

**For discussion on  
18 January 2021**

**Legislative Council Panel on Constitutional Affairs**

**Implementation of the Administrative Guidelines on  
Promotion of Racial Equality**

**Purpose**

This paper informs Members of the implementation of the improved Administrative Guidelines on Promotion of Racial Equality (the Guidelines).

**Background**

2. At the meeting of the Panel on Constitutional Affairs held on 20 April 2020, we briefed Members of the key features of the improved Guidelines, including new guidance notes on language services and data collection on service users of diverse race, as well as compulsory training on diversity and inclusion for front-line staff and new recruits<sup>1</sup>. The Guidelines are attached at **Annex I** for Members' reference.

3. Since April 2020, the new Guidelines have been implemented by all Government bureaux, departments (B/Ds) and related organisations (collectively referred to as “public authorities”), making a total of over 100, so that people of Hong Kong, regardless of their race, enjoy equal access to public services.

**The Revised Guidelines**

4. People of diverse race may encounter difficulties in accessing public services due to language barrier. Public authorities should proactively adopt appropriate enhancements to ensure service users of different races enjoy and benefit from the relevant policies and measures. To bridge the language barrier, the Guidelines contain a new guidance note on provision of language services

<sup>1</sup> Please refer to LC Paper No. CB(2)610/19-20(03) for details.

(see Annex B to the Guidelines). Concrete steps have been set out to facilitate the management and front-line staff of public authorities to identify the language service needs of service users, introduce the availability of and proactively offer language services, and arrange language services to those in need as appropriate.

5. The revised Guidelines also contain a new guidance note on data collection (see Annex C to the Guidelines) which stipulates the requirements for public authorities to review all policy areas, identify policies and measures that people of diverse race may make use of and need access to, and collect data on a regular basis for the purposes of service monitoring and continuous improvement of service provision.

6. Moreover, the Guidelines require that public authorities should provide training to enhance staff sensitivity and understanding of race-related issues in general, including appreciation of cultural differences and awareness of the special needs of members of different racial groups.

## **Implementation of the Guidelines**

### *(a) Interpretation and translation services*

7. The new Guidelines require public authorities to proactively provide language services so as to enable service users who are not able to communicate effectively in spoken or written Chinese or English to have equal access to public services.

8. On general interpretation services, the Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER Centre), which is operated by the Hong Kong Christian Service and commissioned by the Home Affairs Department, is the first stop to public authorities offering free Telephone Interpretation and Enquiry Services (TELIS) between English and eight other languages<sup>2</sup>. Since the implementation of the new Guidelines, public authorities have engaged the CHEER Centre for its free TELIS to provide simultaneous interpretation services for people of diverse race who can neither speak Chinese nor English to facilitate their access to public services.

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<sup>2</sup> The eight languages are Hindi, Urdu, Punjabi (these three are spoken in India and Pakistan), Nepali, Bahasa Indonesia, Thai, Tagalog (spoken in the Philippines) and Vietnamese.

9. Interpretation and translation services in specialised and professional areas do not fall within the service scope of the CHEER Centre. The relevant public authorities may either approach companies, organisations or individuals providing interpretation/translation services in the market (including external foreign language interpreters providing services to the Judiciary) for procurement of interpretation/translation services in accordance with the Stores and Procurement Regulations to meet their respective service needs, or provide such services through in-house interpreters/translators. For example, interpretation services are provided in public hospitals and clinics under the Hospital Authority primarily through the HKSKH Lady MacLehose Centre. The Centre's interpreters have all received training in medical-related knowledge and communication skills.

10. As can be seen from the above, public authorities have engaged suitable service providers for interpretation and translation service providers having regard to the actual circumstances and their respective needs. Given the diversity of public services, the required interpretation and translation services vary. This flexible approach in service procurement can ensure service users' quick and effective access to the interpretation and translation services in need.

11. Meanwhile, the Constitutional and Mainland Affairs Bureau (CMAB) has provided funding to the Equal Opportunities Commission (EOC) in 2017-18 to explore the feasibility and suitability of introducing accreditation and regulation for interpretation and translation in ethnic minority languages and establishing a list of accredited professionals in the long run, while capitalising on the current foundation of adopting a flexible approach in the procurement of interpretation and translation services. According to the information provided by the EOC, the research study will soon be completed. The CMAB will study the findings in detail upon completion of the study.

