

**Submission to Legislative Council
Panel on Home Affairs**

**Views on the Proposed Legislation
Against Racial Discrimination**

December 2004

**Hong Kong Human Rights Commission
Coalition for Racial Equality
Society for Community Organization
52, Princess Margaret Road, 3/F
Homantin, Hong Kong
Tel: 2713 9165 Fax: 2761 3326 Email: hkhrc@pacific.net.hk**

A. Introduction

The Hong Kong SAR government has, after repeated pressure from United Nations and the local community, finally announced that it is going to legislate against racial discrimination. Hong Kong Human Rights Commission (HKHRC), Coalition for Racial Equality (CoRE) and Society for Community Organization welcome the long awaited legislation, but is seriously concerned about the proposals made in the consultation paper “Legislating Against Racial Discrimination” published by the Home Affairs Bureau.

It is very disturbing that the government already from the outset is determined not to include new immigrants from Mainland China in the law as a protected group. The government must recognize that new immigrants equally face racial discrimination from local people and they must be included in the bill. Secondly, protection against racial discrimination based on religion and language must be specifically mentioned in the bill given the presence of religious minorities and the large number of ethnic minorities who do not speak Cantonese or English. Furthermore the sunset period for companies or employers with less than six employees must be reduced to a minimum, and a broader definition of indirect discrimination must be adopted in order to fully protect minorities against racial discrimination. Lastly a duty to provide special measures must be included in the bill to promote equality and the Equal Opportunities Commission should be given adequate powers to assist victims of racial discrimination.

B. New immigrants from Mainland China

The Government will not consider recent immigrants from Mainland China as a protected group under the future Racial Discrimination Bill on the basis that the new immigrants are of the same ethnic group as local Chinese. The Government proposes in the consultation paper that the discriminatory treatment experienced by new immigrants is based on *social* rather than racial grounds.

However, the treatment afforded by the Government to recent immigrants from Mainland China was different before June 2003. New immigrants from China were considered as a protected group on the basis that racial discrimination against identifiable minorities is included in race related issues under the concern of international bodies.¹

Also the Hong Kong Census and Statistics Department has conducted special reports to provide a profile of new immigrants from Mainland China having resided in Hong Kong for less than 7 years. In the past 7 years, about 380,000 new immigrants have settled in Hong Kong where they have faced severe racial discrimination². Besides, according to the surveys and reports from NGOs³ as well as newspapers⁴, new

¹ Hong Kong Home Affairs Branch, “Consultation paper on Equal opportunities: A study of discrimination on the ground of race”, Hong Kong, 1997.

² Hong Kong Immigration Department, 2004; Hong Kong Census and Statistics Department, Special Report No.25, “Persons from the Mainland China having resided in Hong Kong for less than 7 years”, 2000

³ Society for Community Organization, Research report on the situation of racial discrimination against new immigrants from mainland, 2001 (www.soco.org.hk 5/4/2004); Coalition for Racial Equality and Hong Kong Human Rights Commission, Joint Submission to the United Nations Committee on the Elimination of Racial Discrimination on the First Report in respect of Hong Kong Special Administrative Region of the People’s Republic of China under International Convention on the

immigrants suffer from severe racial discrimination. In a survey conducted by Society for Community Organization in 2001, where 90% of the 100 respondents came from Guangdong Province, it was found that over 80%⁵ complained that they have experienced discrimination because of their new immigrant identity, behaviour or appearance. This figure has now risen to be more than 91% in 2004⁶. Regarding discrimination near 30% of them were rejected for employment when the employer saw that their identity card did not show permanent residence status or because their dialect was different from that of Hong Kong people. Near 40% of them received lower wages than that of local people. Near 60% of them received inferior service or treatment than that of local people when the service provider recognized them as a new immigrant. 60% of them had been racially vilified in public area. Over 90% of them felt that local Hongkongers racially discriminated against new immigrants. It was also found that over 60% of them encountered racial discrimination when they sought for help from the Government Department concerned.

