

Submission to the Legco
Bill Committee on the Race Discrimination Bill
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Colours in Peace

(A volunteer group of young people from different ethnic backgrounds for the promotion of racial harmony and equality)

Introduction

After the Sex Discrimination Ordinance, the disability Discrimination Ordinance and the Family Status Discrimination Ordinance, the anti-discrimination legislations in Hong Kong finally comes to the legislation on the Race Discrimination. We very much concern the Race Discrimination Bill introduced on 13 December, 2006 in 4 aspects:

1. Government Act

Clause 3 of the Bill states that only Government act that is of a kind similar to an act done by a private person. That means it is non-applicable to many Government acts, which cannot combat the discrimination the Ethnic Minorities now facing. Here are 2 cases we found during our interview with the Ethic Minorities, referring to Immigration Department and the Police Department:

❖ Immigration Department

Most of South Asians will be refused entry by immigrations even though the applicant got the visa to land in Hong Kong as a tourist statute. If the reason was asked they simply says no reason and they are not obligate to tell the reason. People from South Asian countries will be treated very differently at the airport, for example during the SARS out break why only SA will be check in a very specific manner but instead the westerns will just go ahead without any checking. It is not equal treatment for every one in same manner.

❖ Police Department

There are cases that police misled the ethic minorities to sign the statement by telling them they would be released right after signing the statement but instead they would be released on bail but will be recognized as criminals in the sense of Immigration.

“I have experienced and noticed that there are some policemen who treat minorities like criminals. They will just stop them anywhere and talk to them in such a rude way that onlookers think they have committed a serious crime. “ (Hafiz)

Discrimination Actions are obstacles to enhance Social Harmony. No doubts the Government should take the leading role to a Respect, Affection,

Care and Equality society. The exemption from the bills against Government Action is unacceptable.

2. Language

To enhance racial harmony, Language plays an important role. According to clause 58, Language is excluded in the sectors the Bill has covered. Here are some cases led to racial discrimination deal to language barrier:

❖ Employment

One of our member's personal experiences:

"Mrs Singh went to the labour department to look for the job. As she had worked in the café for 7 years, she applied for the job of supervisor in a western restaurant. After interview, the labour officer called the employer and told him that she fulfilled all their requirements. So he asked whether he should send her to an interview. When the employer was told that she was from Nepal, he suddenly asked if she can read and write Cantonese. So she was refused only because of the RACE and LANGUAGE."

In our experience, many of the employers will refuse the south Asians because of their race by making some technical excuses like "do you speak Cantonese if the answer is yes then do you speak Putonghua again the answer is yes then they will ask oh can you read Chinese, the point is does the job nature require the applicant to read and write Cantonese. "Do a street cleaner need to read and write Cantonese"?

Second and worst example is created by Labor Department by itself, they do have English version in job search but even the English version the job seekers are having difficulties because the job nature salary and working hours would be in English but what they want to know the most the duties but sad to say those are in Cantonese. So how much is it really useful for ethnic minorities to find a better job to earn their living by so-called Labor Department ?



勞工處的英文招聘啟事中,許多內容夾雜中文,令少數族裔不解,增添就業困難。

English version of job ads in the Labour Department are not all in English. This makes ethnic job difficult to look for jobs.

❖ Hospital and Health Issues

From the following cases we can see there is no provision of interpretation or translation in the hospital (Some say there is translation services provided but it never works). Or while the ethnic minorities go for medical services there are unreasonable and rude attitude towards them. Absolutely, Language barrier should be removed in Medical services for

Health is a *LIFE AND DEATH* issue. There is no excuse to exclude Language discrimination from this aspect.