*(b) Data collection*

12. Public authorities have been collecting data on interpretation services covering the first six months (i.e. April to September 2020) since the implementation of the new Guidelines. The number of public authorities involved has increased from 23 to more than 100. The data commonly collected by public authorities are more comprehensive than before. In addition to the

number of interpretation services provided, as well as information about the languages requested, and interpretation service providers, public authorities have also collected the number of interpretation services provided at the request of service users, and the breakdown of cases where service users had declined the offer for interpretation services.

13. As shown in the statistics collected in the first half year since the implementation of the Guidelines, all requests for interpretation services made by service users were fully met by public authorities. Public authorities also proactively offered interpretation services to service users. In nearly 6 700 cases, 60% of the service users accepted the offers. The most popular languages requested by service users were Urdu, Vietnamese, Bahasa Indonesia and Hindi (see Annex II for details). Besides, the number of public authorities which had arranged language services during the first half year increased from 14 to 23, as compared with the situation before the new Guidelines came into effect. Such public authorities include the Security Bureau, Working Family and Student Financial Assistance Agency, Census and Statistics Department, and Transport Department, etc. (see Annex III for details). The statistics for 2020-21 will be published on the CMAB's website and will be updated annually. The data collection arrangement will be refined from time to time in the light of implementation experiences and operational needs.

*(c) Enhanced training on racial diversity and inclusion*

14. The Guidelines require that compulsory training on racial diversity and inclusion should be provided to front-line staff and new recruits so as to enhance their sensitivity and understanding of race-related issues. To this end, the Civil Service Training and Development Institute has provided training to civil servants in collaboration with the EOC. Public authorities will also seek assistance from the EOC or other service providers in arranging suitable training for their staff when required.

15. Between April and December 2020, the EOC has organised a number of seminars and workshops on "Race Discrimination Ordinance", "Racial Equality and Cultural Sensitivity", and "Promotion of Cultural Sensitivity and Racial Equality in Public Service" for the staff of public authorities with a total attendance of over 800.

*(d) Publicity and promotion*

16. To step up publicity efforts to enable people of diverse race to understand the availability of measures and arrangements that facilitate their access to public services, public authorities have, in accordance with the Guidelines, drawn up checklists of measures within their respective policy and programme areas that would assist in promoting equal access to public services. The checklists of measures also contain contact information of the respective public authorities. The checklists of measures, which are published on the CMAB's website, are available in Chinese, English and eight other languages<sup>3</sup>, and will be updated annually.

**The Way Forward**

17. Public authorities will continue to implement the Guidelines. The CMAB will closely monitor the implementation and make necessary improvements in collaboration with the public authorities from time to time in the light of experiences gained.

18. Members are invited to note the content of this paper.

**Constitutional and Mainland Affairs Bureau  
January 2021**

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<sup>3</sup> Please refer to [https://www.cmab.gov.hk/en/issues/equal\\_agpre.htm](https://www.cmab.gov.hk/en/issues/equal_agpre.htm).

**Administrative Guidelines on Promotion of Racial Equality  
 (“Guidelines”)**

**1. INTRODUCTION**

1.1 These Guidelines provide guidance to all Government bureaux and departments as well as related organisations (collectively referred to as “public authorities”) so that people of Hong Kong, regardless of their race<sup>1</sup>, enjoy equal access to public services. The cultures and languages of different races should not be an obstacle that impedes the delivery of government programmes and services to those who are entitled to receive them, and such programmes and services should aim to achieve the same outcome for all people alike including the culturally and linguistically diverse groups. Given the broad range and diversity of government programmes and services, each public authority should determine the practical actions they should take to implement these Guidelines having regard to their own operational circumstances.

**Government policy on racial equality**

1.2 The Government is committed to eliminating racial discrimination and promoting equal opportunities for people of different races. The Basic Law, the Hong Kong Bill of Rights Ordinance (HKBORO) (Cap. 383) and the Race Discrimination Ordinance (RDO) (Cap. 602) provide the legal framework to prohibit discrimination on the ground of race (see **Annex A** for an overview of the provisions of the RDO relevant to the provision of public services). For details of the legal requirement, please refer to Section 3.

1.3 In addition to compliance with the legal requirements, the Government has been actively taking measures to promote racial equality with a view to ensuring that persons of different races regardless of their cultures and languages have equal opportunity to enjoy and benefit from resources and opportunities available in society. This is achieved through

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<sup>1</sup> In these Guidelines, a reference to race is a reference to race, colour, descent or national or ethnic origin of the person (please refer to section 8 of the Race Discrimination Ordinance (Cap. 602)), and a reference to race discrimination should be construed accordingly.

public education and promotional activities, and provision of support services. The introduction of these Guidelines is a further step to this objective.

