



Hong Kong Unison
香港融樂會

Submission to the Panel on Constitutional Affairs

**Hong Kong Unison response to the
Report of the Hong Kong Special Administrative Region under the
International Convention on the Elimination of All Forms of Racial Discrimination**

June 2009

Hong Kong Unison is a public charity non-government organization which aims to eliminate racial discrimination and promote racial harmony. Since our founding in 2001, we have been striving for ethnic equality, and fighting for equal opportunities for Hong Kong's ethnic minorities in various areas including education, employment, public services, and political as well as social participation.

The Hong Kong government ("the government") has this time submitted its report ("the report") on its implementation of CERD through the PRC. We find the report telling half truths as it fails to fully reflect the harsh reality faced by ethnic minorities in Hong Kong.

Below we shall respond to the report in areas of legislative protection, education, employment, joining-in of public service, use of social services and police power.

1) Legislative protection

The government has so far failed to formulate a full policy of promoting ethnic equality and harmony. Although the Race Discrimination Ordinance ("RDO") was enacted last year, it does not cover the government in performance of its functions or exercise of its powers. The new law also exempts educational, employment and training entities from language and other special requirements.

In addition, despite repeated request from EM community and concern groups, the government refused to implement the Race Equality Plan, which imposes a general statutory duty to public authorities for elimination of racial discriminatory practices and promotion of racial harmony and equality. Instead it only committed to provide an administrative guideline in relation to RDO.

In short, we find the administrative guideline insufficient to protect ethnic minorities as it is not legally binding. On the other hand, the guideline only covers government provision of



education, social welfare, labour and medical services. As a first step before implementation of a Race Equality Plan, we consider the guideline should at least be extended to more government departments and public bodies, for example, the police and other disciplinary forces.

2) Education

Support in Chinese learning far from enough

Para 176 in the report says the government encourage ethnic minority children learning Chinese for better integration into the society. Yet, in practice support provided to teachers and students are far from enough. For example, a tailor-made Chinese language curriculum for ethnic minorities, with appropriate stage learning goals and relevant assessment tools, has never been put in place. In addition, the Chinese examination fee of ethnic minority secondary school students is five times that of their Chinese counterparts, which impose a heavy burden to their families.

Limited choice of schools

For selection of schools, ethnic minority students face a much more limited choice than their Chinese counterparts. Given their lower Chinese language standard, they have been put in a disadvantageous position under the existing secondary school allocation scheme. Usually they end up studying at either designated schools, or those schools admitting most students from the lowest banding.

Para 179 in the report states there are other options for ethnic minority students, such as international schools or direct-subsidy scheme schools. Yet owing to their high school fee, they are only catered for students from high and middle-income families. To make matters worse, some of these schools even have racial prejudice and refuse to open the door for ethnic minority students.

In fact, the above situation is also extended to post-secondary education. Those self-financed associate degree and diploma courses offered by universities and other education institutions are generally taught in Chinese and thus exclude minority learners. In addition, many of the universities departments still do not accept British GCSE Chinese Exam as an alternative entrance requirement for their undergraduate degree courses.

According to the 2006 by-Census, in the 19-24 age group, while the local Chinese rate of receiving schooling is 39.3 per cent, the figure is a low 30.4 per cent among ethnic minorities.



Besides, in 2006/07 academic year, only six minority candidates were admitted to universities through the JUPAS route.

Only designated schools receiving support

The latest official statistics show in the 2008/09 academic year, a total of 533 primary and secondary schools have admitted minority students. However, among them only 22 designated schools received an annual cash subsidy of HK\$300,000-HK\$600,000 for supporting the teaching and learning of Chinese by non-Chinese speaking students. The rest 511 mainstream schools did not receive even one cent of government aid.

Since both designated and mainstream schools lack experience in teaching ethnic minority students, the latter also need government support in terms of manpower and resources. In fact it is those students studying in mainstream schools who suffer most. Being minorities at schools their needs are always neglected and they often become target of bullying.

