

6 July 2017

Clerk to Subcommittee on Rights of Ethnic Minorities  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road  
Central  
[By Email: sc\_hs52\_16@legco.gov.hk]

Dear Sir or Madam,

**Re: Poverty Problem of Ethnic Minorities**

I am a lawyer in private practice that regularly advises on discrimination, labor as well as family and children related issues. I was born in Hong Kong and this is my home. However, I also belong to an ethnic minority. I write to express my own thoughts and experiences on this issue to assist the Subcommittee.

Hong Kong's ethnic minorities have played a great part in her history. We have made mammoth contributions in arts, sciences, development, religion, education, the economy, social welfare, and her defense from enemies. I implore the Subcommittee to recall and recognize the role played by South Asian troops in the defence of Hong Kong against the Japanese invasion and occupation during World War II. It is a stain on our conscience that the descendants of those soldiers who defended Hong Kong live in such poverty today.

I thank the Subcommittee for taking up this issue. 'Poverty' as defined by the Government is an extreme category of financial deprivation. The Government's statistics demonstrate that few groups experience greater poverty than Hong Kong's ethnic minorities. However, what these statistics fail to capture are the causes, quality and character of poverty for our ethnic minority communities. In particular, there is a need to focus on the issue of discrimination and its causes.

Discrimination

Ethnic minorities are not only impoverished in Hong Kong, they are often excluded and marginalized by overt and hidden discrimination. Racial discrimination separates ethnic minorities from their neighbors and prevents their full integration and enjoyment of society. Most ethnic minorities that are easily recognizable commonly encounter explicit racism. This is not only unpleasant and destructive to our dignity as human beings; it frequently means that we are denied opportunities and support.

The effects of such discrimination can often be cascading.

It is regrettable that the Administration's paper (*LC Paper No. CB(2)1571/16-17(01)*) does not directly address the problem of discrimination faced by ethnic minorities. That paper does not use the word 'discrimination', and this is unfortunate because recognition of a problem is the first step to reform.

**Education:** Others have explored the problem of racial discrimination in education, which is also of great concern, so I will not address this issue in detail. It is enough to note that access to education is essential for economic and social integration and mobility. It is the earliest opportunity for our youth to integrate and develop cohesion with our neighbors. However, ethnic minorities are often segregated by current education policy and practice.

**Housing:** One other area where ethnic minorities are frequently discriminated is in rental housing. Housing is directly linked to incidence of poverty, social mobility, and health. However, in the rental market it is a commonplace experience for ethnic minorities (particularly South Asians and Filipinos) to be refused rental housing explicitly because of their ethnicity. This discrimination is often blatant – with many estate agents recording these reasons in voice messages, text-messages and in person. Regrettably, although this problem is well reported, there is no organized enforcement action being taken. In particular, neither the Equal Opportunities Commission nor the Estate Agents Authority have been sufficiently resourced and empowered to investigate and combat this problem.

**Public Functions:** It is a problem encountered not only in the private sector, but also in the public sector. It is regrettable that not everything is being done to prevent such discrimination; I refer to the comments of the UN Human Rights Committee (*CCPR/C/CHN-HKG/CO/3* at para 19) and the Committee on the Elimination of Racial Discrimination (*CERD/C/CHN/CO/10-13* at para 31). In particular, it is regrettable that the Race Discrimination Ordinance has not been extended to specifically apply to all the Government public functions.

**Politics & Public Service:** Racial minorities are under-represented in the civil service, political appointees by the previous Administration, and in the various boards and public bodies. There are no ethnic minorities in the Legislative Council. There are no ethnic minorities among senior officials. Without such representation, our needs, our problems are simply not considered.

This is a problem of perception. It is not merely about a few bad apples holding animus against others because they have a different skin color or speak with an accent. Such persons would not be able to hold back so many of us, not if the general public did not share those views.

Ethnic minorities are not perceived as part of the fabric of Hong Kong. This is exacerbated by education and by Government action. Ethnic minorities have been erased from the public's picture of what it means to be from Hong Kong. The result is that ethnic minorities are portrayed as "the other". We are referred to using derogatory racial slurs or as "foreigners"; we are not classified as "natives" or "locals". This denies us equal treatment and support from our neighbors – all of which is essential to get out of poverty.

### Recommendations

I endorse the views of my fellow deputations about the need for increasing financial and other resources for poverty alleviation. However, I make the following further suggestions:

- There should be an examination of enforcement against racial discrimination in the public and private spheres, particularly in crucial areas such as employment, education and housing.
- The Racial Discrimination Ordinance should be amended without delay to cover all public functions of the Government.
- In education, media and in public displays, there should be a greater exposure of the role played by ethnic minorities in Hong Kong's history and society.
- Increase targeted resources to assist ethnic minorities in housing, education and social services.
- The Government should take positive steps to improve participation and representation in the public sphere. In particular, there should be a conscious effort to examine why ethnic minorities are under-represented in Hong Kong's political bodies, Government boards and civil service. (*See below.*)

**Representation & Shortlists:** Improving representation is not impossible. The Government should consider adopting the increasingly successful practice of shortlisting requirements to redress the balance.

Once a search committee has established its shortlist, it should confirm that at least one candidate on that list is a member of an ethnic minority group. If the shortlist does not include a member of an ethnic minority, search committees should be required to reexamine their applicant pool to identify any candidate who is a known member of an ethnic minority group who ranks highly among the pool of qualified persons. If no ethnic minorities are available for selection, procedures should be set in place with concrete plans to encourage and increase the available pool of candidates from ethnic minorities. This approach does not require eliminating any candidates who do not belong to ethnic minorities.

Each Government department should have internal structures with officials responsible for improving diversity and selection procedures to improve accessibility for ethnic minorities. There should be accountability mechanisms to monitor implementation and analyze performance. An independent monitor such as the Equal Opportunities Commission should perform regular audits.

I wish to express my appreciation to the Subcommittee and the Administration for considering my submissions, and to my fellow deputations for their contributions.

Sincerely,

Azan Marwah  
Barrister-at-Law  
Gilt Chambers