## **Purpose and scope of the Guidelines**

### Purpose

1.4 These Guidelines are developed as a systematic means to raise public authorities' awareness on the need for racial diversity and inclusion as well as equity considerations in the formulation, implementation and review of relevant policies and measures, and facilitate them to meet these policy objectives. Public authorities should determine the practical actions required to adjust their mainstream policies, measures and services in order to meet the objectives taking into account their relevant operational circumstances.

1.5 Guidance on promotion of racial equality in the area of employment is provided in the Code of Practice on Employment under the RDO<sup>2</sup>, issued by the Equal Opportunities Commission (EOC). Public authorities should refer to the Code for guidance on employment matters.

### Scope

1.6 These Guidelines apply to all Government bureaux and departments (B/Ds) as well as related organisations under the purview of respective B/Ds (collectively referred to as "public authorities").

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<sup>2</sup> The link to *Code of Practice of Employment under the Race Discrimination Ordinance* by the EOC - [https://www.eoc.org.hk/eoc/Upload/UserFiles/File/rdo/RDO\\_CoP\\_Eng.pdf](https://www.eoc.org.hk/eoc/Upload/UserFiles/File/rdo/RDO_CoP_Eng.pdf)

## **Coordination**

1.7 The Constitutional and Mainland Affairs Bureau (CMAB) is responsible for coordinating and maintaining an overview on the implementation of the Guidelines in the Government as a whole, including monitoring the implementation of the Guidelines, coordinating data collection, and publicising such information to the public. Public authorities are responsible for implementing the Guidelines within their respective policies and programme areas including collection of data and statistics on use of services by people of different races, publicising the various support services for people of diverse race, and providing guidance and arranging training to staff members to facilitate their understanding of these Guidelines and to enhance their cultural and linguistic competencies.



## **2. GUIDING PRINCIPLES**

2.1 The guiding principles governing the efforts of public authorities on promoting racial equality are:

- (a) public services should be accessible to all eligible people of Hong Kong and responsive to their needs, regardless of their cultural and linguistic diversity due to different races. These principles should be taken into account during formulation, implementation and review of relevant policies and measures; and
- (b) steps should be taken to eliminate racial discrimination arising from respective policies and measures.

2.2 These principles complement each other. Conscious consideration of the racial equality factor in providing public services will help avoid devising measures that may give rise to concerns of racial discrimination.

2.3 Sections 3 to 4 elaborate on the above guiding principles. Section 5 elaborates on the reporting mechanism regarding the implementation of the Guidelines.

### **3. COMPLIANCE WITH LEGAL REQUIREMENTS ON RACIAL EQUALITY**

#### **Legal Framework**

3.1 The Government has obligations under the Basic Law and the HKBORO to prohibit discrimination, including that on the grounds of race.

3.2 Article 25 of the Basic Law provides that “All Hong Kong residents shall be equal before the law”. Article 1 of the Hong Kong Bill of Rights states that the rights recognised therein shall be enjoyed without distinction of any kind such as race; article 22 provides that “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law” and “the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race...”. An act of racial discrimination by a public authority that contravenes the Basic Law or HKBORO may be challenged in the Court.

3.3 The Court of Final Appeal has explained that discrimination under the Basic Law and the HKBORO may broadly occur in three forms -

- (a) the first, direct, form of discrimination involves the complaint that like is not being treated as like in that the complainant is receiving treatment which is unfavourable when compared with treatment given to persons in relevantly similar situations;
- (b) the second form involves the complainant disadvantageously receiving the same treatment as persons in significantly different situations; and
- (c) the third, indirect, form of discrimination involves application of an ostensibly neutral criterion which operates to the significant prejudice of a particular group.

3.4 The RDO binds the Government. It is unlawful to discriminate against a person on the grounds of race in prescribed areas, including employment, education, provision of goods, facilities, services and disposal or management of premises. It is also unlawful to racially harass another person (i.e. engaging in unwelcome conduct, in circumstances in which a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated by that conduct / creating a hostile or intimidating environment) in the prescribed areas.