The government argues that new immigrants are no different from the local Chinese, but in fact the government does distinguish them through different policies. New immigrants from Mainland China do not enjoy the same treatment as the local Hong Kong permanent residents under the Government policies. The rights to political participation and welfare are only enjoyed by the Hong Kong permanent residents with 7 years residence or above. New immigrants are less privileged than the Hong Kong permanent residents. They constitute a minority in society and legal protection should be given to them.

Furthermore there is a legal and social case for treating new immigrants from Mainland China as a protected group under the future Bill. The general recommendations 8, 14 and 24 of the International Convention on Elimination of All Forms of Racial Discrimination (ICERD) state the importance of self-identification of the affected group. In all case law from the common law countries, such as United Kingdom, Australia, New Zealand, the meaning of ethnic origin is broadly defined with social and cultural perspectives. Especially for the case law, in *Commission for Racial Equality v Dutton* [1989] and *King-Ansell v. Police* [1979] 2 N.Z.L.R. 531, 543, it is held that the essential criteria for identifying an ethnic group are not the seven conditions⁷, but how the group perceives themselves and how the others

Elimination of All Forms of Racial Discrimination, July 2001 (www.hkhrc.org.hk, 12/4/2004); Society for Community Organization, Research on the life adaptation of migrant youth, 4/4/1998, (www.soco.org.hk 2/4/2004).

⁴ “Thousand of New Immigrants complained of being racial discriminated against”, *Ming Pao*, (明報, 新移民被歧視達千宗) 22 June 2003.

“Being called animal, new immigrant university student committed suicide”, *Mingpao*, 7 October 2003, p.A3 (明報, 被歧視喚畜生, 新移民大學生燒炭亡).

⁵ Society for Community Organization, Research report on the situation of racial discrimination against new immigrants from mainland, 2001 (www.soco.org.hk 5/4/2004); Coalition for Racial Equality and Hong Kong Human Rights Commission, Joint Submission to the United Nations Committee on the Elimination of Racial Discrimination on the First Report in respect of Hong Kong Special Administrative Region of the People’s Republic of China under International Convention on the Elimination of All Forms of Racial Discrimination, July 2001 (www.hkhrc.org.hk, 12/4/2004); Society for Community Organization, Research on the life adaptation of migrant youth, 4/4/1998, (www.soco.org.hk 2/4/2004).

⁶ Society for Community Organization 2004 《內地來港新移民受種族歧視情況及對「禁止種族歧視法例」期望問卷調查, September 2004.

⁷ The seven conditions include: 1.a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive, 2.a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance, 3. either a common geographical origin, or descent from a small number of

perceives the group. Besides, the Court said it is not necessary to come within all seven conditions.

Lastly differences among Chinese are recognized on the basis of national or ethnic origin in the Mainland China. According to citizens' national or ethnic origin, the Chinese Government provides legal protection according to ICERD even though the different ethnicities and national groups are all Chinese. Some of the recognized minority nationalities in China are not genetically distinguishable from the Han, but their claim for status as minorities is still recognized. New immigrants are ethnic Chinese just as the local people, but this does not mean that their cultural, linguistic and historical aspects are the same as that of local people. Their national and ethnic origin should be assessed.

The Hong Kong legal system is based on the essential principles of the common law including the principles of equality before the law. The separate legal system also affects Hong Kong's international relationship and its status with respect to international treaties and organizations. There is one country, but two international legal personalities. Hong Kong must recognize the new immigrants as a protected group in the law⁸.

C. Discrimination based on language

According to the consultation paper the Home Affairs Bureau has proposed only to define racial discrimination in line with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which includes discrimination based on race, colour, descent, or national or ethnic origin. This definition, however, does not include racial discrimination based on language or religion.

What is language discrimination?

Language discrimination means treating someone differently solely because of his or her native language or other characteristics of speech. This includes "speak English/Chinese only" policies; if you are discriminated against because you speak the local language with an accent; if you are told that you are not qualified for a position because you don't not speak English/Chinese well enough. It also includes denied access to businesses or government services because one does not speak the local language⁹.

