



Equal opportunities and racial discrimination

Figure 1 – Population of ethnic minorities in Hong Kong (including FDHs)

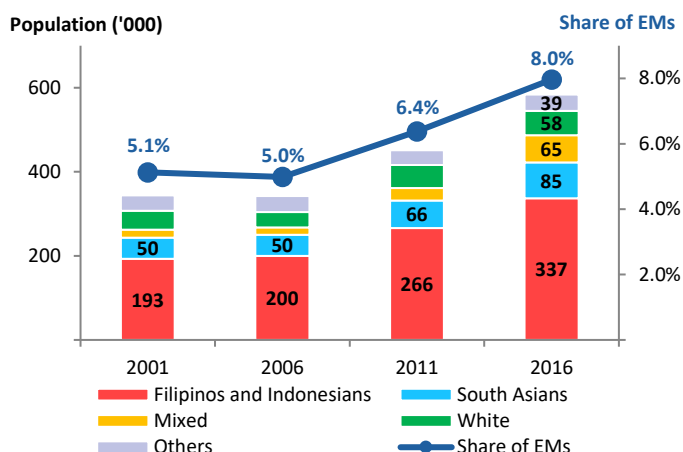
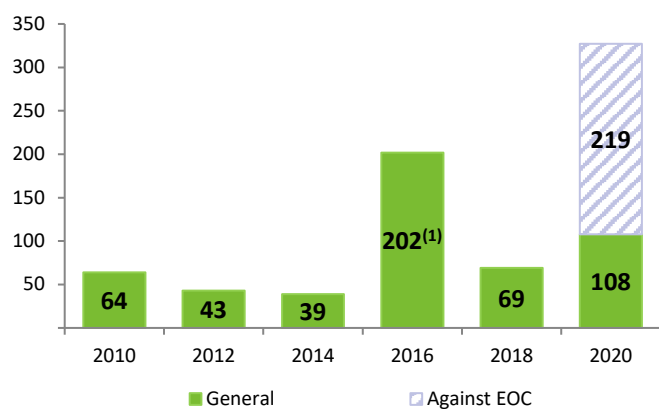
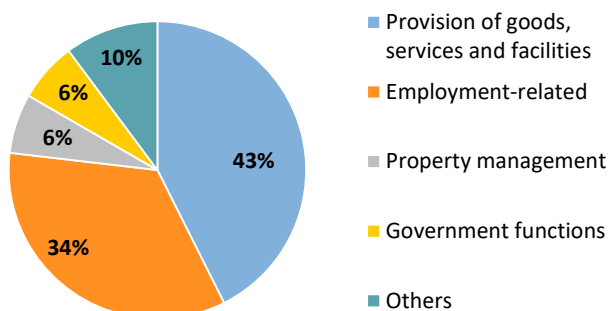


Figure 2 – Racial discrimination complaints



Note: (1) The upsurge in complaints in 2016 was due to 174 complaints about racial vilification in the oath-taking incidents in the Legislative Council.

Figure 3 – Domains of racial discrimination complaints in 2020⁽¹⁾



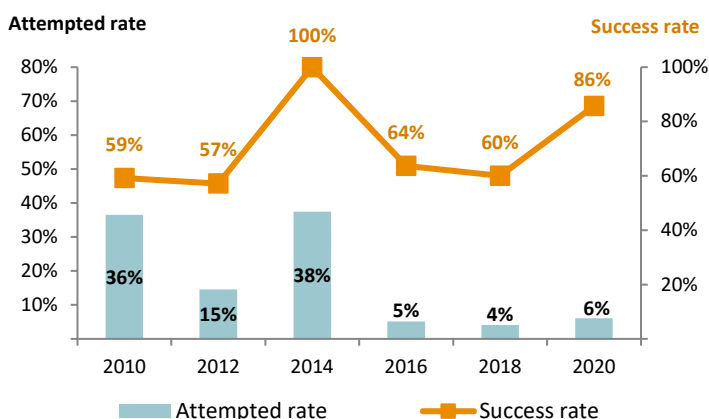
Note: (1) Excluding 219 complaints against EOC in 2020 discussed above.