3.5 The EOC is the enforcement authority of the RDO. It is entrusted under the RDO with the functions and powers to work towards the elimination of discrimination and promote equality of opportunity and harmony between persons of different racial groups. In relation to racial discrimination, it has the power to handle complaints on unlawful acts, conduct conciliation and provide assistance accordingly under sections 78 and 79 of the RDO; conduct formal investigations under section 64 of the RDO; and obtain information in accordance with section 66 of the RDO. The EOC can make recommendations for changes in policies and procedures to a public authority, or recommendations to the Chief Secretary for Administration on changes in the law or otherwise, in the light of the findings in its formal investigations (section 67 of the RDO). The EOC is also tasked to keep under review the working of the four anti-discrimination ordinances (including the RDO) and, either when required by the Chief Executive (CE) or as the EOC thinks it necessary, draw up and submit to the CE proposals for amending the Ordinances (section 59(1)(e) of the RDO).

### **Compliance with Legal Requirements**

3.6 The Government has a responsibility to ensure that no racial discrimination would result from the formulation and implementation of its policies and measures in accordance with the relevant legal provisions. Public authorities should consider appropriate measures to assist their staff in gaining a proper understanding of such legal requirements and obligations, as well as the relevant roles and powers of the EOC. If they have any questions about the implementation of the RDO, they could seek advice from the Department of Justice or the EOC.

## **4. FORMULATION AND IMPLEMENTATION OF POLICIES AND MEASURES**

### **Overview**

4.1 On top of compliance with legal requirements, public authorities should take into account the needs, sensitivities and concerns of different racial groups in all relevant policies, services and measures. Specifically, equal access to people of different races and equity considerations should be built into different stages of policy formulation and implementation, including -

- (a) formulation of policies and measures;
- (b) assessment of existing policies and measures, consultation as well as collection of data on service delivery and users;
- (c) delivery of services (including making available translation and interpretation services for users as required);
- (d) staff training in diversity and inclusion for effective service delivery;
- (e) monitoring, evaluation and reporting (including having regard to data and statistics on use of services by people of different races); and
- (f) record and publicity.

The purpose of these Guidelines is to set out good practices for public authorities to achieve effective delivery of public services for all people of Hong Kong, and to help raise awareness of the importance of building a racially inclusive and cohesive society.

### **Formulation of policies and measures**

4.2 Public authorities should take into account equal access and equity considerations in the policy making process to serve the needs of

our multi-ethnic society, and ensure the policies and measures would not give rise to concerns of racial discrimination. To this end, the following factors should be taken into account -

- (a) whether the policies or measures give rise to concerns of racial discrimination;
- (b) whether the policies or measures meet the needs and concerns of people of diverse race; and
- (c) whether the cultures and languages of different races constitute obstacle that affects the delivery of services to those who are entitled to receive them.

### **Assessment, consultation and data collection**

4.3 Public authorities should regularly assess whether the policies or measures have an adverse impact on racial equality, and the extent to which the cultures and languages of different races may impede equal access to existing public services. The factors for consideration in paragraph 4.2 (a)-(c) are equally applicable.

4.4 Public authorities should consider taking appropriate steps to facilitate their assessments. Among others, they are encouraged to identify and strategically engage with clients, stakeholders and communities of different races in their assessment of policies or measures as appropriate<sup>3</sup>. Public authorities should also collect data and statistics on use of services by people of different races, and conduct related studies to facilitate their assessment of policies and measures (please refer to

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<sup>3</sup> There are various ways to engage clients, stakeholders and communities. For instance, some B/Ds set up consultative bodies with representatives from people of diverse race being appointed as members to advise them on specific policy issues. Examples include the Commission on Poverty, Commission on Children, Youth Development Commission, Advisory Committee on Mental Health. It is also noted that the Committee on Promotion of Racial Harmony ("CPRH") and Ethnic Minorities ("EM") Forum were established, with the former seeking to formulate proposals for promotion of racial harmony, including provision of support services to EMs, to facilitate their integration into the community, and the latter as a platform for exchanging views between EM organisations, NGOs serving the EM community and B/Ds providing support services to needy EMs. Public authorities should consider the best way of engaging their clients, stakeholders and communities having regard to the circumstances of individual parties.

paragraphs 4.11 to 4.13 below and **Annex C** for details).

4.5 If the assessment shows that the policies or measures may indeed have an adverse impact on racial equality or equal access to public services, the public authorities should consider whether and how changes may be made to the policies or measures. The following questions may be relevant:

- (a) what causes the adverse impact and how it can be addressed;
- (b) what steps can be taken to avoid the adverse impact; and
- (c) whether and what alternatives to the policies or measures in question are available for meeting the policy objectives.

