

Bills Committee on Race Discrimination Bill

**Supplementary information in response to questions
raised at the meeting held on 26 March 2008**

Purpose

At the Bills Committee meeting held on 26 March 2008, Members asked for further information relating to –

- (a) vocational training for ethnic minorities, particularly in regard to courses provided by the Construction Industry Council Training Academy (CICTA) and the measures taken to meet the vocational training needs of the ethnic minorities;
- (b) the ethnic minority groups and non-governmental organisations (NGOs) consulted by the Employees Retraining Board (ERB);
- (c) statistics on usage of interpretation service at hospitals and the implementation plan for enhancement of service;
- (d) the application of the Obstetric Service Package Charge for Non-eligible Persons (NEPs) and whether the practice constitutes racial discrimination against pregnant women from the Mainland; and

- (e) the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and whether clauses 20(2) and 26(2) would result in lowering of standard of protection for ethnic minorities.

2. This paper provides the information requested. The questions raised by Members related to education are dealt with in a separate paper, also submitted for this meeting.

Vocational Training

Construction Industry Council Training Academy (CICTA)

3. CICTA currently offers nine safety related courses and one part-time skill enhancement course in response to the demand of ethnic minorities. These courses are specifically targeted at ethnic minorities and are conducted in English. The nine safety related courses include a green card course that helps ethnic minorities to acquire qualification for registration as Registered General Workers under the Construction Workers Registration Ordinance. There have not been any requests so far for conducting other courses and trade tests in English to help ethnic minorities to acquire qualifications for registration as Registered Semi-Skilled Workers and Registered Skilled Workers. CICTA is prepared to consider offering such courses and trade tests if the demand arises in future. Meanwhile, CICTA will continue to liaise with ethnic minority organizations to monitor and assess the need for new English courses.

Employees Retraining Board (ERB)

4. Since mid-2007, the ERB has been providing, on a pilot basis, dedicated placement-tied courses for ethnic minorities. Of the nine courses approved, six have been launched including two on “Security and Property Management”, one on “Local Domestic Helper” and three on “Kitchen Assistant in Indian Cuisine”. Relevant statistics of these courses are set out at Annex A. Classes for the remaining three courses, including one on “Personal Care Worker” and two on “Environmental Hygiene and Cleaning Worker”, are expected to commence in the first quarter of 2008-09.

5. The ERB is also working in conjunction with the Vocational Training Council and the Standing Committee on Language Education and Research on the pilot training courses under “Basic Vocational Chinese Programme”, to be launched in the second quarter of 2008-09. Moreover, the ERB is exploring the possibility of offering training courses for interpreters working for ethnic minorities in 2008-09. For 2008-09, the ERB plans to offer a total of 2 000 training places for ethnic minorities to meet their training needs.

Vocational Training Council (VTC)

6. Following the re-organisation of the Government Secretariat on 1 July 2007, subvented courses leading to formal qualifications offered by the VTC are funded by the Education Bureau under the programme area of “vocational education”, whereas subvented training courses of short

duration and programmes which do not lead to formal qualifications are funded by the Labour and Welfare Bureau (LWB) under the programme area of “vocational training”.

7. In the 2007/08 academic year, dedicated vocational training courses subvented by LWB for ethnic minorities mainly include preparatory courses for trade tests for in-service personnel and Vocational Development Programmes for non-engaged youth. The VTC is also working on a new “Basic Vocational Chinese Programme” for the ethnic minorities which is expected to be launched in the second quarter of 2008. The relevant statistics on these courses are set out at Annex B.

