



Hong Kong Unison Limited
香港融樂會有限公司

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**Submission to the Panel on Home Affairs
Meeting on Friday, 12 January 2007
in the Chamber of Legislative Council building**

12 January 2007

Dear Honorable Panel Members,

We, the Unison, are writing to express our views regarding the Outline of the Second Report of the HKSAR under the Convention on the Elimination of all Forms of Racial Discrimination (CERD). We raise here below some of our major concerns and urge that the Government should probably address them in its report to the UN CERD Committee.

A. Legislative approach:

Article 2: Policy of eliminating racial discrimination

The overdue and much awaited Race Discrimination Bill was finally tabled at the Legislative Council on 13 December 2006. However, we are dismayed to see that the Bill has not outlawed existing racial discriminatory practices, especially those in the field of education and public services.

We would like to point out that the Bill's failure to recognize language discrimination as a form of discrimination has in fact gone against the intent of legislation in ensuring ethnic equality. Clause 58 stipulates that language is not a ground of race; implying it legally acceptable for any service provider to refuse using English or languages other than Chinese to provide its services to the ethnic minority even if it is within the providers' reasonable ability to do so. Our concern is raised given the fact that language barrier has always been a major obstacle for the ethnic minorities in Hong Kong to access government information, using public services including education and vocational trainings, medical and health services as well as job seeking services etc.



Our Questions:

1. Why does the Government so 'innovative' to have such language exemption as there is no other countries over the world has such arrangement?
2. How can the Government ensure that ethnic minorities in Hong Kong have equal accessibility to the Government/ Public services and that the accessibility is not hampered as a result of language barrier or even the language discrimination?

B. Administrative Measures:

Article 5(e) Economic, social and cultural rights, in particular: (i) the rights to work ;(iv) the rights to public health, medical care, social security and social services; (v) the rights to education and training.

Under the subsection on Summary of the outline for the report, the Government has noted its plan to report to the CERD Committee the measures it has taken and has been taking to fulfill its obligations in protecting the equal rights of the ethnic minorities in Hong Kong. We, however, are concerned that despite the introduction of these measures, information on their availability has not always been effectively communicated to their prospective recipients as it should have been. For the Report to accurately reflect the situation of the ethnic minority communities in Hong Kong, we urge that it should cover not only a description but also an evaluation on the effectiveness of the measures taken.

Our Questions:

1. How does the Government measure the effectiveness of its special measures in promoting racial equality?



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2. Will the Government provide any concrete data or evidence to prove the effectiveness of its supportive measures which it claims to have provided for the ethnic minority residents?

I. Education and Vocational/ Retaining Opportunities

Ethnic minority students suffer as a result of the mother-tongue policy (Chinese as the mother-tongue) adopted by the HKSAR Government after 1997. Despite the numerous objective evidence of constraints and difficulties EM students have in competing with ethnic Chinese students in learning Chinese language, the Government still has no plan to set up a “Learning Chinese as Second Language” policy. Nor has it developed any standard and systematic alternative Chinese curriculum for them. While ethnic minority students are encouraged to take the GCSE (Chinese), it remains dubious if the GCSE results are officially recognized. By far, no local university or Government department has made any indication regarding minimum requirement for admission or acceptance for GCSE (Chinese) students. Clauses 20.2 and 26.2 in the proposed Race Discrimination Bill allow schools and vocational training institutes to provide courses that will be conducted in a language in which the ethnic minority cannot comprehend. It also allows schools and vocational training institutes not to make any special arrangement such as setting up an alternative Chinese curriculum and public examination for the ethnic minorities.

Under the current educational system, little help is provided by the Government to ethnic minority children in their learning of the Chinese language. Bearing in mind these children will be learning Chinese as their third and possibly fourth language after their mother tongue and English and in view of the language policy in Hong Kong after 1997, we see it imperative that adequate and effective support be provided to facilitate the ethnic minority children’s learning of the Chinese language. Failure to do so will be directly affecting their equal opportunities in further education and in finding a job.



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Our Questions:

1. When will the Government establish a policy of learning Chinese as a second language?
2. When will the Government clearly define direction of examinations and recognized qualifications for those students who are learning Chinese as second language?
3. Will the Government inform us how many ethnic minority students have been allocated to government, government-aided and government direct subsidized schools, including both primary and secondary ones, after the policies of the Primary One Admission System (POA) and the Secondary School Places Allocation System (SSPA) were launched in 2004. What follow-up measures has the Government taken to ensure the well being of the students under the new policy?
4. How many ethnic minority students have been admitted to the local universities since 1997?
5. A group of ethnic-Nepalese students in Sir Ellis Kadoorie Government Secondary School, (West Kowloon) are made to take either French or Hindi as their second language. We find such arrangements incomprehensible as none of the two languages is these students' mother tongue nor is any of them useful for their further studies or job seeking in the Hong Kong society. Will the Government, as the patron of the school, therefore explain to us the rationale behind the arrangements and can it assure the students that such arrangements have been made with their best interest taken into consideration?
6. Has any course provided by Vocational Training Council--Training Centres (VTC--TC), Hong Kong Institute of Vocational Education (IVE), Project Yi Jin, Employees Retraining Bureau (ERB), Construction Industry Training Authority (CITA) taken into consideration in its design the special education and training needs of ethnic minority students in Hong Kong? If yes, how many of such courses are in operation and how many ethnic minority students have benefited? If no, why not?