### **Delivery of services**

4.6 People of diverse race may encounter difficulties in accessing public services due to culture and language barriers. Public authorities should identify the needs of service users and explore appropriate enhancements to ensure equal access to public services. Among others, public authorities should take proactive steps to adopt a range of communication aids / techniques to ensure service users of different races enjoy and benefit from the relevant policies and measures. Please refer to **Annex B** for the guidance note on provision of language services.

### **Staff training**

4.7 Public authorities should provide training to enhance staff sensitivity and understanding of race-related issues in general, including their appreciation of cultural differences and awareness of the special needs of members of different racial groups.

4.8 The Civil Service Training and Development Institute (CSTDI) of the Civil Service Bureau, in conjunction with the EOC, provide training for civil servants on racial sensitivity and cultural diversity, which would facilitate their understanding of the RDO, these Guidelines and relevant issues. Public authorities should arrange training sessions for

staff, especially new recruits and front-line staff so as to develop competencies in serving people of diverse race, and staff concerned should be obliged to attend.

4.9 Public authorities may also contact the EOC or other service providers as appropriate for assistance in arranging tailor-made training courses for their staff, such as on the skills and techniques to work effectively with interpreters, and on languages and etiquette of different racial communities in Hong Kong.

4.10 Based on the information provided by the public authorities, CMAB will facilitate arrangements for experience sharing in order to enhance racial equality by the Government as a whole by learning through the experiences of each other.

### **Monitoring and regular reporting**

4.11 For changes identified for implementation, public authorities should monitor the implementation progress, including the effect of such changes, to assess if they have achieved the intended outcome.

4.12 To facilitate assessment by the public, public authorities should consider establishing indicators and / or targets and collect data as appropriate. Such indicators and targets should aim to achieve one or more of the following objectives -

- (a) promoting measures to eliminate racial discrimination;
- (b) stepping up measures to promote racial equality;
- (c) enhancing access to public services by people of diverse race; and
- (d) gauging the effect of measures taken.

4.13 Public authorities, having regard to their own policy considerations and needs, should collect data and statistics on use of services by people of different races, as well as conduct related studies.

The data and statistics should be collected on a voluntary and confidential basis, and for the purpose of facilitating the Government in formulating policies and measures that would enable all racial groups to enjoy equal access to public services and for continuous improvement of service provision. Please refer to **Annex C** for the guidance note on collection of data on service users of diverse race.

## **Record and publicity**

4.14 Public authorities should step up publicity efforts to enable people of diverse race to understand the availability of specific measures and arrangements to facilitate their access to public services. One of the means to achieve this is to draw up and publicise a checklist of measures that would assist in promoting equal access to public services. The checklist may include elements such as:

- (a) policies and measures relevant to racial equality and equal access to public services;
- (b) changes made or being planned to be made to existing or new policies and measures;
- (c) actions to be taken to implement the changes; and
- (d) arrangements for monitoring the progress of implementation.

4.15 Checklists of measures drawn up by relevant public authorities are published on CMAB's website<sup>4</sup> and will be available in Chinese, English and 8 other languages<sup>5</sup>. To widen the dissemination and step up publicity efforts, public authorities should consider appropriate publicity arrangements to facilitate the public to understand their actions taken to promote equal access by different racial groups. For instance, public authorities should publicise the checklists of measures by uploading them to their respective websites or establishing hyperlinks to CMAB's

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<sup>4</sup> [https://www.cmab.gov.hk/en/issues/equal\\_agpre.htm](https://www.cmab.gov.hk/en/issues/equal_agpre.htm)

<sup>5</sup> Currently, checklists of measures are available in Chinese, English and 6 other languages viz., Bahasa Indonesia, Hindi, Nepali, Tagalog, Thai and Urdu. Future checklists of measures will also be translated into Vietnamese and Punjabi.



website, and / or display in their reception areas / counters which are easily accessible to members of the public. Use of social media platform to enhance publicity should be actively considered.

4.16 Furthermore, public authorities should keep proper records of data and statistics on use of services by people of different races, the assessments of their policies and measures on promoting racial equality and improvements made as a result. This would be useful for the purpose of monitoring and conducting future reviews.

## **5. IMPLEMENTATION OF THE GUIDELINES**

5.1 Public authorities are responsible for implementing these Guidelines within their policy / programme areas. They should also consider appropriate arrangements to keep the progress of implementation under review.

5.2 Public authorities should deploy suitable resources to implement measures to achieve the above objectives. In case the resources required cannot be absorbed by the public authorities concerned, consideration should be given to bidding for additional provision of resources in accordance with established procedures.