Highlights

- Based on the most recent available statistics, population of ethnic minorities ("EMs") in Hong Kong had surged by 70% in 15 years to 584 000 in 2016, taking up 8% of local population (**Figure 1**). Analysed by ethnicity, "Filipinos and Indonesians" were the largest group, constituting 58% of overall EMs, with most (92%) of them as foreign domestic helpers ("FDHs"). Excluding FDHs, EMs grew by 61% to 264 000 during 2001-2016, with its proportion in local population standing at 3.6% in 2016. South Asians would then become the largest EM group, with a share of 30%.
- Under the Race Discrimination Ordinance (Cap. 602) with effect from July 2009, it is illegal to discriminate a person on the ground of race, with serious racial vilification subject to a maximum fine of HK\$100,000 and two-year imprisonment. According to the Equal Opportunities Commission ("EOC"), the number of complaints lodged with EOC increased by over four-fold in 10 years to 327 in 2020 (**Figure 2**). There was a noticeable upsurge in 2020, mainly because of inclusion of 219 complaints against EOC itself. In February 2020, EOC commented that the practice of some restaurants and shops refusing to serve Putonghua speakers might be discriminatory, but some members of the public held different views and lodged complaints accordingly. Excluding this category of complaints, the number of complaints on racial discrimination rose by a total of 69% within a decade to 108 in 2020.
- In 2020, South Asians took up 66% of the overall EM complainants, though their share in EM population was only 15%. Analysed by the nature of complaints, most of them fell into the domain of "provision of goods, services and facilities" with a share of 43% (**Figure 3**). Based on a study report released by EOC in 2016, some staff in catering and distributive trade tended to avoid serving EMs due to language barrier. "Employment-related" complaints came next, with a share of 34%, mostly related to less favourable treatment (e.g. inequality of interview opportunity, lower salary) in workplace.

Equal opportunities and racial discrimination (cont'd)

Figure 4 – Conciliation attempts for racial discrimination complaints⁽¹⁾



Note: (1) Excluding 219 complaints against EOC in 2020 discussed above.

Figure 5 – Legal assistance granted by EOC by end-2020

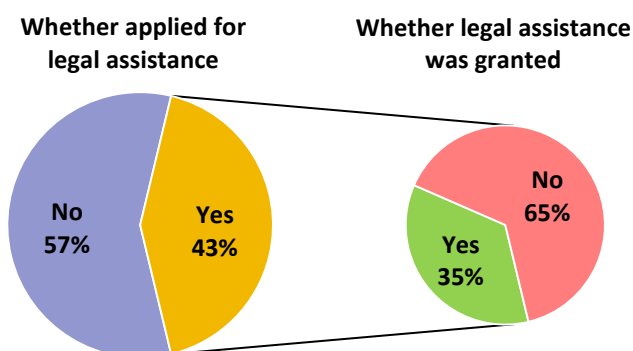
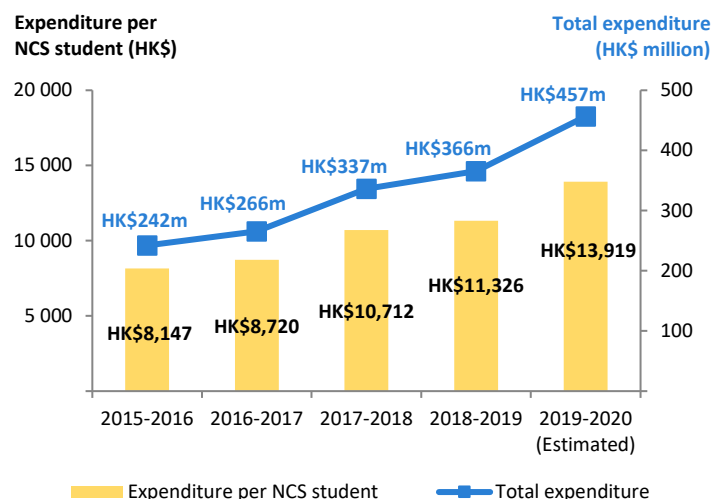


Figure 6 – Government expenditure on NCS students



Highlights

- EOC will conduct investigation and encourage conciliation between the parties upon receipt of complaints. However, the conciliation rate of racial discrimination complaints plunged from 36% in 2010 to 6% in 2020, mainly because most (84%) of the cases were closed due to non-substantiation, withdrawal or loss of contact with complainants in 2020 (Figure 4). For those attempted conciliations which could go ahead, the annual success rate fluctuated within a wide range of 33%-100% during 2010-2020, with an average figure of 66%.
- For those unsuccessful conciliations, complainants may apply to EOC for legal assistance. By end-2020, there was just a stock of 40 unsuccessful conciliation cases, within which 17 (43%) had submitted applications for legal assistance, but only 6 were granted such assistance by EOC (Figure 5). In response to doubts over whether the legal assistance is merely provided on the basis of prospect of success in court, EOC responded that other key factors (e.g. possibility as an important legal precedent and effectiveness in promoting equal opportunities) would also be taken into consideration.
- According to the study of EOC, language barrier is one of the key factors leading to racial discrimination in Hong Kong, as less than half (46%) of the EMs could speak Cantonese and only 35% could read Chinese in 2016. As such, the Government has been devoting more support to non-Chinese speaking ("NCS") students to overcome such barrier, including additional funding to schools with NCS students and subsidies for taking international examinations on Chinese language. For the past five school years ending 2019-2020, total expenditure on NCS students increased by 89% to HK\$457 million, with per capita expenditure going up by 71% to HK\$13,919 (Figure 6).

Data sources: Latest figures from Census and Statistics Department, Equal Opportunities Commission and Education Bureau.

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