“ Mrs. Singh had been volunteering for her community for some time, and she could share many of her experiences. A friend of hers is from Pakistan, she was pregnant and went to see the doctor in the government hospital. The nurse didn't prefer to speak English, so her friend called her for help through the mobile phone. Mrs. Singh told her friend to pass the mobile to the nurse so that Mrs. Singh can tell her the problems. To her surprise the nurse refused to talk and just kept on saying something hard. On the other day Mrs. Singh accompanied her friend to consult the doctor, and they asked for gynecologist. At first doctor gave them a very strange look and he replied NO, there is NO Gynecologist. *Ethnic women needs to see female doctors because of cultural and religions reasons. But their request is always refused.* “

“ Mr. Pervez has been in Hong Kong for last 15 years. He considers himself as a Hong Kong person. He has two sons age 2 and 4.

Work as a driver, he has been living very peacefully till the time his son got the sickness of convulsion. The doctors tried to explain him the details of the sickness but he was unable to understand English in medical sense, he asked for the interpreter but the doctors and nurses keep on persuading him that he can understand. When his wife went to take the son from the hospital and took the medicine, *she did not understand completely the prescription of the medication and the counter staff even didn't bother to tell her in details.*

So the medication was given wrongly and the boy got more serious, then they got help from a friend who accompanied the family to the hospital where he ask the doctors details of the sickness and explain to the family.

The father thinks that only because of the lacking of appropriate support for the ethnic minorities in hospital that his son was in the conditions of life and death. *What if the hospital provide the interpreters, a lot of people could take better medications instead of the panadols only.”*

“I also had a similar experience at local public hospitals a number of times. The nurses and doctors are very rude. From their attitude it seems that they just don't want us to be there. A few days ago I accompanied a student to hospital who accidentally fell down and got seriously injured. He was taken to hospital by an ambulance, but the nurse at triage adopted a belligerent attitude when she saw that the patient was a non-Chinese. She started asking irrelevant questions and wasted a lot of time. I couldn't stand this and I told her that the boy has lost a lot of blood and the injury was serious. Therefore, he should be treated immediately. At that point she removed the temporary dressing to examine the wound. The boy had received a gaping wound on his forehead and was crying badly. He was also feeling dizzy. But the nurse made light of the boy's condition and asked us to wait for about half an hour. Anyway, I left the hospital, as I had to go back to my work and left the boy in the company of his father. The next day I called the father to enquire about the boy's condition. The father

told me that he had to wait for three hours at the hospital before doctor called him in; obviously, he was very angry with that. “ (M. Tariq)

❖ Education sector

‘Knowledge is power. Education is a powerful means to end poverty’. Ironically, the education system in Hong Kong does not actualize these visions for the ethnic minorities. Today, around 30,000 South Asians are receiving education in Hong Kong and majority of them, who are non-Chinese speaking students (NCS), have difficulties in getting integrated into the mainstream school system and community.

Every child of school age, regardless of ethnicity, is able to attend a government school (from Primary 1 to Form 3). However, *the suitability of the local schools for the NCS students is not taken into account. They meet with great difficulties in learning in these schools due to cultural differences and language barriers, while the schools in turn lack relevant experience and resources to help them. Soon they lose motivation and refuse to go to school.*

Alternatively, the NCS students can choose from the ten primary schools and five secondary schools which are appointed as ‘designated schools’ by the Education Bureau, to provide ‘intensive on-site support service’. This move is out of good intention, but it turns out to be a segregation policy of education in the eyes of many local parents and teachers. There is a labeling effect. In addition, the designated schools do not fully equip their students with Chinese language skills, which are necessary for higher education.

In the past, the education department did not attempt to design a special Chinese language exam for those South Asian students who are obviously far less competent than the local students in this regard. Instead, they are allowed to take another language like French to fulfill the requirement of two passed language subjects in HKCEE. In this sense, their opportunities in learning Chinese are deprived. Yet rather sarcastically, local universities take the students’ capability in Chinese usage as a crucial admission requirement. That is why very few South Asian students could get into form six, let alone university. They may study in international schools so that they can apply for university as oversea students, but they cannot afford the high school fees. That is to say, they have the same opportunities of admission and exams as Chinese students, but due to the structural inadequacies in the education system, they are often placed in a less favorable footing to compete. As found in a research report on the education of South Asian ethnic minority groups in Hong Kong, 56.5% of the students think they do not have the same educational opportunities as local Chinese students.

