

**Submission to LegCo Panel on Home Affairs  
for meeting on 13 February 2001  
regarding the main findings of the Sample survey  
of the characteristics of the ethnic minorities in Hong Kong**

Thank you for inviting the Equal Opportunities Commission (EOC) to comment on the main findings of the sample survey.

1. The Committee on Elimination of Racial Discrimination relating to Hong Kong made the following observations at its 48<sup>th</sup> and 50<sup>th</sup> sessions held in February-March 1996 and March 1997 respectively,

- a) “With respect to Hong Kong, concern is expressed at the failure to include in the 1991 Population Census questions which would help determine the ethnic and racial composition of the population. The identification of minority groups and subsequent analysis of their political, economic and social status is a precondition to determining the difficulties that minority groups may be facing and whether and how any such difficulties may be due to discrimination” (para. 18 of 48<sup>th</sup> Session); and
- b) “Concern is also expressed that specific legislation against racial discrimination is not yet available in all the Dependent Territories and Crown Dependencies, and that in some cases such legislation should be deemed unnecessary by the relevant authorities on the ground of the alleged non-existence of racial discrimination in the territories” (para.19 of 50<sup>th</sup> Session).

2. We enclose for reference the number and nature of complaints and enquiries regarding race for your reference. Please note specifically that the number of complaints received this year is twice the total for the preceding three years. This is despite the fact that most people in Hong Kong are aware that the EOC has no power to deal with complaints related to race.

3. The International Convention on the Elimination of All Forms of Racial Discrimination was extended to Hong Kong in 1969 and continues to apply to the Hong Kong Special Administrative Region with reservation under Article 22. The optional complaints mechanism under Article 14 does not apply to Hong Kong.

4. Article 1 of the Bill of Rights reads as follows:-

“(1) The rights recognized in this Bill of Rights shall be enjoyed without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Articles 22 & 23 of the BORO also provide that:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Persons belonging to ethnic, religious or linguistic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

## Statistics on Racial Discrimination Enquiries

(for the period from 20 September 1996 to 31 January 2001)

### Summary Figures

#### By Years

	1996 (from 20 Sep 96)	1997	1998	1999	2000	2001 (up to 31 Jan 01)	Total
Specific Enquiries <sup>(1)</sup>	6	20	10	26	66	3	131
General Enquiries <sup>(2)</sup>	not available	not available	not available	14 (from 1 Sep 99)	91	11	116
<b>Total</b>	<b>6</b> <b>(2.4%)</b>	<b>20</b> <b>(8.1%)</b>	<b>10</b> <b>(4.0%)</b>	<b>40</b> <b>(16.2%)</b>	<b>157</b> <b>(63.6%)</b>	<b>14</b> <b>(5.7%)</b>	<b>247</b> <b>(100%)</b>

#### By Areas Concerned

Areas Concerned	Specific Enquiries <sup>(1)</sup> (20 Sep 96 – 31 Jan 01)	General Enquiries <sup>(2)</sup> (1 Sep 99 – 31 Jan 01)	Total
Employment Advertisement / Recruitment	14	6	20 (8.1%)
Other Employment Areas	41	17	58 (23.5%)
Goods, Services and Facilities	18	14	32 (13.0%)
Abusive Language	7	4	11 (4.5%)
EOC's Work / Racial Discrimination Legislation	11	55	66 (26.7%)
Education	3	4	7 (2.8%)
Others	17	16	33 (13.3%)
No Detailed Information Recorded <sup>(3)</sup>	20	not applicable	20 (8.1%)
<b>Grand Total :</b>	<b>131</b>	<b>116</b>	<b>247 (100%)</b>

#### Remarks

- (1) Some highlights of the specific enquiries are tabulated at Annex I. These specific enquiries were handled by Operation Divisions and recorded in the Complaints Handling System from 20 September 1996 up to 31 January 2001.
- (2) General enquiries which need not be referred to duty officers and handled by the receptionists are listed at Annex II. They are classified as general enquiries because no specific information was given by the enquirers and also include cases that the enquirer does not consider it necessary to speak to a duty officer. For general enquiries, simple statistics have been kept since 1 September 1999.
- (3) Some specific enquiries handled by Operation Divisions in early days were recorded in the Complaint Handling System without detailed information captured.