On the whole, education provided to ethnic minority students is far from satisfactory and there is a long way to go before we could achieve equal opportunities. Given that education is a basic human right and it serves as a powerful vehicle to enable the marginalized people to lift themselves out of poverty, we urge the government to review what they have done and strengthen the support to students, teachers and schools.

3) Employment

Absence of empirical study and statistics

Handicapped by their lower level Chinese skills, coupled with some racial bias that still exists, ethnic minorities have long been in a disadvantageous position in the local job market. Unemployment and under-employment remain serious. Regrettably, the HK government has refused to conduct a full research into the above scenario. The Labour Department is also reluctant to carry out a study to the characteristics and needs of its minority service users.

Lack of ethnic sensitivity in government employment services

Existing employment services provided by the Labour Department have been persistently criticized as lacking ethnic sensitivity, while failing to look after minorities' needs. For example, para 158 in the report claims information about job vacancies published on the Labour Department's website is stipulated in both Chinese and English. Yet in reality, only part of them are stated bilingually, whereas those key information such as job nature, duties and requirement are often only stated in Chinese, to the detriment of minority job seekers.



In addition, the attitude of frontline officers in the Labour Department is found to be generally rude and they feel liberal to displaying their impatience to minority job seekers. Many of them even fail to communicate in English. Even though the Department stress equal treatment to all service users, in practice priorities are always given to the ethnic Chinese and the minorities would not get the help they deserve.

Job training and job assistance programmes

The government emphasizes a variety of options are available for those ethnic minority people in need of job training and assistance. For school leavers and young people, they could choose the short-term and award bearing courses provided by the Vocational Training Council (“VTC”) and the Institute of Vocational Education (“IVE”) respectively. For others, they could take part in training provided by the Employee Retraining Board (“ERB”). In addition, the government is also running a number of job assistance schemes to different vulnerable groups, for example, the Employment Programme for the Middle-aged and the Youth Pre-employment Training Programme.

It should be noted that majority of the above programmes are conducted in Chinese and thus exclude most of ethnic minorities. Taking IVE as an example, out of a total of more than 160 training programmes offered, only five are courses designed for minority students. For the ERB, currently only two English-language courses are provided, one on security and property management and the other on domestic help.

In short, the Labour Department and the government as a whole should look into the employment difficulties and needs of ethnic minorities and review present service and support provided to them. Tailor-made services and job training programs should be provided, whereas racial sensitivity training should also be organized among frontline officers.

4) Joining-in of public service

Paras 125-126 in the report calls the HK government as an employer providing equal opportunities -- that since 1999, all applicants applying for a civil service post would be judged on identical criteria. On the surface, that seems all equal and fair. But most public service vacancies stipulate the requirement of the ability to read and write Chinese, regardless of its necessity. This imposes hurdles to minorities, and it amounts to indirect discrimination.



Take disciplinary forces as an example. Before the Chinese takeover in 1997, a number of minority residents were known to have joined the Police Force, the Correctional Services and the Immigration Department. However, since the handover, local disciplinary forces have rarely hired minority candidates – even when they actually speak the local language fluently, they have the door shut on them because they cannot read or write Chinese.

This new language policy has also affected those minority residents who have been already with civil service. After the handover, similar requirement has been introduced in relation to the promotion within civil service. Such requirement has barred those ethnic minorities could not read or write Chinese from promoting to higher rank.

In conclusion, the government should adopt a realistic approach and drop Chinese reading and writing skills as a cross-the-board criterion for hiring and promotion within civil service. Such condition should only be imposed whenever necessary, otherwise ethnic minorities would be unreasonably and unfairly excluded from civil service.

5) Getting and using social services

Social service organizations and personnel lack ethnic sensitivity

Para 166 in the report stresses that everyone in Hong Kong can enjoy social services, regardless of race and colour. However, due to a prevalent attitude of indifference in the mainstream society vis-à-vis minorities, service organizations and their staff are often found to be negligent of minority needs.