If language discrimination is made illegal, an employer is only allowed to discriminate if she can show there is a "business necessity"¹⁰ for the policy, where the

common ancestors, 4. a common language, not necessarily peculiar to the group, 5.a common literature peculiar to the group, 6. a common religion different from that of neighbouring groups or from the general community surrounding it, 7. being a minority or being an oppressed or a dominant group within a larger community.

⁸ For details please see http://www.soco.org.hk/news/new_e.htm : *Racial Discrimination in Hong Kong: A Focus on the Treatment of New Immigrants from Mainland China under the Future Racial Discrimination Ordinance*, Society for Community Organization (2004), Hong Kong.

⁹ www.aclunc.org/language/lang-report.html

¹⁰ In fact the business necessity standard is hard to meet. Unless an employer can show that the work in question genuinely requires that communication between employees be in the local language (as opposed to other languages), that all workers must be able to understand all communications between all other workers, and that consequences of a lapse in communication are serious, it is unlikely that the standard can be satisfied.

rule or practice is necessary for safe and efficient job performance, and that there are no other alternatives which would serve the employer's legitimate interests with a less discriminatory effect¹¹.

An example of discrimination based on language could be that an employer may assume that a person with a Pakistani accent is less qualified than one with an English accent, and therefore hires the person with the English accent.

The need for provisions against language discrimination

In some countries the ethnic minorities have already integrated into society and speak the local language very well. However, this is not the case in Hong Kong. In fact according to government statistics¹² the difficulty most frequently encountered by ethnic minorities is the language problem.

According to statistics published by the Home Affairs Bureau¹³ only 11.2% of the ethnic minorities are fluent in Chinese, while only 60.4% claim to be fluent in English. Thus the rest are not fluent in the official languages of Hong Kong. A further break down by ethnicity reveals some significant differences: While 45.1% of the Thais who claim to be fluent in Cantonese, this only applies to 10.3% of the Pakistanis. And while 85.4% of the Indians are fluent in English, this only applies to 15.1% of the Pakistanis.

The fact that so many do not speak English or Chinese means that the government must adapt the bill to the special circumstances of Hong Kong and thus make discrimination based on language unlawful.

One may argue against including language as a ground of discrimination by pointing to the indirect discrimination clause. However, this would significantly limit the possibility for a victim to make a complaint if the type of discrimination was direct and not indirect.

A language discrimination provision would also make it unlawful if ethnic minorities are denied access to government services. Often government front line workers and institutions will use language as an excuse for not providing services. For instance many minorities have not been able to find a job through the Labour Department because the worker told them that they could not help them find a job if they couldn't speak Chinese. In a survey released by Society for Community Organization (SoCO), only 7.4% of the ethnic minorities who had approached the Labor Department to search a job could find a job through these means. However, language as a requirement seems to be an excuse for the front line officers for not providing adequate service to minorities. In fact language may be used a mask for racial hostility of individuals who speak other tongues.

The current language policy only imposes a *de jure* equality where it imposes the same obligations and affords the same opportunities to all citizens. However, this does not mean that there is *de facto* equality, as a big portion of the ethnic minorities do not have the official state language as their mother-tongue.

¹¹ www.aclunc.org/language/lang-report.html

¹² AC Nielsen 2000: *Omnibus Household Survey in the Fourth Quarter of 1999 (Characteristics of the Ethnic Minorities) Prepared for the Home Affairs Bureau, Hong Kong.* table 13c

¹³ AC Nielsen 2000: *Omnibus Household Survey in the Fourth Quarter of 1999 (Characteristics of the Ethnic Minorities) Prepared for the Home Affairs Bureau, Hong Kong.*

In fact Hong Kong has a legal obligation to legislate against language discrimination: Article 2(2) of the ICESCR and Article 1 of the Bill of Rights already state that the rights must be exercised without discrimination as to “race, colour, sex, language, religion [...] national or social origin.”

The Hong Kong lawmakers must look beyond the ICERD, which only serves as a minimum, and form a law which can serve the uniqueness of the Hong Kong situation by including language as a ground of discrimination.