## Specific Enquiries on Racial Discrimination

(for the period from 20 September 1996 to 31 January 2001 with data from Complaints Handling System)

<b>1996</b> (from 20 Sep 96)	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b> (up to 31 Jan 01)	<b>Total</b>
6 (4.6%)	20 (15.3%)	10 (7.6%)	26 (19.8%)	66 (50.4%)	3 (2.3%)	131 (100%)

<b>Area</b>	<b>No. of Cases</b>	<b>Some Highlights</b>
Employment Advertisement / Recruitment	14	<ul style="list-style-type: none"> <li>● enquired whether it was a discrimination if an employer only employed people who were permanent residents of HK or gave preference to those who were born in HK</li> <li>● an employer asked if it was unlawful to state that foreigner was required in a recruitment advertisement</li> <li>● an Indian who spoke fluent Cantonese alleged that she called a food factory in response to its recruitment advertisement for a job. When the one answered her call knew that she was an Indian, she/he said that there was no vacancy</li> <li>● a Chinese who had stayed overseas for a long time called up for a job in a school but was told that they would hire Caucasians only</li> <li>● an enquirer alleged that she was discriminated against on the ground of her race when she applied for a post which required a Native English Speaker</li> <li>● a anonymous letter against a public utility company that all their engineering consultants employed a large ratio of non-Chinese professionals</li> <li>● asked whether a recruitment advertisement can specify that only Japanese/German are welcome</li> <li>● a local newspaper asked if they could publish "Philippino Architect wanted"</li> <li>● an Indian alleged that an advertisement placed by a modelling agency specified that they only wanted applicants who were white, Chinese or Japanese</li> <li>● a recruitment advertisement specified the nationality of a position "Japanese Guest Services Officer"</li> <li>● an enquirer alleged that the Cantonese in Hong Kong had discriminated against her because she was a non-Cantonese and therefore she could not find any job</li> <li>● an enquirer alleged that a tourism company only recruited staff from mainland China</li> </ul>
Other Employment Areas	41	<ul style="list-style-type: none"> <li>● a new immigrant from the Mainland alleged that her employer forced her to resign because she was not able to speak fluent Cantonese, though the job did not require her to speak Cantonese most of the time</li> <li>● an enquirer commented on the different treatments to local and foreign employees in his company</li> <li>● an enquirer alleged that his company discriminated against local people and promoted expatriates only</li> <li>● an Indian alleged that he was not promoted because of his race</li> <li>● an Indian claimed that he was discriminated at workplace because of his race</li> <li>● an enquirer alleged that his employer had discriminated against him on the ground of race by employing a foreigner to replace him</li> </ul>

Area	No. of Cases	Some Highlights
Other Employment Areas (cont'd)		<ul style="list-style-type: none"> <li>● enquired about foreign domestic helpers to be employed as incidental driver</li> <li>● refused employment on the ground that the enquirer was a British</li> <li>● the Police as an employer, mistreated the enquirer, an ethnic Pakistanis</li> <li>● an enquirer alleged that all of his colleagues were provided with an insurance package covering their spouse and children whereas he was not, because his wife was a Filipino and the wife of his employer had a prejudice against Filipinos</li> <li>● an expatriate beautician alleged that she was treated unfairly by her company and paid less than other local beauticians who did not have any qualification in the profession</li> <li>● some Nepali workers in Hong Kong were not given bonus by their employers because of their race</li> <li>● a Chinese worker treated unfairly by his company as the worker had sided with Nepalese employees</li> <li>● a Chinese lady dismissed by her boss from US, alleged to be racist</li> <li>● an enquirer shared his experience that he was discriminated against by his colleagues because he belonged to a minority ethnic group. He was disappointed that the ex-LegCo did not pass the Race Discrimination Bill.</li> <li>● commented on practice of Japanese bank, serving morning tea to Japanese males only</li> <li>● an enquirer expressed opinions on some unfair treatments between Chinese and Westerners in his company</li> <li>● an ethnic Chinese expressed her unhappy encounter when the colleagues teased her on her inability to speak Cantonese fluently in workplace</li> <li>● a non-Chinese said he could not find a job although he was a degree holder and felt that he was discriminated against</li> <li>● an enquirer alleged that his employer picked the local Chinese engineers to be laid off but chose to retain non-Chinese or expatriate engineers to continue to provide the maintenance service</li> <li>● commented on the double standard of the Security Bureau refusing to grant working visas on the ground of nationality for domestic helpers from Mainland</li> <li>● an enquirer alleged that his ex-employer had discriminated against him on the ground that he was a new immigrant</li> <li>● an Indian teacher said that his salary was lower than another teacher because of his race</li> <li>● an enquirer felt that she had been discriminated against by her ex-employers who kept the new arrivals and sacked her</li> <li>● an enquirer alleged that he was discriminated by a potential employer on the ground of his double nationality (HK and Australian)</li> <li>● an enquirer said that the terms and conditions in the employment contracts of native English teachers were “remarkably” different from ethnic Chinese teachers for doing similar jobs</li> <li>● a Vietnamese Chinese alleged that his supervisor had discriminated against him by being picky of him because of his nationality and race</li> </ul>