The government begins to carry out a series of measures in response to the matter. However, this does not respond to the Language problem

existing in the Education sector. Moreover, the exception of languages in the proposed Bill cannot response the current situation about Education.

❖ Accommodations

We have encountered cases with Ethnic Minorities about their accommodations. They face many problems renting a flat, sometimes the property agents even do not allow them to entre the agency.

In spite of renting a house, the problem of language used in the notices caused anxiety. Most of the notices of housing estate or mentions are written in Chinese, even the word “NOTICE” in English. By this the Ethnic Minorities know there should be problems to aware, however they cannot understand what is the issue. This does not only caused anxiety, in some situation there might be issues related to the personal safety. Language can help to ease tension and allow people to take prevention actions against danger.

Language is always be treated as a barrier, or used as an excuse to hinder inclusion in society. The aspects we listed above are the basic needs of a person (Employment, Medical care, Education and Accommodation) that should be protected, irrelevant to the different ethnic backgrounds, nationality or citizenship. In fact Language can be the lubricant in each of these sectors, not only eliminates discrimination, but also facilitates social harmony. Therefore, Language should definitely be included in the Bill to enhance a society with respect, affection, care and equality, viz the purpose of the Racial Discrimination Bill, to let the ethnic minorities have equal rights like every body else.

3. Broad Exemptions

The Racial Discrimination Bill should be ensured that it provides (at least) the same level of protection that the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO) and the Family Status Discrimination Ordinance (FSDO) granted. The limited apply to Government and public sectors should not be proved in the Bill. The Bill should provide equal protection against racial discrimination, as the other ordinances provided to discrimination against sex, disability and family status.

Other then the limited applies to the Government, the current Racial Discrimination Bill includes other exceptions. These exceptions may not stop the current discrimination acts against languages, nationalities or citizenship etc., on the contrary these may allow the unjustifiable discriminations to continue, or develop new form of discriminations. Exemptions fromof the Bill should be justifiable according to established standards. With weak supports these exemptions should not be allowed.

4. Education effect from the Bill

The Bill is not just a legal document but also an educational tool. The message that the Racial Discrimination Bill is sending about the commitment to addressing racial discrimination should be considered. We have to ensure the Bill does not send a wrong message that victims of racial discrimination deserve less protection than victims of other types of discrimination, that Hong Kong does not assent to human rights obligations, that Hong Kong endure unjustifiable discrimination. These messages should not be promoted.

The Education role of the Bill should not be ignored. The exemptions of the Bill will spread the message that discrimination in certain sectors and aspects are acceptable, certain policies and practices can be excluded to racial discrimination, thus insist the discriminatory policies to continue, discourage people to take action to stop all kinds of racial discrimination. Moreover, the limited application to Government spread a message that there is no need for the government to take the leading role to stop racial discrimination; the commitment of the government to human rights is limited.

The Racial Discrimination Bill should be an effective tool to remedy and prevent racial discrimination. It should reflect the determination of the Government to stop racial discrimination in Hong Kong. Thus the Bill that provides weaker protection to ethnic minorities than to women and disabled.

Conclusions

The Equal Opportunity Ordinances aim at social harmony. The SDO, DDO and FSDO has been discussed and make a way of just for Hong Kong society. The Racial Discrimination Bill should not go apart from this track, as what mentioned on the "An Introduction to the Racial Discrimination Bill" booklet, 'Joining Hands for Social Harmony with Respect, Affection, Care & Equality'. The current Bill does not invite the Government and public sectors to 'join hands', the exemptions of Language, nationalities and citizenship are acts against respect, affection, care and equality, thus the Bill should need for more lobbying.