
Education of Ethnic Minority Children

Meeting of Legislative Council Panel on Education
12 December 2011

Submission from the Centre for Comparative and Public Law, Faculty of Law,
University of Hong Kong

EXECUTIVE SUMMARY

Introduction

The purpose of this paper is to provide Members with information regarding the legal obligations incumbent upon the government of the Hong Kong Special Administrative Region (HKSAR) with regard to the provision of access to education for children from ethnic minority communities. The paper examines the administration's current approach to ethnic minority language education and details the likely impact and legal implications of the Education Bureau's proposed and / or recently implemented measures. The paper identifies the promise of deliberative forums for effective, better informed and reasoned decision-making and ends with a set of concrete recommendations for Members' consideration.

Background

2. The current policies and approaches towards the provision of Chinese-language learning opportunities catered to the needs of ethnic minority (EM) children in Hong Kong have implications for a range of legal obligations held by the HKSAR government under international treaties and domestic law.

3. While the government has introduced or proposed a variety of measures aimed at improving the situation for EM children, these fail to target all groups in need of specialised programmes that facilitate the attainment of an adequate level of Chinese language that would enable them to compete on an equal footing with their local counterparts in both the realm of higher education and the employment market.

4. As such, the current situation and these proposed or recently implemented measures represent the lack of a substantively equal education policy designed to lift marginalised minority groups out of the cycle of disadvantage.

5. This paper recommends the development of targeted measures and programmes to address the needs of different EM groups in Hong Kong, with a view to catering to the range of levels and requirements of EM children entering the HKSAR education system at various points and stages. These recommendations include:

- a) Well-developed allocation of monitoring and other resources to enable all schools to develop effective language teaching and learning approaches for EM children, regardless of their status as a 'designated' or 'non-designated' school.

-
- b) Provide enhanced teacher training to build skills in teaching Chinese to children from EM backgrounds.
 - c) Learn from other jurisdictions that have successfully implemented official-language learning programmes for non-majority children.
 - d) Ensure adequate opportunities for meaningful engagement between local and EM communities to elevate the level of discourse surrounding the needs of these groups.

Puja Kapai

Faculty of Law
The University of Hong Kong
December 2011

Education of Ethnic Minority Children

**Meeting of Legislative Council Panel on Education
12 December 2011**

**Submission from the Centre for Comparative and Public Law, Faculty of Law,
University of Hong Kong**

ADDENDUM

Please note that all references in the submission to ‘IGCSE Chinese’ should instead be read as ‘GCSE Chinese’.

Puja Kapai

Faculty of Law
The University of Hong Kong
December 2011

Education of Ethnic Minority Children

**Meeting of Legislative Council Panel on Education
12 December 2011**

**Submission from the Centre for Comparative and Public Law, Faculty of Law,
University of Hong Kong**

Introduction

The purpose of this paper is to provide Members with information regarding the legal obligations incumbent upon the government of the Hong Kong Special Administrative Region (HKSAR) with regard to the provision of access to education for children from ethnic minority communities. The paper examines the administration's current approach to ethnic minority language education and details the likely impact and legal implications of the Education Bureau's proposed and / or recently implemented measures. The paper identifies the promise of deliberative forums for effective, better informed and reasoned decision-making and ends with a set of concrete recommendations for Members' consideration.

Background

2. The life experiences of minority populations are routinely characterised by exclusion, poverty and marginalisation. The numerous hurdles they face in realising their life goals can be attributed to the entrenchment of systemic inequality and discrimination which trap minority communities in a perpetual state of disadvantage. The permanent eradication of poverty requires consistent, dedicated and comprehensive efforts which target multiple sites of marginalisation. However, 'education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.'¹ Whilst education empowers individuals to break free of the cycle of disadvantage, language is its indispensable counterpart, the key that opens up pathways to opportunities for a meaningful existence and facilitates access, communication and engagement across social groups.

3. The lack of adequate provision of Chinese-language learning opportunities catered to the needs of ethnic minority students is a leading cause of their continued marginalisation across a range of key life stages, for example, access to further education and training opportunities and the full range of employment options available to members of the local Chinese majority. This also has critical implications for the ability of these groups to participate fully as members of Hong Kong society.