D. Discrimination based on religion

As mentioned above the government does not intend to legislate against racial discrimination based on religion. However, the government has international obligations to make provisions against this kind of discrimination. Thus ICCPR article 26, and Article 2 of the ICESCR, state that the rights will be exercised without discrimination of any kind as to “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Also Article 1 of the Hong Kong Bill of Rights recognizes the right to be free of discrimination based on religion.

The HKHRC believes that the coming up of the race bill is a good opportunity for the government to prevent discrimination based on religion, because there is often an overlap between religious and racial identities. According to a survey by the Home Office of the United Kingdom especially minorities who are religiously visible such as Sikhs, Hindus and Muslims, identify a degree of overlap between religious and cultural identities and religious and racial discrimination. Furthermore some religious people make no distinction between religion and ethnicity while others wish to do so.

After the September 11 attacks in the US, discrimination against Muslims has increased worldwide. Muslim organizations in England note that hostility, verbal abuse and unfair media coverage has become more frequent. Also some Muslims in Hong Kong have reported being stereotyped and being negatively associated with terrorism. However, anger at those responsible for the tragic events of September 11 should not be misdirected against innocent individuals because of their religion, ethnicity, or country of origin.

It is important that a specific reference to religion is made in the race bill. Experience from abroad has shown that while some Muslims have been able to find protection under racial or sex discrimination laws, many cannot and fail to take injustices to court.

Thus the government ought to learn from the years of experience gained from overseas, where provisions already exist to make religious discrimination unlawful. The Council of Ministers has approved two directives proposing minimum standards of legal protection against discrimination throughout the European Union. The Employment Directive requires member states to make discrimination unlawful on grounds of religion or belief, disability, age or sexual orientation in the areas of employment and training¹⁴. Thus United Kingdom has already put into force The Employment Equality (Religion or Belief) Regulations 2003. Also the Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) makes it unlawful

¹⁴ <http://www.cre.gov.uk/legaladv/art13.html>

to discriminate against someone on the ground of religious belief or political opinion in Northern Ireland.

E. Indirect discrimination

According to the Home Affairs Bureau, it is planned that the future law against racial discrimination should be modelled on the existing three discrimination ordinances, that is the Family Status Discrimination Ordinance (FDO), Disability Discrimination Ordinance (DDO) and Sex Discrimination Ordinance (SDO). This poses a problem especially to the definition of indirect discrimination as it has already been amended in laws abroad¹⁵.

The HK government proposes to define indirect discrimination as occurring when a person applies to another person a *requirement or condition* which he applies or would apply to persons not of the same ethnic group as that other person but which is such that the *proportion* of persons of the same racial or ethnic group as that other person who can comply with it is *considerably smaller than the proportion of persons* not of that racial or ethnic group who can comply with it¹⁶.

The problem with the above definition is that “requirement or condition” has been interpreted rather narrowly by UK judges, making it difficult to claim indirect discrimination. If HK adopts the same definition it is highly likely that Hong Kong judges would follow a narrow interpretation as well.

Secondly, the above indirect discrimination definition requires one to prove that a *considerably smaller proportion* of persons cannot comply with a requirement. This requires the claimant to provide statistical evidence. This, however, is not the case in the UK.

The Race Directives already adopted in European countries, however, replaces the “requirement or condition” with “*neutral provision, criterion or practice*” and further requires an objective justification test. An objective justification test means that it must be shown by the defendant that the provision, criterion or practice can be *objectively justified* by a legitimate aim and the means of achieving that aim are *appropriate and necessary*.

The advantages of the new definition of indirect discrimination are that the scope of cases is wider and that the claimant is not required to provide statistical evidence, but rather the defendant must prove that the practice is appropriate and necessary.

¹⁵ The definition of indirect discrimination has already been amended in the laws of United Kingdom (Race Relations Act 1976 (Amendment) Regulations 2003) to comply with the Race Directives of the European Council.