5.3 The CMAB coordinates and takes an overview on the implementation of the Guidelines in the Government as a whole. It will monitor the implementation of the Guidelines and collect relevant information from public authorities annually, such as the checklists drawn up under paragraph 4.14. The CMAB will brief the Steering Committee on Ethnic Minority Affairs and the Panel on Constitutional Affairs of the Legislative Council on the implementation progress and publicise the relevant information as appropriate. The CMAB will also keep the Guidelines under review in consultation with public authorities.

5.4 Public authorities should each designate an officer of suitable seniority to co-ordinate the implementation of the Guidelines within their organisations. These officers will be responsible for overseeing the internal arrangements for implementing and reviewing the relevant policies and measures having regard to the Guidelines, and performing the function of contact point within the Government.



**Provisions of the Race Discrimination Ordinance  
relevant to the provision of public services**

The Race Discrimination Ordinance (RDO) (Cap. 602) stipulates in detail what constitutes unlawful racial discrimination thereunder.

2. “Race” under the RDO is defined to mean a person’s race, colour, descent, national or ethnic origin (please refer to section 8 of the RDO).

3. The RDO provides that it is unlawful to discriminate in certain prescribed areas, including employment; education; provision of goods, facilities, services; disposal or management of premises. It is also unlawful to racially harass another person (i.e. engaging in unwelcome conduct, in circumstances in which a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated by that conduct / creating a hostile or intimidating environment) in these fields.

4. Under the RDO, “discrimination” means the following:

(a) *“Direct” Discrimination:* this refers to the case when one person (“the discriminator”) treats another person (“the victim”) less favourably than other people in relevantly similar circumstances because of the victim’s race (see section 4(1)(a) of RDO); and

(b) *“Indirect” Discrimination:* even if the same requirements or conditions applies to all persons regardless of race, “indirect” discrimination may result if such treatment has a disparate adverse impact on, or if it causes a disparate disadvantage to, people of a particular racial group, which cannot be shown to be justifiable (see section 4(1)(b) and 4(2) of RDO for the

legal definition.) Whether disparate adverse impact or disadvantage is caused is decided by comparing the proportions of people in different racial groups who can comply with the requirement or condition. If the proportion of people in a particular racial group who can comply is considerably smaller than other groups, the requirement or condition could be indirectly discriminatory, unless the requirement or condition can be shown to serve a legitimate objective and bears a rational and proportionate connection to the objective.

5. “Racial harassment” is defined under section 7 of the RDO. It means, on the ground of race, unwelcome conduct (including oral and written statement) made in circumstances in which a reasonable person would have anticipated that the person being harassed would be offended, humiliated or intimidated, or conduct which creates a hostile or intimidating environment for a person.

6. A number of government functions coincide with the areas specified under the RDO, such as those mentioned in paragraph 3 above. The area of provision of goods, facilities, services and management of premises is particularly relevant to public authorities providing key public services. It is explicitly mentioned under section 27(2)(h) that the services of any department of the Government or any undertaking by or of the Government are examples of the facilities and services referred to in that section. As a result, refusing to provide services to a person, or refusing to provide services of the like quality, in the like manner and on the like terms to a person as are normal in relation to other members of the public, on the ground of race, would be unlawful discrimination under the RDO.

7. Public authorities have a responsibility to ensure that no racial discrimination or racial harassment would occur in the formulation and implementation of their policies and measures in accordance with the relevant legal provisions. They should take steps to ensure that their staff fully understand their legal responsibilities.

8. Legal advice should be sought in case of doubt regarding the legal framework and whether a specific policy or measure would contravene the legal provisions against racial discrimination and harassment.

9. Policies and measures in breach of the RDO would be unlawful. They could be challenged legally by means such as a civil action in the District Court.

10. Under the RDO, the public can make a complaint to the EOC, the enforcement authority of the RDO. The EOC is entrusted with the functions and powers to work towards the elimination of discrimination and promote equality of opportunity and harmony between persons of different racial groups generally, among others. In relation to racial discrimination, it has the power to handle complaints on unlawful acts, conduct conciliation and provide assistance accordingly under sections 78 and 79 of the RDO, conduct formal investigations under section 64 of the RDO, and obtain information in accordance with section 66 of the RDO. The EOC can make recommendations for changes in policies and procedures to a public authority, or recommendations to the Chief Secretary for Administration on changes in the law or otherwise, in the light of the findings in its formal investigations.