Legal Obligations

4. The HKSAR government is bound by its international legal obligations under article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and

¹ Committee for Economic Social and Cultural Rights (CESCR), General Comment No. 13, E/C.12/1999/10, para. 1.

article 28 of the Convention on the Rights of the Child (CRC), both of which protect the right of access to education for all children in Hong Kong. Furthermore, equal access to education for all children must be provided without discrimination of any kind, including on the grounds of race, language, religion or ethnicity. The principles of equality and non-discrimination are safeguarded under article 2 of the ICESCR and article 2 of the CRC, which principles have been entrenched under article 25 of the Hong Kong Basic Law (HKBL). More specifically, HKSAR is bound by the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) which has resulted in the recent enactment of the Race Discrimination Ordinance (Cap. 602) (RDO). Article 1(1) of CERD defines ‘racial discrimination’ as *‘any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.’*

5. Both CERD and the RDO protect racial groups against direct and indirect discrimination. ‘Direct discrimination’ occurs when a person is treated less favourably, on the ground of their race than the discriminator treats or would treat other persons. ‘Indirect discrimination’ occurs when a requirement or condition which appears to be neutral and to apply equally to all persons, in fact, has a negative, discriminatory impact on a particular person or group.²

6. Moreover, the principles of equality and non-discrimination have been internationally recognised and developed to exact standards that indicate the substantive achievement of rights as opposed to the satisfaction of merely formal requirements. This is imperative given the limitations inherent in a ‘formal equality’ approach, which does not take into account existing inequalities and power imbalances between groups, failing to level the playing field. The principle of substantive equality involves ensuring that groups obtain equal *outcomes* rather than formally equal *treatment*.³ In order to achieve equal outcomes for all groups, states must “take positive measures to address actual situations of disadvantage and marginalisation”.⁴

7. Although unequal treatment would ordinarily be prohibited, CERD provides an exception for ‘affirmative action’ as part of its special measures provisions that are designed to address the impact of historic and systemic disadvantage. Article 1(4) provides that *‘[s]pecial measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.’*

8. Article 2 of CERD obliges HKSAR to pursue a policy of eliminating racial discrimination and promoting understanding among all races, to prohibit and bring to an end

² Section 4 of the RDO deals with direct and indirect racial discrimination.

³ Puja Kapai, ‘The Doctrine of Substantive Equality and the Democratisation of Diversity’, in M Kearney (ed.), *Moving Multiculturalism Forward*, (Rodolpi: 2012).

⁴ Kelley Loper, ‘Right to Equality and Non-Discrimination’, in Chan & Lim (eds.), *The Law of the Constitution*, (Sweet & Maxwell: 2011), at 27.018.

racial discrimination and to ensure that public authorities and institutions do not engage in acts or practices of racial discrimination. HKSAR is also required under CERD to ‘discourage anything which tends to strengthen racial division’ (article 2(1)(e)) and to prevent, prohibit and eradicate all practices of racial segregation (article 3). Segregation is specifically identified as a form of less favourable treatment under the RDO.⁵

9. Where language differences or challenges exclude particular groups of children from accessing education equally, the HKSAR government has an obligation to take reasonable measures to address this.

10. Education and language policies which unreasonably, unjustifiably and negatively impact children from particular ethnic, racial or linguistic backgrounds will result in a breach of the government’s obligations under international law. A language policy for public schools that has the effect of disadvantaging students from ethnic minority communities could amount to direct language discrimination under article 26 of the International Covenant on Civil and Political Rights (ICCPR), articles 2 and 13 of the ICESCR, articles 2 and 28 of the CRC, and article 1 of the UNESCO Convention against Discrimination in Education. Such a policy could also amount to indirect racial or ethnic discrimination under the above treaties, as well as under article 5 of the CERD.

11. Collection and disaggregation of data is essential to meet HKSAR’s duty to respect, protect and fulfil its international human rights obligations. These entail obligations to achieve equality through the eradication of structural inequality, discrimination and social disadvantage. They impose corollary duties to collect disaggregated data and develop indicators to enable effective monitoring of and compliance with these obligations. These tools allow states to determine and isolate those factors that are causally linked to the likelihood of an individual or group experiencing marginalisation and social disadvantage in accessing education and their ability to benefit from its transformational impact on opportunities for upward social mobility. Without such indicators and data, there is no way to determine what needs to be done to achieve the desired ends or to measure the fulfilment of HKSAR’s responsibility under various international treaties.

Existing Approaches to Providing Chinese Language Education for Ethnic Minority Children

12. There are over 12,000 ethnic minority (EM) children in schools in Hong Kong. While they have a legal right to equal access to education, EM children in Hong Kong in practice face a number of barriers to attaining an education equal to that of the majority local ethnic Chinese children. The number of EM children attaining higher levels of education is disproportionately low compared with the majority of local ethnic Chinese children. (See EOC Report on the Working Group on Education for Ethnic Minorities, July 2011, p. 2.)

