

Legislative Speech

Thank you, Chairperson. I am Rahman, Lamia Sreya, A Hong Kong Bangladesh and a final year student at the University of Hong Kong. Today, I would like to bring all your attention to the legal loopholes that still exists in our system that fails to confront the issue of racism in Hong Kong. (As you can see, I am an ethnic minority, so having legal protection for myself and my community is important because we are entitled to these fundamental rights.)

The Race discrimination ordinance which is modelled after the UK Race Relation Act of 1976 is frankly outdated. This is unlike the other 3 anti-discrimination ordinances because it fails to cover government powers and functions. Now the question is, what does that mean? It means that the government in its exercise of powers and functions could be held legally accountable in the other three anti-discrimination ordinances such as the family status, disability and sex discrimination ordinance but that is not the case for the race discrimination law.

The next question is, how does that work? Let me walk you through a hypothetical situation. According to the government statistics about 1/5 ethnic minorities are in poverty. So, let's assume that there is a third generation, ethnic minority who is living below the poverty line. It just so happens that he/she gets racially profiled by the police. Now what he/she can do is to lodge a complaint with the Equal Opportunity Commission, but since government powers and functions are exempted from the Race Discrimination Ordinance, the power of the EOC then becomes limited cause of the loophole.

What next then? He/she may try to re-address their case through judicial review but would need to incur additional legal cost, but a person living below the poverty line cannot afford such financial burden. Then where does one go to seek recourse? It is here that I ask, where is the principle of fairness among these anti-discrimination policies and why aren't there equal protection?

The flaws of the RDO have drawn repeated criticisms from the Human rights council in 2013, Committee on Economic, Social and Cultural rights in 2014 and the Committee on Elimination of Racial Discrimination in 2019.

Dear councilors and bureau members, the objective of covering all forms of government functions and services within the RDO is not to render the government vulnerable to an influx of litigation but to uphold a sense of fairness and uphold a certain standard in government bureaus/ policies. Given the urgency of the amendment of the law, we urge the government to give us a timeline of when this amendment will be made? We cannot go on as a community that could be racially discriminated and not have any legal protection to seek justice for it.

Thank you.