Area	No. of Cases	Some Highlights
Goods, Services and Facilities	18	<ul style="list-style-type: none"> <li>● a prisoner complained about Correctional Services Department's rigid policy on food allocation according to different ethnic groups</li> <li>● an enquirer complained that his international student card was not recognized by a cinema for a discount for movie tickets</li> <li>● an enquirer alleged that a hostel under the Social Welfare Department refused to provide Japanese food for his Japanese grandmother</li> <li>● a property management company enquired whether it would be unlawful to disallow maids who were mainly Philipinos and Indonesians to use the swimming pool of the estate they managed</li> <li>● Filipino domestic helpers banned from using the common area on the estate on the basis that they were not residents</li> <li>● a telecom shop only sold their mobile phones to permanent HK residents</li> <li>● foreigners were charged a higher price for a haircut</li> <li>● a dentist refused to serve non-Japanese</li> <li>● an enquiry regarding race discrimination when applying for a loan from the bank</li> <li>● a hockey union asked if admission restricted to Chinese would contravene the law</li> <li>● an enquirer complained against a property management office which issued notices in Chinese only</li> <li>● enquirer alleged that she and her sister were treated less favourably by an airline in seating arrangement in Seoul because of their race</li> <li>● a female from South Africa was rejected service by a taxi driver who said to her "no black in taxi"</li> <li>● an enquirer said that the Social Welfare Department rejecting his application of "學前資助服務" for his son was discriminating against his wife who was not a permanent resident of HK</li> <li>● less favourable treatment received from a hospital due to discrimination against people who came from Mainland China</li> <li>● an enquirer complained against an estate management that they did not install an Indian TV Channel</li> <li>● an enquirer complained that a hotel sat a higher charge for Asian</li> </ul>
Abusive Language	7	<ul style="list-style-type: none"> <li>● three Taiwanese tourists were treated badly in separate occasions at the airport by the airline company/security officer/immigration officer because of their nationality</li> <li>● a letter to the Police Complaint Unit was copied to the EOC; the writer alleged that she was discriminated by a policeman who demanded her not to speak English</li> <li>● an enquirer raised her discontent that she was called "北姑" by her colleagues</li> <li>● an ethnic Chinese alleged that an immigration officer called her "雜種" when she walked pass the counter at the border of Shenzhen after the officer learned from her identity card that her surname was not a Chinese typical one</li> </ul>

Area	No. of Cases	Some Highlights
EOC's Work / Racial Discrimination Legislation	11	<ul style="list-style-type: none"> <li>● enquired about whether EOC looked into the problems of new immigrants</li> <li>● asked if EOC was responsible for complaints about racial discrimination</li> <li>● asked whether EOC handled complaint about racial discrimination</li> <li>● asked if a person who was discriminated on ground of his/her race could lodge a complaint with the EOC</li> <li>● enquired whether there was a race discrimination ordinance / code of practice</li> <li>● asked whether there was any mechanism to lodge a complaint about discrimination against new migrants</li> </ul>
Education	3	<ul style="list-style-type: none"> <li>● an enquirer complained that her application to a course was declined because she came from China</li> <li>● an enquirer alleged that he had been rejected by Institute of Vocational Education for a technician evening course on the ground of his nationality</li> </ul>
Others	17	<ul style="list-style-type: none"> <li>● an enquirer opined that the EOC should not fight for the illegal immigrants, having read an interview report of C/EOC in a local newspaper. Clarified with her that C/EOC referred to those who had gone through the screening process in accordance with the law</li> <li>● an enquirer felt that the SAR government had been discriminating against the local HK people by spending money exclusively on the new immigrants</li> <li>● a local born Pakistani was rejected by the Immigration Department in applying for the permanent residency and he felt being discriminated against because of his race</li> <li>● an enquirer complained against the Immigration Department about their different treatments in granting of the right of abode to children holding visa and those holding double-journey permits</li> <li>● an enquirer complained against the Immigration Department that they rejected his application for reunion with his wife being a resident of Kiribati for less than two years</li> <li>● an enquirer alleged that the Immigration Department had discriminated against his daughter, who was born in the Mainland and had not got the right of abode in Hong Kong, by not allowing her to stay in Hong Kong</li> <li>● an enquirer expressed that the warning notices posted in a public area to remind passengers to keep the area clean should not be written in Chinese only because this imposed a negative image of Chinese. Foreigners should also be reminded</li> <li>● an enquirer complained about a TV commercial which imposed derogative image on Phillipino maids</li> <li>● a beauty contest always favoured Asian contestants</li> <li>● a Pakistanis complained that he/she was humiliated by the staff of the Headquarters of the Immigration Department who were rude and declined to inform him/her of the policy properly</li> <li>● a security guard did not allow the enquirer to use the phone to report an indecent assault case because the respondent was a Japanese</li> <li>● an enquirer complained that he/she was not allowed to join a competition because he/she was not Chinese</li> </ul>