13. In 2006, EM children accounted for 3.2 per cent of the total student population at pre-primary level. This was commensurate with their population in Hong Kong. However, EM children accounted for only 1.1 per cent of the total student population at upper secondary level and for only 0.59 per cent at post-secondary level.⁶

⁵ Section 4(3), RDO.

⁶ See 2006 Population By-census, Hong Kong SAR.

14. In 1998, 307 government and aided secondary schools in Hong Kong were required to switch from the English medium of instruction (EMI) to the Chinese medium of instruction (CMI). The effect of the switch was that the number of possible secondary schools that EM children could attend was drastically reduced, relegating most of them to a handful of ‘band 3’ schools that offer Hindi and Urdu language classes. In response to this, the HKSAR government has set up ‘designated’ schools to serve as the primary educational institutions that receive a recurrent grant with a view to enabling them to develop teaching and learning materials designed to cater to the specific needs of EM children in the learning of Chinese. As a result, a steadily growing proportion of EM children are enrolling in designated schools.

15. Studying in a designated school, though, is not conducive to integration and effective learning of Chinese, as the local language environment which facilitates the acquisition of relevant language skills is completely lacking. Although the government presents the matter as one of parental choice, the choice is one which is neither real nor meaningful because of the absence of adequate and appropriate language support, alternative Chinese curriculum, or moderated Chinese language assessment criteria for EM children in the mainstream schools which may adversely impact their children’s overall academic performance. Their failure at this level would affect future life choices in terms of access to tertiary education and employment opportunities. To avoid the adverse consequences of their children’s failure in school and the resultant psychological harms, parents increasingly opt to place EM children in designated schools.

16. This ‘false’ choice serves to effectively segregate EM children from their local counterparts. As such, whether by design or oversight, the system reinforces segregation on grounds of race and therefore, results in less favourable treatment of EM children than that accorded to children in the mainstream population. This is discriminatory and a violation of sections 4(1) and 4(3) of the RDO.

17. In light of recent critique pertaining to the growing exacerbation of the problem with the existing options or lack thereof, the HKSAR government has recently worked to introduce a range of measures that it claims will address the deficiencies in the current system. The table below summarises a list of the proposed and / or recently implemented measures, highlighting the ineffectiveness and / or questionable bases underlying the perceived benefits of the approaches.

	Initiative	Stated Objective	Problem / Effect / Likely Effect	Legal Implications
Mainstream Schools	6 month initiation program for EM students	To prepare EM students for the CMI learning environment	1. This program gives them some initial support but inadequate to carry them through the years at school. Results in poor performance of EM students across subjects and / or failure.	1. Art 26, ICCPR 2. Arts 2 & 13, ICESCR 3. Arts 2 & 28, CRC 4. Art 1, UNESCO Convention against Discrimination in Education. 5. Art 5, CERD 6. Indirect racial or ethnic discrimination
	60 hours of NGO Induction for EM students	To prepare EM students for the CMI learning environment	2. Has adverse impact on prospects for	

			entering higher education, EMI and schools employment opportunities.	under the aforementioned treaties. 7. Failure to implement measures to achieve substantive equality as required under international treaties, particularly CERD, in light of the adverse implications of these failings for particular ethnic and racial groups in Hong Kong. 8. Has implications for article 2(2) of CERD in relation to the requirement to take special measures. 9. Failure to achieve substantive equality. Multiple violations of the equality principle under the aforementioned treaties and HKBL. 10. Section 4, RDO.
	Singular Chinese Language Curriculum	Fair allocation of limited resources without favouring particular groups; formal equality	1. Does not account for the different learning abilities. 2. Results in poor performance of EM students, adversely impacting EM students' prospects for entry into higher education, EMI schools and employment opportunities. 3. EM students opting to sit alternative Chinese assessment qualifications such as IGCSE Chinese.	
	Recently introduced Supplementary Guide	To adapt Chinese Language Curriculum to cater to different learning needs.	Government says the findings are encouraging. Where is the evidence? Before further time is lost in relying on blanket statement that the findings are 'encouraging', require concrete evidence to proven value of the guide in boosting Chinese Language performance of EM	1. Benchmarking obligations are part and parcel of duty to respect, protect and fulfill. 2. The lack of publicly available data that is disaggregated by race, ethnicity and other relevant markers to discern groups most adversely affected by structural

