

Hong Kong Christian Service
Opinion on Legislating Against Racial Discrimination

Dec 2004

1. **Social Inclusion:**

- 1.1. Legislations against racial discrimination should take a more proactive approach rather than a remedial approach.
- 1.2. Thus, relevant legislations should aim at enhancing social inclusion of ethnic minorities in Hong Kong but not just to take preventive and remedial measures to forbid racial discrimination.
- 1.3. To achieve this, additional resources have to be allocated to various policy areas. Otherwise, effort against racial discrimination will not be mainstreaming in policy formulation and related service delivery but just an added value to existing services provided. A “top-up” approach will not be as effective as a proactive approach in enhancing social inclusion of ethnic minorities.

2. **Civic Education:**

- 2.1. The government should provide additional resources to cultivate a culture of social inclusion, in particular the inclusion of ethnic minorities, among Hong Kong citizens.
- 2.2. Civic education has to be conducted so as to change the mind set of Hong Kong people to perceive ethnic minorities as a family, and Hong Kong as a home for all races. Mutual respect should be one of the major themes to advocate.
- 2.3. Specifically, more effort should be put by the government in promotion on the forthcoming legislation.

3. **Supportive Services in Education:**

- 3.1. Just lip service is not helpful in facilitating the ethnic minorities to integrate into the Hong Kong society. The government should provide supportive services to students of ethnic minorities, and to provide adequate opportunities for them to further their studies.

- 3.2. In this connection, resources should be allocated to schools so that they can employ additional teaching assistants or buy in services to enhance the learning of the ethnic minority students.
- 3.3. As most of the students from ethnic minority groups have great difficulty in learning Chinese, which is a subject that counts with a heavy weighting among different subjects, they should be provided another option to sit examinations for Chinese Syllabus (B) which is of lower standard than Syllabus (A) and easier for them.

4. **Economic Development and Employment:**

- 4.1. In order to ensure that no Hong Kong citizen would be treated with public services of second-class quality, such as medical service, the government should organize retraining courses on translation and interpreters for ethnic minority school leavers, which is a win-win situation that more jobs can be created for ethnic minorities and at the same time other ethnic minorities can receive adequate and proper services.
- 4.2. Some of the ethnic minorities in fact have high qualifications in their own birth place but unfortunately not recognized in Hong Kong. The government should provide a user-friendly mechanism to provide qualification accreditation services for them.
- 4.3. The government should introduce tax allowances for those employers who employ ethnic minorities.
- 4.4. The government should act as a role model for other employers in Hong Kong by recruiting a substantial number of ethnic minorities who are qualified for the jobs respectively.

5. **Supportive Services for SME:**

- 5.1. It may be a stringent requirement for SMEs to observe the future legislation if they have to revise their practices all by their own. Thus the government should provide tangible assistance to SMEs, such as workshops, guidelines, and translation services and the like.

5.2. Free legal consultation and advice should also be provided for SMEs to help them examine whether their practices will possibly contravene with the law and to help them to make necessary remedy measures.

6. **Implementation:**

6.1. A high power Social Inclusion Authority should be set up to implement the Racial Discrimination Ordinance.

6.2. The jurisdiction of the Authority should not limit to enforcement of the ordinance, but also to investigate proactively any cases that breach the ordinance.

6.3. In addition, this high power Authority should be given sufficient resources to proactively promote, educate, and advocate for a racial-discrimination-free society.

7. **Tackling implicit forms of racial discrimination:**

7.1. Sometimes racial discrimination occurs in subdue forms, either intentionally by the person or due to the ignorance of that person. A common and obvious example is using improper expressions that results in the embarrassment or bad feeling of the person of ethnic minority.

7.2. The legislation should thus include obviously offensive forms of language expressions or body language.

8. **Political Participation:**

8.1. Ethnic minorities should be facilitated in political participation. Although they have equal opportunity in registering as voters and to stand for candidateship as fellow Chinese citizens in Hong Kong, more efforts should be made by the government to encourage them to be more active in political participation, such as recruiting interpreters to help in voter registration exercises and relevant educational activities.

8.2. The government should consider appointing more people from ethnic minority groups into existing and new consultative bodies.

8.3. Another arena that the government can do more is to launch the government web site in various language versions, which will certainly help to reduce the information gap of the ethnic minorities from the main stream society.

9. **New Arrivals:**

9.1. New arrivals from the Mainland China are Chinese but not ethnic minorities, and thus it is not unreasonable not to include them as the target group protected by this legislation.

9.2. However, by leaving them out, they will then be even worse off than the ethnic minorities in Hong Kong, a society mainly consists of Chinese. This is ridiculous.

9.3. Hence, the government should draft another legislation to cater for these new arrivals so as to enhance their social inclusion into the Hong Kong society.