

SUBJECT: RACIAL DISCRIMINATION ON
RELIGIOUS ORGANIZATION POINT OF VIEW

Background:

The United Muslim Association of Hong Kong is a charitable organization that undertakes two non-profit making projects namely: Care and Attention Home for Elderly located in Tuen Mun and the Umah International Primary School located in Yuen Long. The Care and Attention Home was set up in 1993 while the School was set up in 1996. The target group for Care and Attention Home are for Muslims and non-Muslims of all races while the school caters to all races, Nationality and Religion although these children are non-Chinese speaking that comes from the Ethnic Minorities of low income working class families. Another on-going project we have, is a proposed Mosque and Islamic Centre located at Fanling Sheung Shui Town Lot No.203 Area 6B, sheung Shui, New Territories.

Proposed Mosque and Islamic Centre:

Background:

1990 November - Application was made to the Lands Department for building a Mosque in D.D. 51, Tin Sum Village, Fanling, where I live.

1993 - Reply from the Planning, Environment and Lands Branch, was not supported due to:

- a) the land was designated for “Countryside Conservation Area”
- b) the proposed Mosque is likely to be built on a hill top and will therefore cause visual intrusion;
- c) a Mosque at that location is likely to cause **fung shui** concerns among the **local community**. **The Taoist temple in the vicinity of the subject site has raised strong objection to the proposed Mosque and Islamic Centre.**

1994 - another Site was identified to us by the Government. It is located in **Site A at Area 40, Fanling, N.T.** The Lands Department required us to submit all necessary documents namely planning & layout, component, total gross area, total site coverage, number of building, height/number of storeys & development timetable. These requirements need Professionals to handle. We hired professional Engineering firms to look into the matter and by due time, it was all submitted to the Lands Department.

1997 June, - a reply from them, that the Land is ear-marked **“Government”, “Institution and Community” and Educational uses**”. I was told that it is **designated for Secondary School**. Believe me, until now, **there is no Secondary School built on that site. It is still occupied as paid car-park.**

1997 - We keep on applying for site search, until the Planning, Environment and Lands Branch again wrote to us that they will ask the Director of Planning for site search.

December 15, 1997, a reply from the Planning, Environment and Lands Branch informing us that a **site in area 6B of Fanling Sheung Shui New Town** may be suitable for the purpose of a Mosque. Particulars and plans of the site were attached for our information. The zoning and designation are earmarked: "Government/Institution/Community" and according to the Notes of the Outline Zoning Plan (OZP) **"Religious Institution" is always permitted within this zone.** Furthermore it is stated that there is currently **no specific designation for the site. At the end it says "Local consultation is necessary"**

We were asked to apply to the Lands Department if the site is suitable for the purpose of the Mosque. We hired again professionals from an Engineering firm to liaise with the Lands Department. The Home Affairs Department and the Social Welfare have given their full support to our project.

Just recently, on July 24, 1998, we have received a letter from the Lands Department with the following comment: "the site is located adjacent to the main entrance of Tsui Lai Garden. **The residents are worried of trespassing of Mosque visitors to Tsui Lai Garden, thus causing nuisance to them.** Some residents express that they would **prefer the site to be developed for bicycle parking uses** as well as **Taxi stands**. In essence, **the Owners Committee rejected the land use proposal**"

Article 141 of the Basic Law of Hong Kong clearly stated that:

- a) The Government of the Hong Kong, SAR shall not restrict the freedom of religious belief, interfere in the internal affairs of religious organizations or restrict religious activities which do not contravene the laws of the Region.
- b) Religious organization shall, in accordance with law, enjoy the rights to acquire, use, dispose of land inherit property and the right to receive financial assistance. Their previous property rights and interests shall be maintained and protected.
- c) Religions organizations may, accordance to the previous practice continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services.
- d) Religious organizations and believers in the Hong Kong SAR may maintain and develop their relations with religious organizations and believers elsewhere.

The above-Article has not stated that Public consultation should be carried out whatever religious activities/scheme they will undertake.

Speaking of Public Consultation, the Muslim community was not informed about the public consultation which the District Office had undergone. It only shows how one-

sided the public consultation was carried out. The Muslim community should be invited for answering questions from the public who objected with the proposed project.

Every Religion has different views and different beliefs and practiced. Any residents who are not believer of Islam will definitely object but if we build that is same with his/her religion, no one will object. That's a very simple logic. Let us face it. The residents who objected the proposed Mosque thinks that **when we say Muslim it only applies to Pakistani and Indians**. Even though, the visitors of the Mosques are Pakistanis or Indians, yet they are all human beings and have the right to be treated fairly and with respect. You have to consider that there are thousands of practicing Chinese and local Muslims in Hong Kong and who are also tax payers. In China, ten percent of the population are practicing Muslims.

How can the "visitors of the Mosque" trespass the Tsui Lai Garden, when the proposed Mosque has its own entrance. Any worshipper who goes to the Mosque to pray will definitely enters the Mosque and not in the neighbouring private place. The entrance of Tsui Lai Garden is in fact 48 meters away from the boundary of the site offered.