			students.	<p>inequalities is contrary to monitoring and compliance objectives.</p> <p>3. The HKSAR government, as party to international treaties, is obliged to document and provide such relevant data as would facilitate the development of appropriate law and policy to eradicate structural inequalities.</p>
	Summer-bridging Program	To provide learning support for EM students to enable them to catch up with local counterparts.	<p>1. Deprives EM students of opportunities for leisure if summer is subsumed into an immersion program.</p> <p>2. The struggle and pressure to keep up with local students during the school year with only the summer to ‘catch-up’ can have detrimental impact on learning capacities, interest and self-confidence. Sense of failure or inadequacy haunts students throughout their school years.</p> <p>3. Unlikely that the program can cater to 12,000+ EM students requiring such support. Last year only 482 enrolled, a mere handful.</p> <p>4. Program is for mid-primary students in P4-6; does not assist upper year</p>	

			<p>students as the curriculum becomes more challenging or those coming to HK later in life.</p> <p>5. Only 4-week program, which is unlikely to achieve the level of improvement required to equip students for independent learning in their upper years.</p>	
Designated Schools	Recurrent grant from government	<p>To develop teaching and learning materials for EM students.</p> <p>To share these materials with other schools which have EM students.</p>	<p>1. EM children increasingly enrolling in these schools.</p> <p>2. The schools that become designated schools are increasingly those threatened by risk of closure due to inadequate enrollment. These are weaker schools to begin with. They lack the teaching and learning environment required to cater to the needs of EM students. Doubt whether the grant is being used effectively enough to develop appropriate learning materials. Practice suggests that it is being used to provide basic and piecemeal support to EM students. This approach fails to meet the goal of development of effective T & L materials for sharing with other schools as the ‘anchor’ they are intended to be.</p>	<p>1. Results in effective segregation based on race. Contrary to s. 4(3) RDO.</p> <p>2. Lack of equal opportunity to acquire skills-set that enables substantively equal participation in society in terms of future opportunities in education, employment and upward social mobility. Violates multiple treaty obligations as stated above. Has implications for article 2(2) of CERD in relation to the requirement to take special measures.</p> <p>3. Ad hoc short term measures do not address the deficiencies that arise from the lack of a comprehensive education system for teaching Chinese as a foreign language</p>

			<p>3. Parents effectively forced to ‘choose’ designated schools due to absence of adequate language support, alternative Chinese curriculum, or moderated Chinese language assessment criteria for EM students in mainstream schools, which may adversely impact their children’s overall academic performance. This would affect future life choices in terms of access to tertiary education and employment opportunities.</p> <p>4. When EM students graduate, they lack requisite qualifications to enter into higher education or desired employment in the market due to lack of adequate Chinese language abilities.</p> <p>5. Lack of monitoring of use of grant and objective measures for calculating grant amount based on student enrolment or other basis.</p>	<p>(e.g. with learning objectives, curriculum tailored to the needs of culturally diverse students, assessment tools). Lack of substantive measures to address inequality and its adverse impact on particular groups disadvantaged on basis of language or race.</p> <p>4. Adverse impact on particular ethnic and racial groups results in indirect racial discrimination contrary to s. 4(1), RDO.</p>
<p>General measures or alternatives introduced</p>	<p>Alternative assessment for Chinese Language curriculum, i.e. IGCSE Chinese.</p>	<p>Provide an alternative standard of assessment for EM students to articulate their Chinese language</p>	<p>1. Although universities have the discretion to accept students qualified in these alternative exams in Chinese, in practice, it has not boosted their admission into local universities and still</p>	<p>Section 4(1) of RDO.</p>

		abilities.	<p>puts them at a disadvantage.</p> <p>2. Gap between local qualification in Chinese Language and GCSE Chinese is so great that GCSE Chinese fails to qualify for entrance into most vocational programs.</p> <p>3. Employers do not treat this qualification as an equivalent alternative and still prefer those qualified in the mainstream Chinese language exam.</p> <p>4. Meaningless if fails to result in accessibility to further education or employment.</p>	
	Vocational training courses	To broaden options available to EM students and others.	<p>1. Courses are predominantly in Chinese</p> <p>2. As at 2009, only 5 out of 100 courses open to EM students in HK Institute of Vocational Education. Subjects are confined to business, hospitality and childcare.</p>	Section 4(1), RDO.