## **Language Services**

The HKSAR Government is committed to promoting racial equality and ensuring equal access to public services. In Hong Kong, people who cannot communicate effectively in Chinese or English may experience challenges in gaining access to public services. To ensure that service users of different races can have equal opportunity to access and benefit from public services, appropriate language services should be provided to those in need. Public authorities should take necessary steps to identify the language service needs of the service users, introduce the availability of and proactively offer language services to service users, arrange appropriate language services to those in need taking into account their operational circumstances, and properly document requests for / offer of and use of interpretation services by service users.

### **Objectives**

2. The objectives for arranging necessary language services in the course of public service delivery are to -
  - (a) enable service users who are not able to communicate effectively in spoken or written Chinese or English to have equal access to public services; and
  - (b) facilitate public authorities to understand and be responsive to the needs of these service users.

### **Provision of Language Services**

#### Management level

3. Public authorities have a responsibility to ensure that language is not a barrier to accessing public services. They should ensure people with limited Chinese or English proficiency are equally entitled to



access opportunities and understand the information provided to them. Provision of interpretation and translation services are crucial to ensuring this is achieved. The management of public authorities is required to -

- understand service users' need for language services;
- publicise the availability of language services at all service centres and websites, and bring this to the attention of service users. Display of symbols or pictures indicating the availability of language services is helpful to service users who can communicate with limited Chinese or English (see language identification card prepared by the Centre for Harmony and Enhancement of Ethnic Minority Residents ("CHEER Centre") at **Appendix**);
- ensure staff provide assistance to service users who cannot communicate effectively in Chinese or English, and to proactively introduce language services available to them;
- ensure appropriate language services are provided and used effectively, whenever required;
- provide language services at no cost to service users as far as possible;
- draw up work manuals / procedures for language services, ensure all staff, especially frontline workers, are aware of the language services policies and familiar with the prescribed work procedures, and provide staff with timely direction and assistance whenever needed;
- provide training to staff to enhance their sensitivity and understanding of racial equality in the provision of services, as well as skills and techniques to work effectively with interpreters, etc.; and
- deploy resources as required to engage language services and provide staff training. In case additional resources are

required and the resources cannot be absorbed by the public authorities, consideration should be given to bidding for additional provision of resources in accordance with established procedures.

4. All public authorities need to oversee and review the arrangements of provision of language services to service users in need regularly and make necessary refinement to the arrangements as appropriate. To facilitate overall monitoring, public authorities are required to report on “the need for language services” (including the number of requests received and the number of interpretation services provided) and “preferred languages” to CMAB annually. Please refer to **Annex C** for details.

#### Front-line level

5. Staff members are responsible for assisting service users with limited Chinese or English proficiency to have equal access to public services. They should take proactive and reasonable steps to -

- identify and assess the language needs of the service users. Language services should be arranged when the service user:
  - requests to communicate in his / her preferred languages;
  - requests for language services;
  - struggles to communicate in Chinese or English;
  - cannot be understood fully;
  - cannot grasp or respond to questions in Chinese or English or responds only in a limited way; or
  - relies solely or heavily on family members, friends, carers, or other support persons to interpret;
  
- introduce the availability of and proactively offer language services to service users;

- use communication aids (display cards, digital instruments, etc.) or language identification card at **Appendix** as appropriate to facilitate communication;
- record the language services needs and requests for follow up actions. Specific language services required by a service user should be properly recorded in his / her service record for future reference where appropriate;
- arrange appropriate language services for service users according to the prescribed work procedures set by respective public authorities;
- engage appropriate language services whenever there is a need to do so, regardless of whether the service user has made a request or whether the service user is accompanied with a Chinese or English speaking family member, friend, carer, or other support person;
- seek the direction and assistance of the management in case of doubt;
- attend necessary training to enhance knowledge and skills in the provision of service to people of diverse race; and
- provide feedback, if any, for enhancing the provision of language services to the management.

6. In considering the provision of appropriate language services to service users, public authorities are reminded to take note of the following -

- though there may be family members, friends, carers, and other support persons accompanying and providing interpretation for service users who are seeking public services but cannot communicate effectively in Chinese or English, public authorities should consider the provision of professional language services so as to avoid potential

breaches of confidentiality, possible misinterpretation or inaccuracy, conflict of interest, potential loss of objectivity, etc.; and

- when arranging language services, staff should heed the special needs of the individual service user, in the aspect of confidentiality and cultural difference arising from ethnicity.

