



CASE NO: 59251/2007

**IN THE HIGH COURT OF SOUTH AFRICA  
(TRANSVAAL PROVINCIAL DIVISION)**

PRETORIA 18 JUNE 2008

BEFORE THE HONOURABLE MR JUSTICE PRETORIUS

In the matter between:

CHINESE ASSOCIATION OF SOUTH AFRICA  
VICTOR CHONG  
ALBERT PETER FUNG

1<sup>ST</sup> APPLICANT  
2<sup>ND</sup> APPLICANT  
3<sup>RD</sup> APPLICANT

AND

THE MINISTER OF LABOUR  
THE MINISTER OF TRADE AND INDUSTRY  
THE MINISTER OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT

1<sup>ST</sup> RESPONDENT  
2<sup>ND</sup> RESPONDENT  
3<sup>RD</sup> RESPONDENT

HAVING HEARD counsel(s) for the party(ies) and having read the documents filed of record

**IT IS ORDERED**

1. THAT it is declared that South African Chinese people:
  - (a) fall within the ambit of the definition of "black people" in section 1 of the Employment Equity Act 55 of 1998;
  - (b) fall within the ambit of the definition of "black people" in section 1 of the Broad-Based Black Economic Empowerment Act 53 of 2003;
2. THAT the first and second respondents are directed to pay the applicant's costs including the costs of occasioned by two counsel on a joint and several basis, the one paying the other to be absolved.

**BY THE COURT**

**REGISTRAR**