Area	No. of Cases	Some Highlights
Others (cont'd)		<ul style="list-style-type: none"> <li>● an enquirer complained that he was discriminated against (being an Indian) by the Immigration Department who refused to grant him unconditional stay in HK</li> <li>● an enquirer opined that coloured people are unjustly treated by the law enforcement bodies, and even by the Judiciary</li> <li>● an enquirer imprisoned for life claimed that other Chinese convicted were given only 3 months to 8 years imprisonment but she was sentenced to life</li> </ul>
No Specific Information Recorded	20	<ul style="list-style-type: none"> <li>● a local Nepalese felt being discriminated against</li> <li>● an enquirer found that a woman who expressed her views in a radio phone-in programme was discriminatory against people born in China</li> <li>● an enquirer expressed her views on female migrants from Mainland China about their using the social benefits at the expense of the people of HK</li> </ul>
<b>Total :</b>	<b>131</b>	



## General Enquiries on Racial Discrimination

(telephone enquiries handled by receptionists during the period from 1 September 1999 to 31 January 2001)

1999 (from 1 Sep 99)	2000	2001 (up to 31 Jan 01)	Total
14 (12.1%)	91 (78.5%)	11 (9.4%)	116 (100%)

Area	No. of Cases	Some Highlights*
Employment Advertisement / Recruitment	6	<ul style="list-style-type: none"> <li>● Did not get employed because he/she speaks with an accent.</li> <li>● An American style restaurant enquired whether its advertisement can specify American only for the recruitment of a chef.</li> <li>● A recruitment advertisement specified that applicants should be of a certain skin colour.</li> <li>● An enquirer suspected that he/she was discriminated against in a recruitment interview because he/she looked like a foreigner.</li> <li>● Complained that the government required (job) applicants to have lived in Hong Kong for 7 years.</li> <li>● An enquirer suspected that he/she was discriminated against on the ground of race because his/her pay rise was lower than that of other colleagues.</li> </ul>
Other Employment Areas	17	<ul style="list-style-type: none"> <li>● An enquirer complained that her supervisor discriminated against her because she was a new immigrant.</li> <li>● English language teachers who are not native speakers were treated less favourably than the expatriates.</li> <li>● An enquirer complained that his/her supervisor discriminated against him/her on the ground of his/her nationality.</li> <li>● An enquirer suspected that his employer was a racist and as a result he was treated impolitely; foreign employers often verbally abuse Chinese employees.</li> <li>● A security guard alleged that his supervisor set the roster schedule unfairly, perhaps because he was a new arrival.</li> <li>● Complained that his/her employer paid double pays on different days. Racial discrimination was suspected.</li> <li>● An enquirer complained that his/her dismissal was caused by racial discrimination on the part of the employer.</li> <li>● An enquirer complained against the employer for discriminating against new immigrant employees.</li> <li>● Enquired about racial discrimination between the employer and the employees</li> </ul>

\*General enquiry details were recorded in Chinese.

Area	No. of Cases	Some Highlights*
Other Employment Areas  (Cont'd)		<ul style="list-style-type: none"> <li>● An enquirer complained that his/her supervisor, a Filipino discriminated against Chinese.</li> <li>● An employer whose hometown is Fujian, was nicer to those employees who were from Fujian.</li> <li>● An enquirer complained of being discriminated against by foreigners at work.</li> <li>● A Filipino who has applied for the position of nurse for 7 times with no success, suspected that this was caused by racial discrimination.</li> <li>● Employers do not employ new arrivals who have not lived in Hong Kong for 7 years.</li> <li>● An enquirer complained against the Immigration Department for not permitting people from the mainland to come to work in Hong Kong.</li> </ul>
Goods, Services and Facilities	14	<ul style="list-style-type: none"> <li>● Enquired whether a website requiring membership applicants to have a 3-asterisk identity card was discriminatory.</li> <li>● Enquired whether not approving loan applications made by new arrivals was in contravention of the ordinances.</li> <li>● An enquirer complained against a telecommunication company for discriminating against her by not accepting her faxed address proof, on the ground that she did not have a 3-asterisk identity card.</li> <li>● An enquirer asked whether a trade union, which did not accept applications for membership from foreigners, was in contravention of the ordinance.</li> <li>● An enquirer complained that she, a Filipino, was unfairly treated by a gym because of her nationality.</li> <li>● An enquirer complained about differential rates charged by hotels. Japanese and Singaporeans are charged a different rate.</li> <li>● Enquired whether it was in contravention of the law for a landlord to accept foreigners as tenants only.</li> <li>● An enquirer complained that a landlord refused to let the flat to a foreigner.</li> <li>● High-end property residents asked the management office to disallow Filipino domestic helpers to use the sofas in the lobby. Enquired whether it was racial discrimination if the management office posted a notice to that effect.</li> <li>● An enquirer regarded that the Filipino domestic helper he hired was part of the family. Therefore the domestic helper was entitled to use the clubhouse facilities.</li> </ul>