Ethnic minority groups and NGOs consulted by ERB

8. The ERB is fully committed to providing assistance to ethnic minorities to enhance their employability and integration into the local community. It maintains close liaison with the relevant parties in identifying the training needs of ethnic minority groups and developing suitable training courses for them. The ERB has consulted the following NGOs directly or via its training bodies –

- (a) Caritas – Hong Kong Community Development Service;
- (b) Christian Action;
- (c) Hong Kong Christian Service - Project SASA (South Asians Support Alliance);
- (d) Hong Kong Employment Development Service;

- (e) HKSKH Lady MacLehose Centre;
- (f) Society for Community Organization;
- (g) Hong Kong Unison Limited;
- (h) Young Men's Christian Association of Hong Kong;
- (i) The Indian Chamber of Commerce Hong Kong;
- (j) Hong Kong Nepalese Society;
- (k) Gurkhas' Son & Daughters' Social Organisation Hong Kong;
- (l) Chatpate House;
- (m) Far East Overseas Nepalese Association;
- (n) Hong Kong Integrated Nepalese Society;
- (o) Hong Kong Nepalese Federation;
- (p) Inner City Ministries;
- (q) Nepali Union Church;
- (r) Sagarmatha (Mt. Everest) Nepalese Community, Hong Kong;
- (s) Sagarmatha Multicultural School;
- (t) Pakistan Islamic Welfare Union of Hong Kong
- (u) Yuen Long Mosque; and
- (v) Pakistan Association of Hong Kong.

9. The ERB has also sent the consultative document on its future directions to members of the Committee on the Promotion of Racial Harmony to solicit their views.

10. The ERB is organising an exchange forum in April 2008 to facilitate the planning of training services and courses for the ethnic minority groups. Relevant NGOs and training providers will be invited to participate in the forum.

Interpretation services at public hospitals and clinics

11. The hospitals and clinics under the Hospital Authority (HA) normally hire interpretation service from the part-time court interpreters registered with the Judiciary. Where necessary, they may also seek interpretation support from local consulate offices, non-government organizations/ associations of ethnic minorities, patients' friends/ relatives or volunteers among the HA staff.

12. In 2007/08, the HA arranged interpretation for patients on no less than 367 occasions. The details, based on available statistics, are provided at Annex C. In general, the average response time (i.e. the time taken for an interpreter to arrive on-site) is 1.5 hours during normal working hours. For non-urgent consultation and scheduled appointments, prior arrangements could be made for interpreters to provide support to patients in need of the interpretation service. Information on unmet demand has not been kept. A recent assessment of the demand in clusters

has identified a higher service demand in several languages such as Nepali, Indonesian, Japanese, Urdu, Tagalog, Vietnamese and Korean.

13. In the coming year, several improvement measures will be piloted by the HA to enhance the provision of interpretation services to patients of ethnic minorities. Details are as follows.

14. While face-to-face interpretation is preferred, the timeliness of service would depend on the availability and locations of the part-time court interpreters. To enhance the support to ethnic minority patients, the HA plans to provide telephone interpretation services through the use of speaker phones at all HA hospitals/ clinics. Installation of speaker phones is in progress and will be completed by end May 2008. Furthermore, the HA has started in April to pilot an off-site telephone interpretation support services in the Tuen Mun, Kwun Tong and Yau Tsim Mong districts through the support of two Non-government Organizations for ethnic minorities, namely the Hong Kong Christian Service - Project South Asian Support Alliance and the Chomolongma Multicultural Community Centre, which are subsidised by the Constitutional and Mainland Affairs Bureau. Both NGOs provide interpretation service, free-of-charge to the HA and the patients, in Hindi, Nepali and Urdu.

15. In addition to this initiative, the HA is also exploring the feasibility of establishing its own contracts for provision of interpreters to supplement availability of part-time court interpreters. These will concentrate in several languages for which the demand for interpretation is

higher, such as Nepali, Indonesian, Japanese, Urdu, Tagalog, Vietnamese, Korean, Hindi and Thai.

Obstetric Service Package Charge for NEPs¹

16. The Obstetric Service Package Charge was introduced on 1 February 2007 to tackle the problem of rapid increase in the demand for obstetric services in Hong Kong by non-local women (including Mainland NEP) in recent years. The new arrangement includes the setting up of a booking system in public hospitals for the use of such service and the revision of the service package charge from the original \$20,000 to \$39,000 for booked cases and to \$48,000 for cases that seek hospital admission without prior booking. In addition, new measures which included the setting up of booking system in private hospitals and the implementation of complementary immigration measures by the Immigration Department have also been introduced since 1 February 2007.