Cultivating Support for Change

18. A number of claims have been frequently and widely repeated throughout recent public debate around the issue of ethnic minority education in Hong Kong. These hold that EM parents do not wish their children to learn Chinese, that those EM children who do not attain a high level of Chinese language ability are 'lazy' or 'slow', and that, rather than having equal rights to access education, the EM community should be grateful for whatever access they do have. There are also assumptions about the commitment and interest of EM parents insofar as they are using HKSAR as a 'through-port' to other places of residence and therefore, their stay in HKSAR is transient. As such, the parents are not interested in the acquisition of Chinese language skills for their children. These assertions are rarely, if ever, supported by any evidence or statistics and the source of such assumptions and views is never

made available. In a competitive society such as HKSAR, it would defy logic for any parent to willfully deny their children the opportunity to acquire skills that are known to be the key to unlocking numerous doors of limitless opportunities to a successful and bright future. However, the widespread public acceptance of these ‘facts’ has had a significant and detrimental impact upon the quality and direction of the discourse around the issues and resultantly, on the educational policies that have been designed to address the ‘perceived needs’ of the EM community.

19. A recent study on deliberation and citizenship conducted by the University of Hong Kong focused on the issue of EM children’s access to Chinese language education and revealed the lack of knowledge and understanding of members of the public in relation to the basic facts surrounding this issue.⁷ The study sought to investigate the impact of ‘social citizenship’ acquired through deliberative democratic participation in political issue forums on feelings of inclusion, belonging, justice, loyalty, trust and civic responsibility among participants when interacting with members of the ethnic minority and local community. Via careful examination of the deliberative experiences through which immigrant and local communities engaged each other to arrive at ‘decisions’ regarding the need for change in government policies surrounding Chinese language education for EM children, the findings suggest the potential and promise of such engagement for the improvement of rational and informed decision-making that targets specific needs of disadvantaged groups.

20. Indeed, the discourse surrounding calls for improvement in the government’s language policy has been met with an overzealous, politicised response in some sectors and indifference in others. The official response and its reluctance to implement special measures to improve the plight of minorities is indicative of a deep-rooted misunderstanding of the concept of equality and the uses of policies like affirmative action and the allocation of resources to provide extra language support to complement the medium of instruction policy that is currently in place. Article 2(2) of CERD requires states parties to take special measures where appropriate in order to address historical inequalities and their impact upon disadvantaged communities. It is likely that the perception of teachers and society underscores a lack of sufficient opportunities to interact with people of ethnic minority backgrounds. The lack of interaction is fatal because it results in distrust and misunderstanding and is a poor guide to behaviour when considering the development of legal and economic policies regarding particular groups.

21. The vast majority of participants in the research study were, for example, unaware of the number of EM students gaining access to tertiary education. When provided with information about the issue and opportunity to discuss with mixed groups of EM and local participants, levels of knowledge and empathy were significantly increased and many participants stated that their views on the issue had changed. Some local participants acknowledged that this was their first real encounter with a person from an EM community. The second thesis of the project is that inclusive deliberation can lead to enriched political outcomes. This builds on the outcomes derived from the first thesis, namely that if social citizenship through political participation enhances the cultivation of loyalty, belonging and inclusion, leading to a sense of justice and legitimised institutional politics, then it follows that deliberative participation multiplies the impact of these feelings, through the facilitation

⁷ Small Project Funding Grant, “Deconstructing Citizenship and Cultivating Belonging: The Role of Deliberative Theory and Practice in Multicultural Societies”, the University of Hong Kong, Project Grant Number: 10401168, Puja Kapai, Principal Investigator, Faculty of Law, The University of Hong Kong.

of intercultural and intra-cultural exchange and understanding, whilst at the same time raising the prospects for improved political outcomes.

22. The study revealed the promise of deliberative forums for effective, better informed and reasoned decision-making, indicating that the way forward must involve facilitated engagement between EM and the local Chinese communities in order to dispel the myths that have been accepted as justifications for inaction and to devise policies that address the real situation on the ground, rather than ill-informed measures that fail to benefit the groups most adversely affected by inaction or the absence of suitable measures to cater to their specific needs.

23. As countries around the world have noted, education is one of the best financial investments States can make.⁸ This is certainly one aspect in which a place like HKSAR should not allow a segment of its community to suffer, particularly where there are abundant resources which can be better utilised to address the needs of our children in a more targeted and effective manner.

