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For information on 13 March 2017

Submission on ‘Housing problem of ethnic minorities’ to the
Legislative Council Subcommittee on Rights of Ethnic Minorities

This submission is prepared to the subcommittee regarding housing problems faced by the Ethnic Minorities (EM) communities in Hong Kong. Poverty rate among EM residents in Hong Kong has been deteriorating and being persistent over the years at 23.9% with Pakistanis in particular 51.1%. Living in a city where skyrocketing rental rates as results of soaring property prices devouring much of the poor’s income while languishing on years-long Public Rental Housing (PRH) waitlist. Adding insult to injury, during course applying for PRH, EM applicants encounters communication issues with no proper assistance provided accordingly. In the private housing market, language barrier between EM tenants and landlords remain as major issues next to race discrimination.

Inaccessibility towards PRH Application and Services of the Housing Department (HD)

1. Language Barriers

1.1 Application

Complicated procedures, when not clearly explained or unsupported linguistically, could be made inaccessible for non-Cantonese applicants, comprising most of EMs. Their applications could be at risk and years-long wait could be in vain, for instance, first being remained in confusion on documents to enclose and proofs for information provided, eventually caught in loops of applications being submitted and returned. In some cases, even notification letters in Chinese were provided.

In addition, when vetting officers refrain from proactively requesting interpretation support during interviews and applicants, due to language barrier, fail to efficiently explain their financial condition which eventually lead to cancellation for “not meeting income or asset requirements”. In the Appendix is a recent case we encountered.

1.2 Estate Offices

Most of our members residing in PRH flats found communication barriers with staff and officers in their local PRH estate offices. Staff mostly lack proficiency in English and are oblivious of the existence of interpretation services provided by Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER) for HD staff. No notice of the interpretation support services for EMs is shown in Estate Offices.

Estate Management Advisory Committee (EMAC) Newsletters mentioned CHEER interpretation support services for EM residents, however, such information is written only in Chinese, which most EM residents are not capable reading thus remain uninformed.

Similar difficulties faced by EM applicants during flat selection stage are also being observed.

2. Two-flat Allocations Raised Issues

Most EM families have large households which such livable flats are in short of supply. Since September 2016, the Housing Authority decided to allocate two-flats to large households to shorten their waiting time. It works as purposed, however, allocating two flats doubles their rent expenditure. PRH is supposed to be a sanctuary from ridiculously high rental expenses, yet not only with this arrangements most EMs who is having large households are limitedly benefited, but also having mostly children with only parents as adults to pay attention in either flats (especially with one of them is absence for work), these families are prone to violating child-neglect related legislations.

Private Rental Market

1. Chinese-only Tenancy Agreements

Majority of regular tenancy agreements in the market are written in Chinese, which most EM tenants have no proficiency in reading and writing Chinese, thus understanding the terms and agreements on the lease became an impossible task. This is critically detrimental for their

housing rights when it comes to either disagreements with the landlord or extra terms written on the contract in Chinese, typically shifting all maintenance responsibilities of leased premises to tenants. Upon limited options due to mainly race discrimination, EM tenants often sign these unfair contracts in reluctance and suffer unequal rental treatments.

2. Prejudice Based on Race

Hence, grassroots EMs' options on renting homes in the private market are not only limited to their low economic capabilities facing rocketing rental rates, but also racial prejudice and discrimination. This is often shown by landlords refusing to rent homes to potential EM tenants due to reasons or occasionally, excuses, from worries of language barriers to cooking in heavy smell, and even simply and blatantly refuse to lease due to their ethnicities¹.

Recommendations:

1. Language Barriers

1.1 Standardized or Templated Letters for Responds in 6 EM languages

To ensure equal accessibility for EM PRH applicants, all corresponding written documents should be made available in 6 official EM languages, each with its translation from English. The said written documents should include PRH application form and all standardized corresponding letter templates, in which application forms required to be filled out in English, which is within English capabilities for most EMs. On the other hand, there should be an option box in the standardized application form allowing an option of a second language out of the six designated EM languages (Urdu, Hindi, Bahasa, Indonesia, Nepali, Tagalog and Thai).

2.2 A Well-Rounded Points-to-Note for Cultural Sensitivity

The HD should take example of the Social Welfare Department (SWD) in developing a clear-cut, comprehensive and precise set of guidelines to ensure equally accessible services for users from all ethnic backgrounds could be carried out. Such guidelines should include introduction to different cultures, their languages, while most importantly scenarios and conditions which put frontline staff under scrutiny on providing interpretation support services for applicants with difficulties communicating in English or Cantonese, who are entitled rights to be informed and to demand the services' proper delivery.