17. The objectives of the new arrangement are to:

- (a) ensure that local pregnant women are given proper obstetric services and priority to use such services;
- (b) limit the number of non-local pregnant women coming to Hong Kong to give births to a level that can be supported by our healthcare system; and

¹ “NEPs”, for the purpose of subsidized public medical services, refer to persons who are not holders of Hong Kong Identity Card issued under the Registration of Persons Ordinance (Cap 177) or children under 11 years of age who are not Hong Kong residents.

- (c) deter dangerous behaviour of non-local pregnant women in seeking emergency hospital admissions through Accident and Emergency Departments shortly before labour.

18. The Obstetric Service Package Charge applies equally to all NEP pregnant women who seek to deliver in the public hospitals in Hong Kong. Its application is not based on the race of an individual.

ICERD and Clauses 20(2) and 26(2)

19. The specific provisions of ICERD in regard to the protection of individuals against racial discrimination are contained in Articles 1 to 7 of the Convention. Race discrimination is defined in Article 1.1 as meaning “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, social, cultural or any other field of public life.” Article 1.2 of ICERD specifically states that “This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.”

20. Article 2 sets out the fundamental obligation of State Parties to “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races”. The specific objectives are further elaborated in Articles 3 to 7. They include –

- (a) to prevent, prohibit and eradicate racial segregation and apartheid (Article 3);
- (b) to condemn all propaganda and organisations based on ideas of racial superiority and to eradicate all incitement to, or acts of, such discrimination (Article 4);
- (c) to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law, without distinction as to race, colour or national or ethnic origin, notably in the enjoyment of various political, civil, economic, social and cultural rights, as well as the right of access to places or services intended for use by the general public (Article 5);
- (d) to assure effective protection and remedies against acts of racial discrimination (Article 6); and
- (e) to adopt immediate and effective measures to combat prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among racial or ethnical groups (Article 7).

21. It should be pointed out that the ICERD provides individual States Parties with wide flexibility to determine the "appropriate means" for achieving the objectives of ICERD.

22. In regard to Clauses 20(2) and 26(2) of the Bill, it should be noted that "language" does not constitute "race" under ICERD. Hence, the provisions in these two clauses, which aim at clarifying the scope of the statutory tort of "racial discrimination", would not detract from the Government's obligations under the ICERD.

Constitutional and Mainland Affairs Bureau
Development Bureau
Food and Health Bureau
Labour and Welfare Bureau
April 2008

**ERB's Dedicated Placement-tied Courses for Ethnic Minorities in 2007-08
(as of March 2008)**

| | Course Title | No. of Classes | No. of Training Places | No. of Trainees Enrolled | No. of Graduates (Completion Rate) | Remarks |
|---|-------------------------------------|-----------------------|-------------------------------|---------------------------------|---|---|
| 1 | Security and Property Management | 2 | 33 | 25 | 21 (84%) | The placement rate for the first class is 89%. The six-month placement follow-up period for the second class has not yet ended. |
| 2 | Local Domestic Helper | 1 | 18 | 5 | 4 (80%) | The placement rate for this course is 100%. |
| 3 | Kitchen Assistant in Indian Cuisine | 3 | 30 | 29 | 26 (90%) | The placement rate for the first class is 54%. The six-month placement follow-up period for the second and third classes has not yet ended. |
| | Total | 6 | 81 | 59 | 51 (86%) | - |

VTC's Vocational Training Programmes* for Ethnic Minorities (2007/08 Academic Year)
(as of March 2008)