¹⁶ The full definition of indirect racial discrimination is the following:

Indirect discrimination occurs when a person applies to another person a requirement or condition which he applies or would apply to persons not of the same ethnic group as that other person but:

- a) which is such that the proportion of persons of the same racial or ethnic group as that other person who can comply with it is considerably smaller than the proportion of persons not of that racial or ethnic group who can comply with it;
- b) which he cannot show to be justifiable irrespective of the race, colour, descent, or national or ethnic origin of the person to whom it is applied; and
- c) which is to the detriment of that other person because he cannot comply with it.

It is highly disturbing that the government does not want to adopt a more updated and recent definition, as indirect discrimination is widespread in Hong Kong. For instance many ethnic minorities have difficulties in accessing the health care system because they face communication problems with the staff. The lack of provision of an interpreter would thus be a case of indirect discrimination.

F. Exception for companies with less than six employees

The government has announced that several exemptions will apply to the future race discrimination law. Among these, there is a three year exemption for small businesses or employers with less than six employees. This exception effectively hinders the majority of the ethnic minorities in Hong Kong to seek remedies for discrimination in employment, as foreign domestic helpers make up the majority (2/3) of the around 350,000 ethnic minorities in Hong Kong. As most employers of foreign domestic helpers only employ one helper in their household, it effectively exempts them from the future bill for three years. This exception is a racially discriminatory policy because it mostly affects people from the Philippines, Thailand and Indonesia. Thus specific ethnic groups will be hardly hit by the exception.

It is of outmost importance that the sunset period for the employers is reduced to a minimum, preferably one year, because racial discrimination in employment is widespread. Asian Migrant Centre's Baseline Research reveals that almost all foreign domestic helpers interviewed believes that contract violations they experience are significantly related to racial discrimination. 60% of the respondents states that they are discriminated against and unfairly treated because they are domestic workers, and 22.2% ascribed the reason to their foreign status¹⁷.

The government may argue that domestic helpers already have other remedies for such violations, such as the Labour Department. However, this is no excuse for not protecting them against racial discrimination in employment for three years, as it is their human right to be protected and it would widen the scope of protection.

Furthermore besides from the foreign domestic helpers, other ethnic minorities who work in small businesses such as restaurants, salons, shops etc. report being discriminated against as well. These groups need also to be protected. They receive lower wages or have worse working conditions than their Chinese counterparts solely because of their race.

The government believes that the small businesses and employers must be exempted because they need time to adapt themselves to the law. However, Hong Kong already has 3 discrimination ordinances in place, which the businesses have had plenty of time to accommodate themselves to. Furthermore the government already published a *Code of Practice Against Discrimination in Employment on the Ground of Race* in 1998, which means that the businesses already have had time to get to know the principles of non-discrimination in employment. Thus the government should make the exemption period as short as possible.

G. Special measures

¹⁷ Asian Migrant Centre 2001: *Baseline Research on Racial and Gender Discrimination Towards Filipinos, Indonesian and Thai Domestic Helpers in Hong Kong*, Hong Kong

The government has stated that one of the objects of the bill is to implement the International Convention on the Elimination of Racial Discrimination¹⁸. Thus it is not only the concept of non-discrimination that must be implemented but also other provisions stated in the convention. One very important article in the convention is article 2(2) of the ICERD which requires that states parties shall take *special measures* to guarantee the equal enjoyment of human rights.

Special measures may also be termed positive discrimination, and requires the government to provide measures to tackle general inequalities that specific groups may face, such as a higher unemployment rate, or lack of access to vocational training. Such an approach is different from a non-discrimination approach which only prohibits discrimination but does not attempt to provide equality of outcome.

As ethnic minorities represent a very disadvantaged group in HK society, it is important that a positive approach is adopted. It is the duty of the government to look into the existing inequality, and it must improve the relative position of particular groups. The government must emphasize the actual outcome to achieve an equal impact.

