

Submission to the Bills Committee on Race Discrimination Bill

Meeting on Tuesday, 16 January 2007

in the Chamber of the Legislative Council Building

March 2007

**Position Paper on Race Discrimination Bill**

Dear Honorable Committee Members,

The government had finally tabled the Race Discrimination Bill to the Legislative Council in December 2006 since the discussion of starting the legislation work since 2003. We welcome the government to table the bill in order to keep her promise, however, it is also disappointing to see there is too many exemption areas in the mentioned bill. It could be foresee that the basic human right of the ethnic minorities in Hong Kong could not be protected even the bill is passed. Referring to the Race Discrimination Bill, we have the following standpoints:

**General Standpoint**

We insist the standpoint of “the exemption for the government and private sectors to provide translation service in the essential service (e.g. education, employment, medical service, etc.) should be removed” in the fore coming Race Discrimination Bill.

**The right of ethnic minorities could not be protected**

We think “Race” should means all the ethnic related culture, religion, dressing and language, rather than just the skin colour. We should ensure the basic right of every ethnic in Hong Kong could not be exploited with his or her ethnic related culture, religion, dressing and language. It is especially important to protect their right in essential service.

***In medical Sector***

H.K.S.K.H. Lady MacLehose Centre and Centre for Policy Studies, Department of Applied Social Sciences of the Hong Kong Polytechnic University jointly conducted a study on “Determinants of access to health care for women and children of Pakistani Ancestry residing in Hong Kong” between August and October 2006. The finding shows that more than 40% of the Pakistanis Women had faced the language barriers. Some cases had withdraw from medical service because language barriers, some cases cannot understand the instruction of taking medicine, and some even had taken the wrongly, which used the anti-depression pills as headache pills.

***Education Sector***

Chinese curriculum is the biggest obstacle for the ethnic minorities students in the education issue. Even though some ethnic minority students could speak and understand Chinese, but seldom of them is able to read and write. Not more than 20 out of 500 ethnic minority students can go to F.6 every year. The number of students who can enter the government subvention program in university is even less. And the ethnic minorities family is impossible to relief from poverty cycle by the education system. The main reason for the problem is the only Chinese curriculum is too difficult to the non-Chinese speaking students, and there is still lack of a “Chinese as a second language” course for the them.

***Employment Sector***

If you login to the Labour Department Interactive Employment Service, it is not uncommon to see almost all the job vacancy advertisement included Chinese words, especially include important information likes job requirement and job duties. It is impossible for the ethnic minority group, which has nearly 20% of unemployment rate, to be employed with the help of Labour Department.

Moreover, the ethnic minorities are very difficult to equip themselves and upgrade their competition power while the retraining course and examination is only provided in Chinese. With the low education level and low

skill,

#### ***Other essential service***

Language barriers had also limited the chance for the ethnic minorities to use public service like legal aid, police service, etc. For instance, when a ethnic minority person goes to the police station, it's not easy to have a English speaking service. Other public sector information like legal aid and Housing Authority is disturbed in Chinese.

#### **Social Cost of Racial Inequality**

Except some Indian businessmen, most of the South Asian in Hong Kong are grass-root citizens. Their education level and economy status are lower, and their unemployment rate and the number of CSSA recipients are higher than the average data in Hong Kong. Because of the limited chance in having tertiary education and enjoy retraining, ethnic minority group, which consist of 5% of the overall population in Hong Kong are unable to relief from the cross-generation poverty. They keep staying in a low-income and unemployment condition. In consequence, they can only depend on the assistance of CSSA, the high unemployment rate and CSSA recipients would cause social unstable and social harmony will be affected.

#### **Enhancing the international image and competitive power of Hong Kong by promoting racial equality**

Currently, most of the Western developed countries, even in South Africa, had a well established Race Discrimination Bill to protects the right of ethnic minorities. Moreover, it encourages and motivates them to integrate in the society. Those countries assist the ethnic minorities group to relief from the poverty actively, in order to create a harmonious society.

However in Hong Kong, even the legislation of Racial Discrimination Bill has been raised recently, but there are too many exemption section attached with the "Racial Discrimination Bill" (including 58 exempted language as a base of racial discrimination), it is harder to improve their disadvantages condition and it will affect the international image of Hong Kong.

Since the handover in 1997, Chinese had taken the place of official language and English is defined to use "only in necessary situation". It is not uncommon to see the information of the public service is in Chinese only. Besides making the ethnic minorities is even more difficult to live in Hong Kong, it also reduced the English ability and competition power of Hong Kong as an international city. According to the research made by 「政經風險論壇」 in 2002, the English level of the Hong Kong people only come in the 6<sup>th</sup> place out of 12 Asian countries, which in the same level of Japan and is far behind Singapore. Moreover, the 明天更好基金 had induced a research on commercial confidence. The result shows that more than 60% foreign commercial companies feel disappoint with the English level in Hong Kong. And the average mark of Hong Kong candidate who takes the International English Language Testing System is only 5.58, that is lower than the whole world average (5.87).

