterns of settlement of various ethnic communities in the HKSAR.

Article 4: No propaganda or organisations which are based on racial superiority

15. We will inform the Committee that the position remains essentially as reported in paragraphs 4.1 to 4.3 of the previous report. We will also provide relevant supplementary information available on record to the Committee.

Article 5: Guarantees of rights of everyone without distinction as to race, colour, or national or ethnic origin

Article 5(a): equal treatment before tribunals and organs administering justice

16. We will inform the Committee that the position remains the same as paragraph 5.1 of the previous report. In particular, we will provide relevant information to the Committee in respect of the following –

- court procedures;
- the availability of legal aid;
- persons in custody; and
- decisions made under the Immigration Ordinance (Cap. 115).

Article 5(b): security of person

17. We will provide information to the Committee on the various measures taken by the law enforcement agencies such as the Police and the Correctional Services Department to ensure that the security of all detained persons is safeguarded.

Article 5(c): political rights

18. We will inform the Committee that the electoral laws for the elections to the Chief Executive, Legislative Council and District Councils make no reference to race, colour or national or ethnic origin. We will also provide updates in respect of providing equal employment opportunities for people of different races and background in the civil service.

Article 5(d): civil rights

19. We will inform the Committee that position is the same as paragraphs 5.19 to 5.27 of the previous report, and various rights and freedoms remain protected in the HKSAR under the Basic Law and the Hong Kong Bill of Rights.

Article 5(e): economic, social and cultural rights

20. We will update the Committee in respect of the following –

- employment rights;
- right to form and join trade unions;
- right to housing;
- right to public health, medical care, and social welfare;
- right to education and training; and
- right to participate in cultural activities.

Article 5(f): right of access to services

21. We will inform the Committee that the position remains the same as elaborated in paragraph 5.72 of the previous report.

Article 6: Provision of effective protection and remedies against any acts of racial discrimination

22. We will advise the Committee the protection and remedies available under the RDO. We will also update the Committee in respect of the protection and remedies obtainable through the following channels -

- Equal Opportunities Commission;
- The Ombudsman;
- Legal Aid Department; and
- the court system.

Article 7: Measures to combat prejudice

23. We will advise the Committee the public education and publicity programmes under the following headings -

- Equal Opportunities Commission;

- schools;
- Committee on the Promotion of Civic Education; and
- Committee on the Promotion of Racial Harmony/ Ethnic Minorities Forum.

**Constitutional and Mainland Affairs Bureau
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