

The Secretary for Home Affairs
Home Affairs Bureau
31st Floor
Southorn Centre
Wanchai
Hong Kong

Dear Sir,

Subject: Report on the Hong Kong Special Administrative Region under the International Convention on the Elimination of All Forms of Racial Discrimination.

This letter is in response to your letter of 8 November.

The Indian Resources Group is pleased to submit our comments in regards to the HKSAR's implementation of the various articles within the Convention.

- 1) Article 2 1(d) states that all signatories shall prohibit...racial discrimination. The lack of legislation to outlaw racial discrimination within the private sector shows that the HKSAR Government is clearly in breach of this point.
- 2) Article 5 (b) provides for protection by the state against violence or bodily harm. Interpreting verbal abuse to be a form of violence, there is no protection in Hong Kong for an individual who receives a racial verbal assault.
- 3) Article 5 (e) (i) cannot be implemented as a racial minority in Hong Kong who is offered non equal employment terms in the private sector has no means to challenge the employment terms offered. Naturally, no individual is forced to undertake unfair employment terms. However, with the limited opportunities available to blue collar minority workers, the lack of protection against unfair employment terms results in such workers being exploited.
- 4) Article 5 (e) (iii) calls for The right to housing. The article calls for the Government to prohibit individuals from being denied the right to housing. A call to real estate agents in HK will conclusively show that within the private sector, landlords will openly discriminate against minorities. The lack of legislation to outlaw such activities results in the right to housing being unavailable to selected individuals.
- 5) Article 5 (f) refers to the right of access. Documented cases in the HK media have shown that certain bars in HK discriminate against racial minorities and even the racial majority in terms of admittance. Thus, the right of access is denied and the lack of legislation provides no redress for an affected person.
- 6) The HK Government is in breach of Article 6 by virtue of providing no access to tribunals for a person who has been subject to racial discrimination. A person who has been subject to an act of racial discrimination cannot apply to the courts for their rights to be protected, unless the act of discrimination has been on the part of the Government.

Conclusion.

The lack of anti race discrimination legislation does not allow racial minorities to enjoy the same rights and freedoms as the majority. Minorities in all societies are subject to certain

stereotypes and discriminatory acts as a fact of life. This submission is not geared towards classifying Hong Kong as worse than or better than other jurisdictions. The submission highlights the lack of redress for a minority should the person in question be subject to an unfortunate act of discrimination. The Convention clearly calls for protection through prohibition. The only method by which an act can be effectively prohibited is through outlawing the act in question and then establishing a mechanism for penalising offenders.

The HK Government previously acted with much caution when enacting legislation that has ultimately resulted in the formation of the Equal Opportunities Commission. The Commission's job is to ensure selected forms of discrimination, including gender discrimination, are not practised in Hong Kong and that when a form of outlawed discrimination is identified, the culprit is made aware of their crime and if necessary, they are prosecuted. The introduction of anti-discrimination legislation to protect the rights of women has not caused any inconvenience to the business community and has resulted in greater public awareness of the need to be politically correct when dealing with gender issues.

The introduction of legislation to outlaw racial discrimination, will, as with gender issues, provide an excellent opportunity for the Government to protect the rights of a very small population of minorities and will also provide an excellent forum for education about the equality of all races in Hong Kong.

This submission was prepared by
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