II. Employment Services:

Researches conducted by the Unison in 2003 and 2004 have indicated a much higher unemployment rate, respectively 39.1% and 30.3%, among the ethnic minority residents in comparison to members of the ethnic Chinese community, with many families of the ethnic communities ending up in poverty. Details of the research reports can be obtained at our web-site: www.unison.org.hk. We would like to know if the Government is aware of the situation and has any assistance been given to members of the ethnic minority communities in their job-seeking.

Along this line, it is our grave concern that despite our constant protests, notices for job vacancies posted in the English website of the Labour Department are still made in Chinese for details regarding job requirements and duties. We are also aware that existing job matching officers or respective services do not meet the needs of the ethnic minority job seekers.

Our Questions:

1. When will the Labor Department rectify its discriminatory practices?
2. How many job seekers from the ethnic minority communities seek help from the Labor Department every year?
3. How many of them have successfully got jobs through the Labour Department?
4. When will the Government set up services counters specifically for the ethnic minority job seekers?

III. Medical Services:

Please refer to the **Appendix** prepared by Doctor Sharmila Gurung



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In conclusion, it is our submission that unless the proposed Bill be significantly revised to include necessary measures for equal protection of all, and until Government addresses our concerns and questions with concrete support of evidence and data that prove otherwise, we will continue to contest the HKSAR's genuine commitment in non discrimination and in promoting racial harmony as well as equal opportunities for all.

Yours sincerely,

Fermi Wong
Executive Director
Hong Kong Unison Limited



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Appendix

Submission to the Legco

Prepared by Doctor Sharmila Gurung

Challenges facing by Ethnic minority resident of Hong Kong regarding the health care and recommendations on how the HKSAR can address these concerns

Summary

In Hong Kong, the basic right of Ethnic minority resident is often denied including the appropriate access to health care. Lack of attention to their own resident just because they are minority group, cannot express themselves in Cantonese and have different culture brings indignity on the Hong Kong government.

Introduction

According to census and statistic 2001 there are more than 360,000 ethnic minority residents living in Hong Kong, though the non official figure has been predicting much higher number particularly from the South Asian origin. We are mainly concern about the minority resident from South Asian origin who is going though great hardship to adjust with the local society. Some South Asian minority group have been residing in Hong Kong for more than 100 yrs but there are very few of them who sees Hong Kong as their home or see future in Hong Kong.

Health care system:

Hong Kong is regarded as having the world class health care system but many South Asian minorities still tend to go back to their country for medical treatment. People are not satisfied with the treatment and says only Panadol is given and the doctor never



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even touches them. Some minority group women prefer to stay at home just because they are not sure if they will be seen by female doctor. While there are others who prefer not to visit the hospital because they or their relatives have gone through experience about not being able to understand what is done to them or given to them.

Hong Kong is considered as a multicultural and vibrant city but even the professional have very little knowledge about cultural sensitivity.

Language is the major barrier to access the much needed medical care .Even in the emergency situation people have to wait for hours to get access to the interpreter, they are privileged enough if they get one otherwise they have to drag their family or friends to take them to hospital who often have to take leave from work to help their loved ones.

Destitution leads to ill health

Many ethnic minorities health suffers as a result of poor nutrition and the physical implications of working long hours to support their families. They have very little knowledge about healthy diet and living. Due to the inadequate knowledge and unhealthy lifestyle they are more prone to suffer from many chronic diseases which may lead to huge health care cost for the government in long term.

Screening programme like Pap smear test provided by government in low cost is not known to many women from the South Asian community where as some overseas studies has revealed that the incident of cervical cancer is higher in among South Asian women*.



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Conclusion and Recommendations:

Ethnic minorities are Hong Kong resident they should no longer suffer in their own country. The Hong Kong Government must act to meet their most basic needs and uphold their rights of their resident. The Government of the Hong Kong SAR must:

- Request to allocate some major hospitals visited by majority of the ethnic minority resident and provide standby interpreters (advised to review data of the attendance in the hospital).
- Separate group of trained interpreters for the hospital authority.
- Provide health information in as many languages as possible; particularly focus on the vulnerable south Asian community.
- Allocate resources to government or non government organization to provide regular health talks, health seminars to the ethnic minority community.
- Arrange community GP's at densely populated minority areas (like Jordan, Yau Ma Tei, Yuen Long, Kung Tong) to cater the need of the minority group.
- Provide cultural sensitivity training to professionals handling ethnic minority group such as doctors.
- Evaluate the effectiveness of the usage of the emergency handbook provided by HAB.