In fact, even the government's Social Welfare Department lacks the necessary ethnic sensitivity when providing services – including failing to record the number of ethnic minority service recipients, releasing some of the information only in Chinese, and conducting some group and program activities also only in Chinese. According to our experience, staffs at the Social Welfare Department and their NGO counterparts often lack initiatives when it comes to offering minority interpretation services.

Meanwhile, in recent years, more and more Nepalese and Pakistani families with low average household incomes have fallen into the social security net. They have complained that frontline security officers, while dealing with their cases, are generally rude and would sometimes even use insulting language that badly hurt their feelings.



Integrated services ignore minorities' needs

In recent years, the government has forcefully promoted the integration of social services. From family and adolescent services to outreaching work, all are integrated under one umbrella, i.e., one unit serving all recipient groups. The problem is, this trend prompts frontline workers to prefer to “get the easy jobs done”. This means they would tend to prioritize cases involving fellow local Chinese, ignoring the “unfamiliar” minorities’ problems.

One example is the adolescent drug problem in the minority communities. Like their local Chinese peers, South Asian teenagers and young adults have faced drug abuse problem. But service agencies and outreaching workers, almost without exception, set out a Chinese-only target and seldom actively contact minority communities, thus missing the chance of offering help at an early stage. Similar stories are found in social services for the homeless.

In short, we urge the Social Welfare Department to conduct a study on service needs of ethnic minority residents and to enhance racial sensitivity among its staff. Besides, the government needs to revisit its direction of integrating social services, to conduct a full-scale evaluation and analysis on whether the existing scheme of things can truly look after the needs of the minorities. Specialized and tailor made services should be considered to better suit the needs of ethnic minorities.

6) Police power

Para 115 states that for those minority persons in police custody, they would be informed of their right and translation would be arranged whenever necessary. Yet, in real practice, we find racial sensitivity of police officers is generally very low. Besides, discriminatory attitude and prejudice is common among the Police Force.

Sadly speaking, ethnic minorities have long been subject to racial discrimination and harassment from the Police Force. With a few exceptions, police officers in general do not take their language difficulties into account and only speak Cantonese to them. Translation services are only provided reluctantly. In some cases, police officers even take advantage of ethnic minorities’ ignorance and fabricate statements for them. To make matters worse, many police officers hold discriminatory attitude towards ethnic minorities. For example, they conduct stop and search without valid grounds. Some of them even say insulting and racist remarks to ethnic minorities.



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It is against this background that the police gun-shooting incident leading to the death of a Nepalese resident in May this year had triggered intense anger and frustration among ethnic minority community in Hong Kong. Over 3,000 people turned out in a protest organized by ethnic minority groups themselves. Thousands join the signature campaign held by the Hong Kong Unison, calling for the review of police practice when dealing with ethnic minorities.

Besides calling for the fair and independent investigation of the incident, we have also urged the police to enhance racial sensitivity among the frontline officers and to prepare an operational manual for officers dealing with minority people. Moreover, measures should also be taken to ensure police officers using the most appropriate language when communicating with ethnic minorities, arranging interpreters whenever necessary. In addition, the police should also review its complaint mechanism, to ensure it with sufficient racial and cultural sensitivity.

It is regrettable that the government and the Police Force only respond to our calls reluctantly. For the gun-shooting incident, they insist there is no need for an independent inquiry. For general police practice, they claim that there are no major flaws and measures have already been taken to enhance the police's racial sensitivity and to provide better services for ethnic minorities. They denied there has been institutional racial discrimination among the Police Force.

Conclusion

In conclusion, we find the report failing to reflect the real picture. Although the government has put some effort to improve the livelihood of ethnic minorities in recent years, unequal opportunities are still found in a variety of areas such as education, employment, joining-in of public services and use of social service. In addition, abuse of power and discrimination by the police and other disciplinary forces are serious. Whether the newly enacted RDO will help in altering the situation remains to be seen. Yet, without real commitment from the government, including input of additional resources and the provision of a Race Equality Plan, we could hardly be optimistic about the future. We therefore urge your Panel to look into the situation and ask the government to take proper steps in achieving genuine racial equality and harmony.