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**The Legislative Council Panel on Welfare Services and Panel on Home Affairs
8 June 2020 Meeting on
Language support services and dedicated outreach services teams for ethnic minorities**

1. The Catholic Diocese of Hong Kong Diocesan Pastoral Centre for Workers - Kowloon (dpcw-kln) has all along been paying close attention to the plight of the grass-root ethnic minority (EM) groups. We dedicate our all-out effort to assisting them in getting the public service and employment support provided by the government all the time.
2. The Hong Kong Poverty Situation Report (The Report) on Ethnic Minorities released in February 2018 revealed the dire poverty situation faced by South Asian ethnic minority residents. The Report also suggested that Government policy intervention, including both recurrent cash policies and in-kind benefits could alleviate the financial burden of poor EMs. However, the “Study on Ethnic Minorities’ Awareness and Satisfaction towards Selected Public Services” in 2018 had already identified that language barrier between the EMs and service providers was one of the factors that affected the effectiveness of services provided to EMs and the willingness of EMs in using public services. Yet the EMs revealed that when they approached the service counters, they were seldom offered interpretation service.
3. From Dpcw-kln’s experience of serving the EM communities over the years, we **also** observe that language barrier is a frequent hurdle for EMs to gain access to any public resources. EMs of poor families who have difficulties communicating in English or Chinese are facing numerous hindrances in applying for CSSA or other social security allowances.

Problems concluded from our experiences

4. In 2010, the Constitutional and Mainland Affairs Bureau (CMAB) issued the Administrative Guidelines on Promotion of Racial Equality (the Guidelines) to provide general guidance to relevant government bureaux and departments (B/Ds) and public authorities to ensure equal access to public services for EMs. Accordingly, relevant B/Ds have drawn up checklists of measures to assist in promoting equal access to key public services for EM groups.
5. According to the checklist of measures, government B/Ds, e.g. Social Welfare Department (SWD), Labour Department (LD) and Housing Department (HD) etc, will arrange interpretation services whenever necessary. However, we observed that quite a number of frontline workers were still unaware of the availability of the interpretation service and their responsibility to provide it to EM users. Even after the workers were informed of this service and their responsibility, they were ignorant of how to book the facilities. Some of them did not know who would pay for the service.
6. For those who had learnt of the service, they were unwilling to book the facilities for the users. Some of them misconceived that the users were competent enough to communicate in a second language. Owing to the workers' misconception, they decided unilaterally whether language assistance should be given to the users or not. On one occasion a staff in Social Security Field Unit (SSFU) falsely accused a user of pretending to have limited English proficiency in order to obtain language assistance.
7. SWD has issued the "Points-to-note for providing welfare services for ethnic minorities" ("Points-to-note") since July 2017. However, the "Points-to-note" consists of only "working tips", instead of a mandatory guideline for frontline workers. Moreover, it is mentioned therein that "(EMs) should be notified of such rights and the channels to access interpretation and translation services. Nevertheless, it is not so when they turn up at service units for assistance. Dpcw-klm conducted a survey in 2019 in which 113 EM public service users were interviewed. 70% of the respondents has never been offered interpretation service. Among them, 30% did not know about the service and 23% relied on friends or relatives to interpret for them. Only 2 respondents claimed that the government proactively introduced interpretation service to them.
8. Besides, ways of assessing EM users' need for an interpreter, procedures for booking interpretation service, role of family and friends when seeking public service, preparatory arrangement for a session with an interpreter are not stated in the "Points-to-note".

9. Details of using interpretation service by users or refusal of their request for such service were not kept in record or monitored. Neither were evaluation nor review of the provision of interpretation service by government departments or bureau conducted.

