

本函檔號 OUR REF. : (9) in L/M (67) to EOC/CR/ENQ/RDO
 來函檔號 YOUR REF. :
 電話 TEL. NO. : 2106 2154
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Ms Fermi Wong
 Executive Director
 Hong Kong Unison Limited
 Flat 1303, 13/F,
 Wang Yip Building,
 1 Elm Street
 Tai Kok Tsui, Kowloon

25 February 2010

Dear Ms Wong,

RE: Difficulty in opening bank accounts
Experienced by ethnic Pakistani residents in HK

Thank you for your letter of 11 Feb 2010, sharing with us your data and views on the subject matter.

The Equal Opportunities Commission is aware of the difficulties faced by some ethnic minorities in opening bank accounts. While acknowledging their need to follow banking regulations and guidelines, the Commission is of the view that banks should ensure acting in compliance with the provisions under the Race Discrimination Ordinance ("RDO"). The Commission, through its press statement issued on 27 Jan 2010 (Appendix A), reiterates its concern about some members of the ethnic minority communicated being rejected service by banks. Although the RDO does not apply to discrimination on the ground of 'nationality', it would amount to race discrimination if evidence in a particular case shows that nationality is not the real reason but race is.

The Commission has written to various banks and the Hong Kong Monetary Authority ("HKMA") to seek clarifications on their positions on the issue. The HKMA explains that it has no general prohibitions or requirements on the opening of accounts for individuals of specific nationality categories. It also says it will conduct

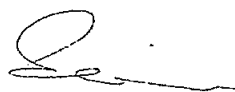
detailed examinations on individual banks' policies and procedures should there be concern about systemic lapses in this area. Individual banks claim that there is no internal restriction on the opening of accounts for individuals of any particular race, descent, national or ethnic origin. The Commission will continue to keep in view of the situation and will bring up the matter with appropriate authorities where necessary.

Upon the receipt of your letter, my colleagues have contacted you to look into the possibility of redressing individual grievances through our complaint handling mechanism. You may appreciate that it would be easier for the Commission to follow up with individual banks on basis of specific cases and facts. You have kindly agreed to refer or assist parties in lodging complaints.

The Commission understands that some sectors of ethnic minorities might be reluctant to lodge racial complaints for various reasons. We would be pleased to take steps, in collaboration with your organization, in encouraging them to come forth to the Commission. I understand my colleague Mr. Josiah Chok, Chief Equal Opportunities Officer, has explored with you on the idea of holding briefing sessions on our complaint handling procedures for different ethnic minority groups, your staff members and volunteers. Let us work closely in advancing racial equality.

Should you have any other suggestions or require further discussions, please do not hesitate to contact Mr. Josiah Chok at 2106 2209.

Yours sincerely,



LI Siu Kwai

Director (Operations)
Equal Opportunities Commission

c.c. Legislative Panel on Constitutional Affairs, Economic Development and Financial Affairs
Secretary for Financial Services and Treasury
Secretary for Commerce and Economic Development
Secretary for Constitutional and Mainland Affairs
Hong Kong Human Rights Monitor

EOC Statement

2010/01/27

In response to media reports on two Pakistani women being refused to open bank accounts, the Equal Opportunities Commission (EOC) today (27 January 2010) issues the following :-

1. The EOC is most concerned about some members of the ethnic minority communities being rejected services by the banks.
2. The EOC is approaching the two young women who were refused services to see if they need assistance.
3. The EOC will write to the banks and the Hong Kong Monetary Authority to seek clarifications on their positions on this issue.
4. Under the Race Discrimination Ordinance (RDO), it is unlawful to give less favourable treatments on the ground of race. Race in relation to a person means the race, colour, descent, national or ethnic origin of the person. Although the RDO does not apply to discrimination on the ground of "nationality", it would amount to race discrimination if the evidence in a particular case shows that nationality is not the real reason but race is.
5. The EOC reminds all service providers including banks that people of different races should enjoy equal rights in the provision of goods, services and facilities. Where there is race discrimination, the person aggrieved may bring legal proceedings in Court or complain to the EOC for investigation and conciliation.
6. The EOC calls upon anyone who is refused services on the ground of race, gender, disability and/or family status to seek help from the EOC. We will investigate the complaints and provide necessary assistance.

For media enquiries, please contact Ms. Mariana LAW at 2106-2226.

27 January 2010

Equal Opportunities Commission