

**Submission to the Legco Bills Committee on
Race Discrimination Bill
By YMCA of HK (CSW Centre)**

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Introduction

Starting from 2004, YMCA of HK (CSW centre) launched a Project to serve for the ethnic minorities in Sham Shui Po District. Since then, the centre has successfully developed a set of projects to enhance better understanding between ethnic minorities and local Chinese. For the past few years, we had come across with many cases that ethnic minorities had been facing racial harassment in their daily lives and we believe a comprehensive Racial Discrimination Ordinance (RDO) will help to improve their living situation in Hong Kong. Thanks for the government's effort being made in the past few years to respond to the needs of our members, yet, we are afraid the present proposed Racial Discrimination Bill has some limitations and is not comprehensive and effective enough to tackle the racial discrimination problem, thus, we strongly wish the government would amend the present bill **especially in the area relating to the exemption on language and education aspect** in order to make the bill as a useful and meaningful one for the ethnic minorities in HK.

Discrimination and Racial Harassment Cases relating to language

Language barrier is one of the major challenges faced by our ethnic minorities friends living in HK. Here are some cases happened with the absent of RDO:

1. Employment Aspect

"Mrs Singh went to the labour department to look for the job. As she had worked in a café for 7 years, she applied for the job of supervisor in a western restaurant. After interview, the labour officer called the employer and told him that she fulfilled all their requirements. So he asked whether he should send her to an interview. When the employer was told that she was from Nepal, he suddenly asked if she could read and write Cantonese. So she was refused most likely because of her race and language."

Moreover, for some of the job advertisement, even though most of the content is written in English, but sometimes the remarks part will be written in Chinese.

However, it is not a must for every ethnic minority to understand Chinese, with the practice of Chinese appeared in English advertisement, will again hinder ethnic minorities to find a job. In such case, it is understandable that special arrangement, i.e. job advertisements be written in both English and Chinese should be made in order to give the ethnic minorities a fair environment for their job application process.

2. Education Aspect

Every child of school age, regardless of ethnicity, is able to attend a government school (from Primary 1 to Form 3) and the NCS students can actually choose from the ten primary schools and five secondary schools which are appointed as 'designated schools' by the Education Bureau, to provide 'intensive on-site support service'. But it turns out to be a segregation policy of education in the eyes of many local parents and teachers that generate labeling effect. Moreover, the Chinese language skills being taught in such schools are generally not in the standard that can equip the children to proceed into higher education level.

But when talking about integration for the NCS students into mainstream school, most of the schools are not equipped with enough support for the children and parents, in terms of teaching medium and communication channel with the parents. We had come across with few cases that the parents is unable to understand their children's notice to parents due to their insufficiency in Chinese as nearly all the notice are written in Chinese. It is not difficult to imagine schools' lack of relevant experience and resources to help the ethnic minorities will lead to their lose of motivation to go to school. Again, it is understandable the educational establishments should have make special arrangements to the ethnic minorities but not to exempt it in order to provide a fair environment for the EM children.

3. Medical Aspect

Health is very important as everyone knows and a minor mistake can mislead the whole human body. We had come across with case like that: One of our Pregnant Pakistani women went for body check up while she tried to spoke with the nurse; Nurse turned her face and did not response her properly so immediately she rang our Nepalese staff and ask for help to interpret her. Our staff have told her "could you pass to the Nurse?" while the time Pakistani women were requesting Nurse to speak with she did not; besides she was

speaking in foul language which our staff can hear clearly. In this case, Due to the Pakistani women's inability to understand Cantonese, Such kind of racial harassment could actually be avoided if interpreter is provided from the hospital.

One more case is about wrong medication prescription due to language barrier. "Mr. Pervez has been in Hong Kong for last 15 years. He considers himself as a Hong Kong person. He has two sons age 2 and 4. Work as a driver, he has been living very peacefully till the time his son got the sickness of convulsion. The doctors tried to explain him the details of the sickness but he was unable to understand English in medical sense, he asked for the interpreter but the doctors and nurses keep on persuading him that he can understand. When his wife went to take the son from the hospital and took the medicine, *she did not understand completely the prescription of the medication and the counter staff even didn't bother to tell her in details.* So the medication was given wrongly and the boy got more serious, then they got help from a friend who accompanied the family to the hospital where he ask the doctors details of the sickness and explain to the family. The father thinks that only because of the lacking of appropriate support for the ethnic minorities in hospital that his son was in the conditions of life and death.

If hospital could provide interpreters for most of the major languages, EM who could not communicate in Chinese could receive a better medication instead of receiving panadol only like what most of the EM is now facing. And actually special arrangement for EM in terms of language should be made but not to uphold under the RDO for EM who has fewer resources and in disadvantage situation.

Sadly to say, after the implementation of present RDO, we can foresee the cases mentioned before will still occur because **the bill does not impose a mandatory obligation for special arrangement to be made in favor of any particular racial group and gives a clear message that no special arrangements regarding medium of instruction is required** especially in education aspect.

Conclusion

As the main purpose of the legislation for the ethnic minorities is to ensure those vulnerable people could be protected against racial discrimination and

made racial discrimination unlawful. We are unwilling to see after the implementation of the RDO will lead to situation that is same or even worse than before. Law itself is not only a legal document but can give education message to lead our society to be a better one. An valuable RDO can serve as an effective education tool to let public know all forms of racial discrimination is unacceptable in our society, however we cannot see the present one could serve the purpose to combat racial harassment with the exemptions for certain government acts. A responsible government should take the leading role to combat all forms of discrimination but not exempt from it, **we really hope the bill committee will ONLY pass the bill with amendment** in order to provide a favorable living environment to the disadvantage EM groups in HK.