

Subcommittee on Rights of Ethnic Minorities
Housing Issues of Ethnic Minorities

Submission from the Equal Opportunities Commission

Purpose of the Paper

This paper sets out to provide the Equal Opportunities Commission's (EOC's) views to the Subcommittee on Rights of Ethnic Minorities regarding housing problems encountered by ethnic minorities (EMs) in both public and private housing areas in Hong Kong.

Protection under the Race Discrimination Ordinance

2. Housing is recognised as a basic necessity. It has an impact on the well being of an individual and that of the family. Discrimination on the ground of race in the provision of goods, facilities and services and in the disposal or management of premises is covered under the Race Discrimination Ordinance (RDO).

3. Under the RDO, it is unlawful for service providers (whether for payment or not) to discriminate against any person on the ground of his/her race by refusing to provide the services, or provide the services to him/her in the like manner, terms and quality. The law applies to service providers in both private and public sectors. In case of housing-related services, the RDO covers those services provided by estate agents in the course of looking for private premises as well as

those by the Housing Department through the application and allocation process of public/subsidized housing.

4. With regard to the disposal and management of premises, it is also unlawful for landlords to discriminate against a prospective tenant on the ground of race in the terms on which the premises are offered; in refusing to rent the premises; and in the treatment of the prospective tenant. Additionally, discrimination in the access to benefits or facilities in the premises by the management (of the premises) or landlord towards people living there is also covered under the RDO.

On Public Housing Services

EMs' Concerns and EOC's Intervention

5. Language and cultural barriers are major concerns for many EMs applying for public housing flats and EM tenants living in public housing estates. To address this issue, the EOC met the Housing Department in August 2016 to reflect EMs' difficulties in getting its services and made recommendations to the Department particularly on the provision of interpretation services and promotion of the staff's cultural sensitivity. Since our meeting, the Housing Department has undertaken the following steps to improve the service experience of EMs:

- Upgraded the interpretation service facilities in its application centre; and
- Organized training on the RDO, interpretation services and cultural sensitivity to its estate management staff, in collaboration with the EOC and HK Christian Service CHEER Centre, a service provider of interpretation in EM languages.

EOC Recommendations

6. Despite the steps taken by the Housing Department, it is reported that one of the major impediments to service efficiency is the inadequacy of interpreters, especially in certain high-demand languages such as Urdu and Punjabi, for on-site interpretation. The CHEER Centre, the primary interpretation services provider to the Government Departments, claims that this shortage of interpreters is caused by a mix of factors including limited funding, lack of attractive remuneration for interpreters and high attrition rate.

7. The EOC would like to reiterate the need for high quality, adequate and effective interpretation services in Hong Kong that adheres to carefully thought out quality standards and is well monitored in order to allow all members of the community, including EMs to access public services without the barrier of language. However, according to different stakeholders, there is an obvious gap between service needs and provision of the current community interpretation services. The Government is therefore urged to address this issue by:

- Providing more resources to bolster the services of community interpretation in order to meet the demand; and
- Setting up a regulatory body with powers to promote and oversee the quality of community interpretation services.

(Detailed recommendations on improving this sector were outlined in the EOC's earlier submission to the Subcommittee dated 13 February 2017.)

On Renting Private Accommodation

EMs' Concerns & EOC's Intervention

8. It has been repeatedly brought to the EOC's notice that many EM prospective tenants face race discrimination at the hands of landlords and estate agents. Allegedly, landlords flatly refuse to rent their property to persons from certain EM races and estate agents often decline to service them.

9. Similar observations were reported in the "Study on Discrimination against Ethnic Minorities in the Provision of Goods, Services and Facilities, and Disposal and Management of Premises" published by the EOC in September 2016, in which Chinese and EM mystery customers were deployed to compare the service levels of different goods/services providers, including property agencies, as one of the data collection methods. The study concludes that, "from the ethnic minorities' perspectives, discrimination encountered in the property and financial sectors was the most critical and intolerable to them as these services would definitely affect their basic living".

10. The study also revealed that "most ethnic minorities did not make any complaints when they have encountered discrimination as they were afraid that the others would label them as 'trouble-makers' (and) many of them were not aware of the channels for filing complaints." To promote the protection of the RDO in this area and the complaint handling services of the EOC to a broader sector of the EM community, the EOC leaflet titled "What You Should Know as a Real Estate Agent, Landlord, Tenant and Home Buyer" has been translated into seven EM languages and widely distributed to different EM groups; and a roving exhibition

covering this subject was carried out at various public locations including EM gathering places from March to December 2016.

11. Being fully aware of the need to educate the estate agents and potential landlords, the EOC started working with the Estate Agents Authority (EAA) in 2015. A series of training sessions were conducted in 2016 to raise the estate agents' understanding of their liabilities should they be in violation of the RDO and to enlist their help in educating the landlords. The EOC will continue to collaborate with the EAA to intensify its education efforts towards estate agents through different initiatives, e.g. promotional campaign targeting estate agencies, reward scheme for EM-friendly practitioners, online training programmes, etc. The EOC is also approaching trade unions of the estate agencies to broaden the publicity network.

EOC Recommendations

12. Achieving attitudinal change requires sustained effort. While the EOC is working towards this goal, stronger and more widespread messaging is necessary to achieve a significant shift in racial acceptance, especially with regard to the landlord-tenant dynamics, which calls for co-ordinated efforts from a diversity of Government Departments and public bodies, including the Housing and Transport Bureau, Home Affairs Department, Information Services Department, EAA, EOC, etc. EOC's efforts alone are insufficient to achieve these goals considering our current resources and mandate. We therefore urge the Government to join in the efforts and show its commitment to promote racial harmony. The Government should take the lead in addressing the housing problems of EMs by launching a

large scale public education exercise to improve racial acceptance, support and respect in all sectors, particularly the real estate sector.

Conclusion

13. In conclusion, recognising that housing is a basic need, the EOC urges the Government to help the EM communities avail of this right with dignity. The Government should lend a hand in bolstering access to public housing as well as assist all stakeholders in creating a shift in mindset and attitude of landlords, who are made up of the general public, to accept racial minorities as tenants, neighbours, friends, co-workers and partners.

Equal Opportunities Commission

March 2017