How can the Tsui Lai Garden owner's committee perceived that the Visitor's of the Mosque will trespass the place when their own entrance do not have any sign of "NO TRESPASSING", "PRIVATE PROPERTY", or UNAUTHORIZED PERSON KEEP OUT"? So, why are we deprived to enjoy the right for acquiring a piece of land to build our place of worship?

This site is not only for building a Mosque but also an Islamic Centre which composed of Care and Attention Home for Elderly, Medical Clinic, Kindergarten, Women's training centre, & etc. will be incorporated. The Social Welfare Department has even given their full support and advised us to put 100 beds for the project. This Centre will cater to the whole community of Hong Kong regardless of race, Nationality and religion. The proposed Care and Attention Home will be a branch of our existing Care and Attention Home for Elderly in Tuen Mun. In Tuen Mun, we are catering to all Nationalities, race, colour and religion. There is no discrimination inside our Care and Attention Home.

I am just wondering if there was also consultation carried out when the local Chinese practice their traditional Chinese Festivals such as Ching Ming Festivals and Chung Yeung Festivals. The Chinese are visiting their ancestral graves up the hill and burning joysticks and firecrackers that lead to hill fire **and even endanger the lives of the villagers nearby**. I am living up that hill and every Ching Ming & Chung Yeung Festivals I have to safeguard my family, my home and property since these are surrounded by Chinese ancestral graves. The site for their burial was given to them in 1980 without Public consultation from the people living there. And who cares if your home will be engulfed by hill fire?

Also, during the 4th moon the traditional Sun Kung Hei and the Yue Lan Chit held in the seventh moon, the festival is celebrated with noise by banging drums and cymbals and held up to the late evening. These practices also create noise and nuisance to the non believer of Buddhism and Taoism. Although we are not consulted by this practices yet,

we have to respect it because it is the norms and mores of Hong Kong and is widely practiced.

Recently, I visited the District Office (North) about the Public consultation with the Tsui Lai Garden Owner's Committee. I was told that they will arrange for it again and we will be invited to join the meeting. The reaction from the Owner's Committee was they will elect another set of Office bearers but for the present Office bearers are adamant on their statement released. On September 1, 1998, the Lands Department wrote to us stating that the Owner's Committee of Tsui Lai Garden was re-elected few days ago, and District Office (North) is arranging for another meeting with us. However, when I contacted the District Office (North) on September 17, 1998, I was told that the re-election will be finalized on Thursday. The bottom line here, is that the processing of our application is delayed due to the fact that we are awaiting for the result of the election of the Owner's Committee although they are not even a party to any transaction between the Government and the Muslim community. What will happen to our project if they keep on postponing the meeting with us? The site was introduced to us by the Planning, Environment, and Lands Branch and we were told that if we are interested, we will make application to the Lands Department and not to the Owner's Committee of the Tsui Lai Garden.

EDUCATION

Our school is called "International" because it caters to all Nationalities namely, Pakistan, India, Nepal, Philippines, South Africa, Jamaica, Sri Lanka, and locals regardless of religion. In Hong Kong, the International School usually categorise for Elite families and caters only to their own races.

We have applied to the Education Department "International Section" concerning our application for financial assistance for Secondary School. At first, they send us a scheme on how the application is carried out. The scheme emphasizes on the Criteria for eligibility of getting financial assistance. Basing on the Criteria given, stating **"Under existing policy, non-profit making international schools are eligible for consideration of government financial assistance in the form of land grant and interest free-loan"**, our school is eligible for it.

However, after giving substantial information about the background of our school and requesting for information on how to go about the application, immediately they replied that **"based on their 1996 November survey, there is no immediate shortfall of international school places in both primary and secondary levels. The Government has no intention to call for applications from all interested parties to bid for a new international school. ... There is no choice of location which is subject to the availability of land."**

What does "International" means to the Education Department's point of view. We named our school "International" to attract all races, Nationalities, colour, religion. and culture to come and enroll in our school. There is equal opportunities offered to them. All students who came from different countries and cultural background are treated alike in our school. Our school is not only for Pakistanis and neither for Indians.

Although the medium of instruction is English but we choose to name the school “International” to distinguish from other English schools in the Territory. This is an independent school and is not affiliated to any country.

Our school caters to Ethnic Minorities children that came from low income working families. Their parents have been working in Hong Kong for years and because of their culture of “close family ties” they are compelled to bring their children to Hong Kong. We are only charging a minimal fee of \$300.00 a month. At present, we are concerned for the future of our students after they finishes their Primary education. Where are they going to continue their Secondary education if we will not provide a Secondary school for them? It is impossible for them to be absorbed in local aided schools since the medium of instruction is in Cantonese. One stumbling block is the language barrier. Their parents do not know how to read Chinese characters nor speak Chinese language. How can they tutor their children in their studies?

I hope the Government will set aside racial discrimination and work hand-in-hand with the non-government charitable organizations who are looking after the community welfare and who are in the grassroot line working with the community itself. **“There is nothing so unequal that an equal treatment of unequals.”**

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Chairman
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Date: 18 September 1998