Recommendations

1. **Develop an alternative Chinese curriculum/examination, with a standard in between the HKDSE and GCSE.** This would allow EM students to attain a certain level of Chinese proficiency which leads to a recognised qualification (i.e. for those who cannot attain the level of requirement in the normal curriculum but still want a proper proof of their ability at a lower level (considerably higher than the GCSE – Primary 3 in mainstream schools)).
2. **Develop a Chinese Proficiency Programme and Testing System (CPPTS).** This would be developed with curriculum taught in stages, graded assessment and accreditation. Reference could be made to the International English Testing System (IELTS). This would facilitate assessment of alternative language qualifications for education or language-based qualifications for particular industries or jobs.
3. **Promote racial acceptance and include respect for diversity, equal opportunity values and human rights education as one of the core modules for Liberal Studies.**
4. **Learn from the approaches taken in other countries to assist non-native language speaking students.** For example:
 - a. In Singapore, there is a two-part curriculum – a core curriculum (70 – 80%), which is mandatory for all students and a choice of one of three modules (20 – 30%) to assist students with different abilities and needs (Bridging Curriculum, School-based Curriculum, Enhanced Curriculum). There is also a Chinese Special Programme for secondary schools to target the problem of resource shortage in individual schools and students’ needs in learning Chinese as a third language. Secondary schools with more abundant resources act as regional centres for the Chinese Special Programme. Students from

⁸ Committee for Economic Social and Cultural Rights (CESCR), General Comment No. 13, E/C.12/1999/10, para. 1.

other schools gathered to attend classes there, after school twice a week, 1 hour per class.

- b. In the UK, a West Midlands secondary school has seen benefits in undertaking an initial interview for pupils and parents where teachers from the Language Support Department assess needs, recommend sets and tutor groups based on compatibility of languages, previous educational experience, etc. Different teaching methods are used based on students' needs/level of fluency, including mainstream classes with a language support teacher, small group-focused teaching for two periods/week and lunchtime homework clubs three times/week. The school's staff also benefit from training on English as an Additional Language (EAL) issues by the Language Support Department. The school incorporates diversity initiatives into their programmes, including whole school events (e.g. Citizenship event, visits to the local mosque). The schools use data to identify reasons why students are not fulfilling their potential. They then offer follow up support and a monitoring system to track pupil progress each term so that action can be taken before students slip through the net. Other measures include: Saturday School, coursework catch up clubs, target-setting day for parents and students, working with parents, use of heritage languages (use of dual texts, story-telling in different languages, training older pupils to act as interpreters), extra-curricular activities, celebration of cultural diversity (celebration of festivals, Refugee Week, Black History Month, Ramadan Club, international evenings, visits to the mosque/temple), anti-racist work (school policies and procedures, curriculum, anti-bullying support measures).
5. **Provide a high level of support in a child's early years with language and cultural programmes to promote communication skills, lay a solid language foundation for learning Chinese and assist integration in mainstream primary schools.**
 6. **Develop an induction system and needs assessment for newly arriving pupils.** School-based immersion classes should be provided to EM students upon their first entry until they can effectively use Chinese as the medium of learning in normal classes.
 7. **Ensure that schools have multilingual staff at all levels.**
 8. **Increase monitoring and data analysis to plan intervention and support.**
 9. **Build better relationships between schools, parents and the EM community.**
 10. **Set up a special one-stop service on education needs and career counseling for EM students.**
 11. **Adapt assessment tools, intervention and support programmes to assist early identification of EM children with Special Education Needs.** Special Education training for teachers should incorporate elements on racial and cultural awareness and sensitivities.

-
12. **Provide expert guidance and support to individual schools in curriculum design and adaptation of teaching material in Chinese language for EM students.**
 13. **Facilitate sharing of expertise and successful experiences between schools.**
 14. **Set up a central quality assurance system.**
 15. **Use the Census to systematically capture more information about the EM population for formulation of appropriate education policies and provision of focused support measures.**
 16. **Undertake a comprehensive longitudinal study to keep track of the academic and social development of EM students, identify the policy deficiencies and service gaps, and assess the appropriateness and effectiveness of the current practices and support measures for EM students.**
 17. **Launch focused public education on respect for diversity and racial harmony on a continuous basis to build an inclusive school environment, particularly among teachers who are critical role models for children and parents.**
 18. **Carefully examine the EDB's current policies and practices to ensure compliance with the spirit and legal obligations of the anti-discrimination legislation, as well as fulfilling the policy goal of providing quality education to all school-age children.**

Puja Kapai

Faculty of Law
The University of Hong Kong
December 2011