Recommendations

10. In order to ensure equal access by ethnic minorities to public services, we urge **all departments and bureaux to formulate a standard, comprehensive and transparent guidelines to provide services to EM service users. These procedural guidelines on booking interpretation should be mandatory and monitored by superior officers.**¹ We suggest the following items to be included in the guidelines:
- (i) The government should step up its obligation and make clear the purpose of the guidelines
 - (ii) Clarify the reason for a client's request for interpretation service and why their family members, relatives or friends cannot act as interpreters for them.
 - (iii) Design a workable method to assess the clients' need for the interpretation service and determine their choice of the preferred language.
 - (iv) Decide the action to be taken in case the client does not accept the interpreter, e.g., arrange a replacement.
 - (v) Set up guidelines for clients to choose the mode of interpretation (face-to-face, telephone, video conferencing)
 - (vi) Establish a procedure for the frontline workers to book and pay for the interpretation service.
 - (vii) Find out ways to prepare the clients for a session with an interpreter, e.g. facilities required, time allowed for the appointment.
 - (viii) Give directive for the workers to deal with the client and interpreter. For example, a briefing session with the duo, and the worker should instruct the client (not the interpreter) that he/she should utter short sentences in a slow speed, so as to facilitate easy, effective and accurate interpretation.
 - (ix) Take follow-up action after the appointment with the interpreter, e.g. record keeping, evaluation, etc.
 - (x) Formulate a plan to monitor, evaluate and review the service periodically.
11. In any circumstances, all non-native Cantonese speakers must be informed of the availability of interpretation support. We recommend a **“Request Form for Interpretation” in EM languages together with a card showing relevant national flags which should be presented to non-**

¹ A modified “Point-to-note” issued by SWD can be taken as a reference for other departments/bureaux to formulate their guidelines. However, the “Point-to-note” should be made mandatory, not a “tip”. It should also target at staff of all units providing direct service in the departments/ bureaux. Please refer to **Appendix I** for the suggestions to modify the Point-to-note” issued by SWD

Chinese service users. In the light of these documents, they can ask when they need the service of an interpreter. The following reminders should be stated clearly in EM languages in the form so that users have no qualm about using interpretation:

- (i) The service is free of charge
- (ii) The service users can choose the preferred gender of the interpreter
- (iii) The interpreter is bound by code of confidentiality
- (iv) Friends and relatives who may not have the required language competence to interpret accurately are not recommended to be interpreters
- (v) The client should append a signature in the form to acknowledge whether he/she accepts or declines the offer of the service.
- (vi) If the frontline worker finds the users too illiterate to know the purpose of form, he/she should offer the service verbally. If they still do not understand, interpretation should also be provided to them. Then the frontline worker should sign on the form with the remark that the service is requested by him/her of his/her own accord.

12. At times there are cases of clients rejecting the offer of interpretation service. Procedures should be established for frontline staff to **clarify and state the reasons for the refusal**, to make sure that they are aware of their rights to such service before they make decision.

13. Frontline workers should keep the following records:

- (i) booking of interpreters
- (ii) the time and place of booking
- (iii) name of the client
- (iv) the client's mother tongue which is to be interpreted
- (v) relevant file number

For service users who refused the interpretation service, the above information should also be maintained **together with the reasons for the refusal**. Department and bureaux should report annually on the use of interpreting and translation services.

14. Make available indoor interpretation-friendly facilities for both clients and interpreters – a conference call system set up at one of the counters or an interview room with an on-site webcam, stationery, utensils and equipment for the job.

15. **We suggest CHEER to play a more proactive role in delivering the service.** CHEER is suggested to keep a record of request for interpretation and actual delivery of the service. Whenever a service user calls CHEER requesting for interpretation but no reply comes from the department concerned, they should follow up on the reason for the delay. If the department finally refuses to book interpretation from CHEER, they ought to ask the reason for the declination.

16. **It is of utmost importance that a statutory body, such as a Commission for Ethnic Minority Issues, should be created** to monitor the performance, measures and practice of all departments and bureaux responsible for promoting equal access and opportunities for EMs. The Commission should also ensure the provision of interpretation service to EMs. A regular review system to collect comments and suggestions from different stakeholders should be set up to ensure the continuous improvement of the service.

SUGGESTIONS to “Points-to-note”

1. To ensure equal accessibility of EMs to public services, the documents must be in the form of mandatory guidelines (instead of a “working tips”) for frontline workers.
2. Language needs of EM service users should be highlighted and be more concerned by frontline workers to ensure these users have equal access to public service.
3. The paragraphs below are suggested supplements to the “Points-to-note”:

Engaging interpreters is recommended if:

- requested by the service users
- the service users cannot comprehend or respond to basic questions in neither Chinese nor English
- the service users find it difficult to understand, or can only respond in a limited way
- the service users rely on family or friends to communicate
- the service users prefer to speak in their own languages
- the service users speak Chinese or English as a second language, and
- find the situation stressful, complex or unfamiliar to him/her.

To determine service users’ level of Chinese or English proficiency, it may be useful to ask them “Why are you here today? / How can I help you?” If the users cannot respond to the question fluently, or if the response is difficult to understand, an interpreter is recommended.