The proposed Race Discrimination Bill however, does not impose on public authorities a positive duty to promote equality. This duty however, already exists in race legislation abroad. In Great Britain, the Race Relations (Amendment) Act 2000 introduces a duty on public authorities to promote equality of opportunity and good relations between persons of different racial groups. And in Northern Ireland the Fair Employment and Treatment Order 1998 (FETO) imposes on employers certain duties that go beyond non-discrimination. It includes obligations to monitor and periodically review to ascertain if there is fair participation and consideration of suitable affirmative action to address under-representation¹⁹.

A positive duty to promote equality would be an important step towards equality for ethnic minorities. A positive approach may take form as a positive duty on a public sector employer or a service provider to promote equality of opportunity, or a requirement to monitor the progress of employing ethnic minorities. There are at least three main areas where special measures should be taken to ensure equality, namely in employment, access to government services and the educational sector.

High unemployment rate among ethnic minority residents

Employment is a major area where special measures are needed to address existing inequality. The unemployment rate is significantly high among ethnic minorities. Research has shown that more than 40% of the ethnic minorities are out of jobs, which is much higher than the 6.9% among the overall population. Some few figures can indicate the relatively higher unemployment rate. While 42% of the Nepalese construction workers are out of jobs, the figure was 19% for the overall population in

¹⁸ Home Affairs Bureau 2004: *Legislating Against Racial Discrimination*, Hong Kong: page 9,

¹⁹ Office of the First Minister and Deputy First Minister 2004: *A Single Equality Bill for Northern Ireland. A Discussion Paper on options for a Bill to harmonise, update and extend, where appropriate, anti-discrimination and equality legislation in Northern Ireland. June 2004*, Northern Ireland.

the end of 2003. In fact 33% of the Nepalese respondents in a survey answered that they did not have any income and 48% were living under the poverty line²⁰.

The high unemployment rate among ethnic minorities can be contributed to the fact that the government has no specific policy to create jobs for minorities or to eliminate the barriers that minorities face in accessing the labor market. In fact the employment services, especially those in the Labor Department, do not suit the special needs of minorities who do not speak the local Chinese dialect. Furthermore most vocational training courses are only provided in Chinese, thus making it impossible for minorities to attend these courses.

Access to government services

Another area where special measures are highly recommended is in the provision of government services. As mentioned above, many ethnic minorities are not fluent in English or Chinese. This seriously hinders their access and equal treatment in government services. One example is the treatment in hospitals. According to a survey conducted by SoCO more than 37% of the ethnic minorities have problems in communicating with hospital staff. This, combined with racial discrimination, may be the reason that 20% feel that staff do not help them well. Some even get wrong medication or treatment. Without provision of professional interpreters²¹, ethnic minorities are denied equal treatment in government services.

Education

The Government's new school allocation system for ethnic minority children now means that the children can study in a Chinese school, which is preferable to having no choice at all as in the past where the students could only choose English Medium Schools. However, many ethnic minority children face severe difficulties in schooling, especially learning Chinese. Although the government has changed its policy it has not been accompanied with services to match the needs of students who attend Chinese Medium Schools. In fact the change has been too hasty, leaving many ethnic minority children without the special attention and support they need in a new environment. The need for special training for teachers and parents is of utmost importance if the new policy is to help ethnic minorities integrate into the local school system.

H. Monitoring mechanism

In the past years, the Equal Opportunities Commission (EOC) gained a reputable status within local and international communities. However the termination of contract of the former chairperson, Madam WU Hung-yuk, and the unfair dismissal of the directors of operation has had a destructive effect on the credibility of the EOC, and it now seems unfit to promote anti-discrimination movement effectively.

20 The poverty line per individual is half of the median wages for the whole population (\$5,500) as defined by the Hong Kong Social Security Society.

21 Although the government says that interpretation services are available, they are seldom used and hospital staff may not know about the availability of these services. In fact a survey of 43 hospitals and clinics showed that only 1 hospital offered this service on request.

It is important that the government is committed to equal opportunities. The recent happenings can only suggest the opposite and has created flaws in the good reputation of the EOC. It is important that the EOC functions as a fully independent statutory body. Also it must be provided with the necessary resources to ensure that victims are supported through investigation and conciliation.