| Course Title | | No. of Classes | No. of Planned Places | No. of Trainees Enrolled | No. of Graduates (Completion Rate) | Destination |
|--|---|----------------|-----------------------|--------------------------|------------------------------------|---|
| Preparatory Courses for Trade Test for working adults | | | | | | |
| 1 | Preparatory Course for Intermediate Trade Test on Electrical Work | 2 | 30 | Recruitment in progress | - | Not Applicable |
| 2 | Upgrading Course on Fixed Electrical Installations | 1 | 20 | | - | Not Applicable |
| 3 | Preparatory Course for Intermediate Trade Test on Plumbing Work | 1 | 20 | | - | Not Applicable |
| | <i>Sub-total</i> | 4 | 70 | - | - | - |
| Vocational Development Programmes for non-engaged youth | | | | | | |
| 4 | Business and Office Operations | 1 | 15 | 14 | 14 (100%) | Secured job/further studies: 9 (65%) Outcome pending [#] : 5 (35%) |
| 5 | Hotel Housekeeping Operations | 1 | 20 | 15 | Course in progress | - |
| 6 | Electronic and Computer Assembly | 1 | 15 | Recruitment in progress | - | - |
| 7 | Elementary Programming Applications | 1 | 15 | | - | - |
| 8 | Fundamental Vehicle Servicing | 1 | 15 | | - | - |

| Course Title | | No. of Classes | No. of Planned Places | No. of Trainees Enrolled | No. of Graduates (Completion Rate) | Destination |
|--|--|------------------|-----------------------|----------------------------|------------------------------------|--|
| 9 | Western Food Production | 1 | 20 | | - | - |
| 10 | Introduction to Hotel Housekeeping Operations | 2 | 40 | 13 | Course in progress | - |
| 11 | Introduction to Beauty Care | 1 | 15 | 18 | 18 (100%) | Secured Job/further studies: 14 (78%) Outcome Pending [#] : 4 (22%) |
| 12 | Introduction to Office Software Applications | 1 | 20 | Recruitment in progress | - | - |
| 13 | Introduction to Computer Assembly | 1 | 20 | | - | - |
| 14 | Introduction to Vehicle Servicing | 2 | 30 | 13 | Course in progress | - |
| 15 | Introduction to Western Food Service – Module I | 1 | 15 | Recruitment in progress | - | - |
| 16 | Introduction to Western Food Service – Module II | 1 | 15 | | - | - |
| | <i>Sub-total</i> | <i>15</i> | <i>255</i> | <i>73</i> | <i>-</i> | <i>-</i> |
| Vocational Chinese Short Courses for non-Chinese speaking persons | | | | | | |
| 17 | Survival Cantonese | 1 | 30 | Recruitment in progress | - | Not Applicable |
| 18 | Socialising Cantonese | 1 | 30 | | - | Not Applicable |
| | <i>Sub-total</i> | <i>2</i> | <i>60</i> | <i>-</i> | <i>-</i> | <i>-</i> |
| | <i>All-total (Vocational Training)</i> | <i>21</i> | <i>385</i> | <i>73</i> | <i>-</i> | <i>-</i> |

- * Following the re-organisation of the Government Secretariat on 1 July 2007, subvented courses leading to formal qualifications offered by the VTC are funded by EDB under the programme area of “vocational education”, whereas subvented training courses of short duration and programmes which do not lead to formal qualifications are funded by LWB under the programme area of “vocational training”.
- # Course No. 4 and 11 were only recently completed in February/March 2008 and hence information about the destination of some graduates is not yet available.

Table I
Cases of provision of interpretation services in HA in 2007/08
(Breakdown by Providers)

| <u>Interpretation provided by</u> | <u>No. of Cases Performed</u> |
|---|-----------------------------------|
| (a) paid interpreters | 317 |
| (b) volunteers among HA staff | 36* |
| (c) consulate offices | 8* |
| (d) support from patients' friends/ relatives | 6* |

Total : 367

* Statistics understated because of incomplete record keeping.

Table II
Cases of provision of interpretation services in HA in 2007/08
(Breakdown by languages)

| <u>Languages</u> | <u>No. of cases</u> | <u>Languages</u> | <u>No. of cases</u> |
|------------------|---------------------|------------------|---------------------|
| Nepali | 73 | Vietnamese | 18 |
| Indonesian | 45 | Korean | 16 |
| Japanese | 26 | English | 13 |
| Urdu | 24 | Hindi | 13 |
| Putonghua | 23 | Thai | 9 |
| Sign Language | 23 | Others | 66 |
| Tagalog | 18 | Total: | <u>367</u> |