If interpretation service is refused by the service users, it is important to ascertain the reasons so as to remove their worries. Engage the interpreter to find out the causes. The service users may have the following reasons:

- misunderstand why an interpreter is needed
- feel confident of their proficiency in Chinese or English, and that they can communicate effectively
- prefer a family member or friend to act as an interpreter
- worry that they need to pay for the interpretation service
- concern themselves with exposure of their personal data and privacy
- feel embarrassed when in contact with an interpreter of the opposite gender

If the service users continue to refuse an interpreter, the staff may choose to continue with the appointment and documents the concerns.

Family members, relatives and friends can play an important role in supporting service users. However, they may not have the necessary language competence and skills to interpret accurately. In addition, they are not bound by the prescribed codes as accredited interpreters, and cannot remain impartial. Hence, family members, relatives or friends, especially children, should not be invited to participate in situations involving critical information and decision making. Therefore, when service users propose their family members, relatives or friends to act as interpreters for them, the staff should let them know the possible risk, informed them of the availability of interpretation service which is free of charge and encourage them to use the service.

4. We suggest addition of the following paragraphs after point 2.6:

2.7 Monitoring, Evaluation and Review

- Departments/ bureaux should regularly collect data on clients and their service usage to enable:
 - better understanding of their language needs
 - monitoring the accessibility of the services provided to people who speak other languages
 - identification of potential language services gaps
- Staff who book interpretation should record the time, place, client's name, relevant file name and language used.
- Staff should also document cases of refusal to use interpretation service after the staff has advise the client intensively.
- Records should be publicized and submitted to the Commissioner for Ethnic Minority Issues (if any) or relevant statutory bodies for monitoring, evaluation and review.
- All staff should be made aware of the Race Discrimination Ordinance and related guidelines, racial sensitivity and cultural diversity and relevant language services. Staff should also be trained to use the interpretation service and to work with interpreters.

5. We recommend to supplement the following information as Appendix to the guidelines:

Working with Interpreters

i. Preparing for the session

- Brief the interpreter by providing general background information, such as the reason for the session, specific terms to be used and the targets to be achieved.

- For onsite interpreting, ensure the furniture, equipment and stationery in the room are properly set. Ideally, seats will be arranged in a triangle with the handling officer facing the client
- For telephone interpreting or videoconferencing interpreting, ensure that the handling officer is knowledgeable about telephone or videoconferencing technology, and understand how to operate the system. A room should also be arranged to ensure privacy.

ii. Beginning the session

- Introduce the interpreter to the service user.
- Explain the interpreter's role, which is interpreting exactly what the service user and the handling officer say, without addition to, deletion from or alteration of their conversation.
- Explain the purpose of the session. Do not assume that the service user knows what the session is about.
- Explain to the service user that he/she can raise any questions or voice his/her concerns anytime during the session

iii. During the session

- Talk directly to the service user, not the interpreter, and maintain eye contact with the user.
- Speak to the service user as the first person and address him/her as the second person. For example, say "what time did you arrive today?" instead of "what time did she/he arrive today?"
- Speak clearly in a normal tone without rushing through the speech. If reading a text verbatim, give a copy of it to the interpreter and read it slowly.
- Use formal language and avoid slangs, colloquialisms and metaphors
- Make one point at a time and pause at the end of a full sentence. Keep questions, statements and comments short so as to allow the interpreter to grasp what is being said and to interpret in stages
- In case there are ambiguous points to be clarified, the interpreter should be asked to explain to the service user. Then the interpreter is allowed to proceed with the clarification before interpreting.

- Summarize the discussion periodically to ensure the service user understands the information.
- If the interpreter gives his/her own personal opinions, makes inappropriate comments or discusses anything unrelated to the interpretation assignment, ask them to refrain from doing so.

iv. After the session

- Complete the appropriate form to record a service and validate finalization of the case. The data should be preserved for review.
- If there are issues concerning the performance of a specific interpreter, contact the relevant language service provider.

References

Using Interpreting Service: Victorian Government Guidelines on Policy and Procedures

<http://www.mhima.org.au/pdfs/using%20interpreting%20services%20Vic%20gov%20guidelines.pdf>

New South Wales Legal Aid: Guidelines on interpreting and translation

https://www.legalaid.nsw.gov.au/_data/assets/pdf_file/0018/5832/Guidelines-on-interpreting-and-translation.pdf

Outline of Procedures for Australian Government Agencies

https://www.dss.gov.au/sites/default/files/documents/02_2018/procuring-interpreting-services.docx