Regarding the EOC the HKHRC would like to stress the following:

- The EOC must have powers to regularly review government policies²² towards protection against racial discrimination and for the promotion of equality.
- Ethnic minority representatives should be widely represented in the future board of the monitoring mechanism.
- It must be ensured that multilingual services are available in handling the complaints and that language support is given all through the process.
- The EOC must be given adequate resources to assist claimants.
- The EOC should play a major role in raising awareness among the public about racial discrimination and equality and promote diversity through the media and education/training. The EOC should further play a major role in raising awareness among the ethnic minorities about racial discrimination and the role of the EOC.

Recommendations:

1. Include new immigrants in the Race Discrimination Bill as a protected group.
2. Extend the grounds of discrimination to include language, religion, nationality, citizenship and culture.
3. The legislation should not be modelled on the existing discrimination ordinances but rather on updated international law, and include an up to date definition of indirect discrimination based on international law.
4. Reduce the 3 year sunset period for businesses and employers to a maximum of 1 year.
5. Include a positive duty to provide special measures in the bill.
6. The scope of protection should specifically include areas such as self-employment, partnerships, employment agencies, housing (selling and renting), social protection, (including social security housing and healthcare) and vocational training (including practical work and experience).
7. The Equal Opportunities Commission must be given adequate resources and powers to assist victims of racial discrimination.

²² A lot of the current government policies are racially discriminatory, e.g. the 7 year residence rule for application of CSSA and public housing, the levy in employers of foreign domestic helpers and the Immigration Ordinance which splits ethnic minority families and new immigrant families apart.

Introduction of the Hong Kong Human Rights Commission

The Hong Kong Human Rights Commission is a coalition of eleven non-governmental organizations including religious, women, community organizations and students groups. It was founded in March 1988.

Although coming from different backgrounds, we share in the belief of the dignity and respect of each person and that every man and woman has inherent rights. As the “Human race is one”, the Commission member organizations consider that mutual respect, equality and freedom form the foundation on which a just, peaceful, and humane society is built.

Over the years, the Commission has endeavored to promote and protect the human rights of the community. Not only does Hong Kong lack a democratic political system, its legislation also allows the government substantial power so as to maintain social control. Civilians are forced to submit to this power and therefore justice often fails to prevail. The Commission has been gathering resources in order to consolidate civil power. By doing so we hope to arouse public concern to the level where the people will push the government to reform.

Since it was founded, in addition to lobbying for the Bill of Rights and subsequent amendments to the law at local level, the Commission has also submitted reports to UN treaty bodies, attended hearings and lobbying at international level. Recognizing that public awareness and participation are vital to the development of human rights, the Commission has promoted human rights education through exhibitions, gatherings in schools and community centers. Although the Commission recognizes that its work has benefited many, there is the lingering feeling that much more can be done.

Members of the Hong Kong Human Rights Commission:

Christians for Hong Kong Society
Hong Kong Catholic Youth Council
Hong Kong Christian Industrial Committee
Hong Kong Christian Institute
Hong Kong Federation of Catholic Students
Hong Kong Social Workers' General Union
Hong Kong Storehouse and Transportation Staff Association
Hong Kong Women Christian Council
Justice and Peace Commission of the Hong Kong Catholic Diocese
Society for Community Organization
Student Christian Movement of Hong Kong

Contact Addresses of the Hong Kong Human Rights Commission:

Web site: <http://www.hkhrc.org.hk> **Email:** soco@pacific.net.hk,
hkhrc@pacific.net.hk

Society for Community Organization

3/F, 52 Princess Margaret Road,
Kowloon,
Hong Kong
Tel: (852) 2713-9165
email: soco@pacific.net.hk

Fax: (852) 2761-3326

Justice & Peace Commission of the Hong Kong Catholic Diocese

Rm. 302, 1 Tai Shek Street,
Sai Wan Ho, Shaukiwan,

Hong Kong
Tel: (852) 2560-3865
email: jpcom@pacific.net.hk

Fax: (852) 2539-8023