\*General enquiry details were recorded in Chinese.

Area	No. of Cases	Some Highlights*
Goods, Services and Facilities (Cont'd)		<ul style="list-style-type: none"> <li>● A new immigrant complained of being discriminated against in buying a mobile phone.</li> <li>● An enquirer complained that doctors at the Tuen Mun Hospital discriminated against new immigrants.</li> <li>● An enquirer complained against a video shop at Taikoo Shing of serving Japanese only.</li> </ul>
Abusive Language	4	<ul style="list-style-type: none"> <li>● An enquirer was afraid that he/she might be charged with racial discrimination if he/she called a foreigner “Gwai lo”.</li> <li>● An enquirer complained that the wordings on the packing of the “Nam-Yeung (south sea) Hak-Gwai (Nigger) Oil” and “Hung-Fa (red flower) Oil” were racially discriminatory.</li> <li>● An enquirer complained that the line “China who makes me sick” from the lyrics of the song “Summer Girl” was discriminatory.</li> </ul>
EOC’s Work / Racial Discrimination Legislation	55	<ul style="list-style-type: none"> <li>● Enquired about ordinances/guidelines on racial discrimination.</li> <li>● Enquired about the progress of the enactment of anti-racial discrimination ordinance.</li> <li>● Enquired about ordinances against racial-discrimination and new immigrant discrimination.</li> <li>● Enquired about anti-racial discrimination ordinance (on issues concerning the letting of premises)</li> </ul>
Education	4	<ul style="list-style-type: none"> <li>● A teacher discriminated against her on the ground that she was a new immigrant.</li> <li>● Complained that a primary school discriminated against Chinese students in admitting students.</li> <li>● Complained that the instructors of the Construction Industry Training Authority retraining programme was racially discriminatory.</li> <li>● Suspected that a kindergarten situated in the interim housing area discriminated against new immigrants living in interim housing and regarded that people living in the interim housing were all new immigrants.</li> </ul>

\*General enquiry details were recorded in Chinese.

Area	No. of Cases	Some Highlights*
Others	16	<ul style="list-style-type: none"> <li>● Foreign companies discriminate against Chinese.</li> <li>● Complained that new immigrants' applications for financial assistance was turned down.</li> <li>● Complained that the Immigration Department treated people with different nationalities or identities differently in the handling of right of abode applications.</li> <li>● A new immigrant saw an elderly lady fall down. The elderly lady asked him to take her to the police station. When they arrived at the police station the police asked whether he was a new immigrant and said that people like them abused police manpower. This person felt that he was discriminated against.</li> <li>● Complained that the Immigration Department discriminated against him/her on the ground of his/her place of birth.</li> <li>● Complained that the police used Chinese when laying a charge, as a result her husband did not understand (what was said/written).</li> <li>● When a woman had her handbag stolen by a foreign woman, the security guard and the police gave favourable treatment to the foreign woman and asked her to drop the case.</li> <li>● Complained that the police were racially discriminatory in giving traffic tickets to drivers.</li> <li>● A colleague discriminated amongst people from different regions.</li> <li>● Complained that a restaurant was more enthusiastic in serving foreign customers.</li> <li>● Discriminated against by Filipinos.</li> <li>● Complained that KCR staff did not provide service in good English, which was regarded as a form of discrimination against foreign passengers.</li> <li>● Complained that KCR staff discriminate against Indian domestic helpers.</li> <li>● Complained that his/her daughter was discriminated against because she was a new immigrant.</li> <li>● Complained that the i-cable advertisement on ratings rise appeared to have discriminated against Indians.</li> </ul>
<b>Grand Total :</b>	<b>116</b>	

\*General enquiry details were recorded in Chinese.