#### **Government should play an active role in promoting Racial Equality**

We understand legislation is not the only way to promote social equality, but social education to build up a social harmony atmosphere is also very important. However, we believe the role of the government could be more active. Firstly, in public sector service especially essential service like education, housing, medical, employment, etc., there must be bilingual translation. Most important, the government has to work out an effective race law to prevent racial discrimination and promoting racial equality. In the delete the exemption section in the Race Discrimination Bill (especially the section 58: language is not a basis of discrimination).

We are looking forward to see the government to take the above action, work out an effective law, and the Hong Kong society could really become a harmony home with equal opportunity for everyone.

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**“A Study on “Determinants of Access to Health Care for Women and Children of Pakistani**

**Ancestry residing in Hong Kong”**

**Research Report**

***Exposing A Sad Truth:***

***The Plights of Ethnic Minority Women When Accessing the Local Health Care Service***

Language barrier is always a block for the ethnic minorities to enjoy the same opportunity in education, employment and medical service if comparing with Chinese. H.K.S.K.H. Lady MacLehose Centre and Centre for Policy Studies, Department of Applied Social Sciences of the Hong Kong Polytechnic University jointly conducted a study on “Determinants of access to health care for women and children of Pakistani Ancestry residing in Hong Kong” between August and October 2006. This survey significantly shows that over 40% of Pakistani women find public health care services “quite difficult” to use and the “language barrier” is a major access barrier. It is suggested that to take away the exemption clause like section 58 in the fore coming Racial Discrimination Bill.

**Research Result Finding**

Results of this study show that more than 24.7% of the Pakistani women described their health as “Fair” or “Poor”. When the respondents and their children encounter major or minor medical problems, majority of them would choose to go to A&E in public hospital (93%, 61%), followed by private doctors (30%, 45%). Hence, most Pakistani women rely on public health services. Amongst all, 43% Pakistani women find public health care services “quite difficult” to use, while only about 30% (29%) find it “quite easy”, and a large number of respondents (72%) find that “long queuing hours” is the major access barrier, while “language barrier” (41%) is their second concern. As with their satisfaction in using health care services, nearly two-third of the respondents (64%) say that health care professionals do not treat them differently. Only 17% of them believe the doctors treat them worse than Hong Kong locals. Moreover, more than half of respondents (58%) are satisfied with the public health care services in Hong Kong while only about 10% of them (11%) are not happy. The major reason why they are satisfied is mainly due to the doctors whom they are caring (86%), and then 37% think that the medication is effective. These figures and comments demonstrate a moderately high level of satisfaction in Hong Kong’s health care system.

As with their access of health services from NGOs and source of health-related information, it is found that majority of the respondents (85%) have never attended any of the health education/promotion activities, while only 14% attended some health talks before. When asked the type of services they need from the social service organizations to access health care services in Hong Kong, some of them say that translation service (28%) and escort service (16%) would be useful. The study further indicates that their major sources of information come from the mass media (85%) and family and friends (57%), and seldom from health care professionals and official sources (19%).

**Case Illustration**

Besides the research finding, the real Pakistani case had also illustrated the problem. Zohera came to HK in 1994 and her son was suffered from Asthma. As a typical Pakistani woman who does not understand Chinese nor English, she never knows the health situation of her son and how to use the medicine. “I don’t know how many times I should use the medicine a day, I don’t understand what’s the doctor talking about and nobody ask me about the translation. As a result I just use the medicine when necessary and his sickness didn’t get any improvement for the whole two years.”

**Recommendation**

There must be some ways to improve health care services for racial minority in Hong Kong, such as increase accessibility and two-way communication to remove language barrier. Essential health education materials should be made available in Urdu or English. The Hospital Authority may employ more local Pakistanis as lay interpreters at Accident & Emergency Departments in districts such as Yau Tsim Mong, Kwun Tong and Kwan Chung & Tsing Yi. Proactive health promotion

strategies should be adopted by reaching out to the Pakistani communities in partnership with NGOs. The health care needs of Pakistani families could be more effectively addressed, especially when health services are provided through their own social and community networks by Pakistani staff employed by NGOs.

Most importantly, “the exemption for the government and private sectors to provide translation service in the essential service (e.g. education, employment, medical service, etc.) should be removed” in the fore coming Race Discrimination Bill to avoid the mentioned case happened again in the future.