¹ Equal Opportunities Commission. "Study on Discrimination against Ethnic Minorities in the Provision of Goods, Services and Facilities, and Disposal and Management of Premises", Sept 2016, P. 26-27

Training programmes based on such guidelines should be carried out accordingly.

2.3 EM Staff to be Employed and Stationed in the Housing Authority Customer Service Centre (HACSC)

The EM staff in the HACSC (not the HD claimed as “Hall Attendants” in security guard suits) is to be genuine assistants with fluent proficiency in English and EM language, hired by the HD with knowledge in PRH applications and procedures readily available to support EM applicants. They are also responsible to inform other HD personnel on applications which require interpretation support services at later stages of application, for instance, vetting interviews, in order to avoid unnecessary misunderstanding and time costs due to language barriers and cultural differences.

2.4 Staff Training in Estate Offices

Trainings and guidelines mentioned in 2.2) should be applicable to all Estate Offices to safeguard rights of EM PRH residents as well applicants during flat selection stage.

Information posters about interpretation support services by CHEER in six EM languages should be placed in visible areas such as information counters in Estate Offices.

2. Flat Allocation

2.1 Optimize the Rent Assistance Scheme

As rent for two medium household flats is unfairly higher than a single flat for large households, it could remain a major financial burden for new PRH tenants who had been suffering for years from high rental rates in the private market. Discretion should be made for such families whereas application for Rent Assistance Scheme to be allowed upon one year of residence in PRH flats instead of, according to prevailing policy, two years.

Other rent assistance schemes dedicated for current households allocated two flats should be put forth to ease their financial burden.

The Community Care Fund (CCF) could consider closing this gap by providing one-off subsidies towards low-income families with the above conditions.

2.2 Pro-rata Flat Supply for Large Households

The Housing Department (HD)'s reply to the Group on 7th October, 2016 stated, "In order to optimize the use of valuable land resources, flats suitable for allocation to families of six persons or above are no longer featured in new PRH projects". However, allocation of two PRH flats towards large families means sacrificing allocation opportunities for small to medium-sized households, thus in the contrary to the HD's claim, a waste of land resources and time spent on the waitlist.

As the HD itself has revealed figures on "PRH applications from families of six persons or above accounts for less than one percent" and "the estimated new PRH production by HA in the five-year period from 2016/17 to 2020/21 is about 71,100 flats", optimal use of land resources would be a reevaluation on family sizes on the PRH Waitlist and to calibrate supplies of flats of different sizes on pro-rata basis. According to the figures above, assuming the ratio of six-persons or above PRH applications accounts slightly below one percent, in the said five-year period around 700 flats for 6-person or above should be produced.

3. Private Rental Market

3.1 Bilingual Tenancy Agreement

The Government should stipulate bilingual (Chinese and English) tenancy agreements to be provided by real-estate agents for the ease of understanding of their terms between landlords and tenants, in case of either side or both are not proficient in reading Chinese.

Appendix – Without Interpretation Support, Communication Barrier Leads to Cancellation

Mr. T is fairly proficient in English and none in Chinese. He had his vetting interview for his Public Rental Housing (PRH) application on 17th January, 2017.

No interpretation service was provided for Mr. T as he attempted to explain unidentified deposit entries listed on his passbook apart from his regular salaries. However, under the absence of interpretation support and his limited English proficiency, he used the term “allowance” instead of “balance” when reporting to the vetting officer his bank balance during interview, and he could not deliberate fluently on amount deposited from other sources.

On 10th February, 2017, Mr. T requested assistance from the Centre with the letter of cancellation of his PRH application. After reviewing his supporting documents, the worker attempted to explain to Mr. T in English deposited entries in six months prior to the meeting date without adequate self-explanation on passbook photocopies to be submitted to the Housing Department (HD) must be marked with explanation attached with supporting documents. However, Mr. T was not able to understand as he showed the worker documental proofs of bank loans from a year ago.

Not until the worker sought assistance from his Ethnic Minority colleague, Mr. T was able to understand the actual proof required and was instructed to collect several documents from his friends’ HKID photocopy and their signatures of templated declaration of them as lenders, to the actual letter of reinstatement of application on his behalf.

Such extra process will take extra months for Mr. T for reinstate his application, and for other EM who are less fortunate with little knowledge in seeking help might leave their applications cancelled. The Housing Department should lay multilevel mechanisms to safeguard EM applicants’ rights to public housing resources and fair vetting procedures. Clear guidelines should be in place for all lines of applicant-serving staffs.