

New Territories West Ethnic Minorities' Opinions toward the Proposed Race Discrimination Legislation

In response to Home Affairs Bureau's issuing of the "Legislating Against Race Discrimination" in 2004, Hong Kong SKH Lady Macle hose Centre has conducted a survey interviewing 224 randomly selected south Asians ethnic minorities living in New Territories West areas. The initial report was published on February 2005 with a series of recommendations which was subsequently hand to HAB. Following the latest Proposed Race Discrimination Legislation issued by HAB, HKSKHLMC has consulted the South Asian interviews once again and what follows are their updated views:

1. Oral Abuse should be Made One of Types of Racial Discrimination

Ethnic minority individuals are often orally abused in the process of job seeking, retraining, or finding abodes. Despite the fact that relevant provision is presented under the Harassment section in the Proposed Legislation, our interviewees still suggested that oral abuse with a racist overture should still be made a distinct type of racial discrimination. Such that a stronger message could be make perfectly clear to the public, that the Government would not tolerate any kind of racial discrimination.

2. The "Grace Period" for Small Employers should be Further Reduced

In regard to the enactment of the 3 years "Grace Period" for small employers, our interviewees suggested that to be further shortened, so as to protect the ethnic minorities' employment rights against racial discrimination. This is because most ethnic minorities are being employed by small employers covered by the "Grace Period" provision, such that most of the ethnic minorities would be essentially without any protection against discrimination during this "Grace Period".

3. Should Clarify the Meaning of "Certain Conditions" in "Special Training" under the Exceptions Section

Our interviewees agreed that exception should be made for "Special Training" to afford only persons of a particular racial group under "Certain Conditions". But they strongly felt that the meaning of "Certain Conditions" should be clearly stated and measures should be taken to ensure that they are fully justifiable.

4. The Equal Opportunity Commission should Employ Ethnic Minority Employees

Our interviewees suggested that, as the EOC would take on the duties of implementing the relevant provisions of the proposed legislation, it should employ qualified ethnic minorities as their employees. Such that they could be responsible for the first line of contacts, and participate in the investigations and mediations of EOC concerning complaints of racial discrimination. This would provide a direct channel of communications between EOC and those ethnic minorities' complainers who are not fluent in Chinese and English.

5. HAB Should Further its Roles in Addressing the Issue of Racial Discrimination

Our interviewees proposed that after the legislation has come into effect, HAB should co-ordinate with EOC, to enhance the Bureau's roles in the promotion of racial equality and as a main referring agent of racial discrimination complaints. For example the Bureau should maintain its hotline service for complaints and enquiries about racial discrimination, and should even promote other Government Bureaus to set up similar services.