### **Providers of Translation and Interpretation Services**

7. To facilitate service users to access public services, the CHEER Centre, which is operated by the Hong Kong Christian Service and commissioned by the Home Affairs Department, provides general interpretation and translation services between English and 8 other languages<sup>1</sup> in non-specialised / non-professional areas. Its Telephone Interpretation and Enquiry Service (TELIS) can facilitate 3-way voice conference interpretation and is free of charge to service users and public authorities. Public authorities can call CHEER Centre's hotlines (see <https://hkcscheer.net/>) and get TELIS support for general interpretation services. As service fees would be charged by CHEER Centre for interpretation and translation services beyond TELIS, public authorities in need of these services should follow the Stores and Procurement Regulations (S&PRs) when engaging service providers. The Guidelines for using interpretation and translation services provided by the CHEER Centre is accessible from this link:

<http://had.host.ccgo.hksarg/rru/Guidelinesforusinginterpretationandtranslationservice.pdf>

8. Since the interpretation needs of service users vary depending on the type of public services offered, public authorities may consider their operational needs and the actual situation and engage other suitable service providers for interpretation and translation. Other common service providers include the Hong Kong Sheng Kung Hui (HKSKH) Lady MacLehose Centre, a service contractor that the Hospital Authority

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<sup>1</sup> The 8 languages are Bahasa Indonesia, Hindi, Nepali, Tagalog, Thai, Urdu, Vietnamese and Punjabi. Services are provided for general translation excluding specialised and professional areas.

engaged to provide interpretation services in public hospitals and clinics; as well as part-time court interpreters<sup>2</sup>. Public authorities may also refer to the lists of suppliers of translation and interpretation services maintained by the Official Language Division of Civil Service Bureau<sup>3</sup>, as well as the Purchasing Card Merchant Lists under the Purchasing Card Programme. In any event, B/Ds are reminded to engage these suppliers or language service providers for the provision of competent language services in accordance with the S&PRs.

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<sup>2</sup> Please refer to General Circular No. 3/2018 on this.

<sup>3</sup> The List of Translation Firms and the List of Freelance Translators maintained by the Official Languages Division mainly offered translation of documents between Chinese and English. Public authorities could ascertain the scope of services with translation firms before engaging them for translation and / or interpretation services in other languages.

國旗 FLAG	語言 Language	熱線號碼 Hotline No.	選擇語言 Select A Language
	Bahasa Indonesia 印尼語	3755 6811	 Pilih bahasa yang Anda inginkan dan penyedia layanan akan membantu Anda membuat panggilan ke Layanan Penerjemahan lewat Telepon CHEER (TELIS) hotline
	Nepali 尼泊爾語 नेपाली	3755 6822	 तपाईंले बोल्ने भाषा देखाउनुहोस् अनि तपाईंको सेवा प्रदायकहरूले तपाईंलाई CHEER केन्द्रको टेलिफोन दोभाषे सेवा (TELIS) हटलाईनमा फोन गर्न मद्दत गर्न सक्छन्। Point to the language you speak and your service providers can help you to make a call to CHEER Centre's Telephone Interpretation Service (TELIS) Hotline so you can communicate.
	Urdu 烏爾都語 اردو	3755 6833	جو زبان آپ بولتے ہیں اس کی طرف اشارہ کریں اور آپ کے لیے خدمات فراہم کرنے والے CHEER سینٹر کی ٹیلی فون پر زبانی ترجمہ کی سہولت (TELIS) کی ہاٹ لائن پر کال کرنے میں آپ کی مدد کر سکتے ہیں
	Punjabi 旁遮普語 ਪੰਜਾਬੀ	3755 6844	 ਆਪਣੀ ਬੋਲਣ ਵਾਲੀ ਭਾਸ਼ਾ ਵੱਲ ਇਸ਼ਾਰਾ ਕਰੋ ਅਤੇ ਤੁਹਾਡੇ ਸੇਵਾ ਪ੍ਰਦਾਤਾ ਤੁਹਾਨੂੰ CHEER ਸੈਂਟਰ ਦੀ ਟੈਲੀਫੋਨ ਵਿਆਖਿਆ ਸੇਵਾ (TELIS) ਦੀ ਹਾਟਲਾਈਨ ਤੇ ਕਾਲ ਕਰਨ ਵਿੱਚ ਮਦਦ ਕਰਨਗੇ
	Tagalog 他加祿語	3755 6855	Ituro ang iyong wika at maaari kang tulungan ng iyong tagabigay ng serbisyo na makatawag sa Hotline ng Serbisyong Interpretasyong Pantelepono (TELIS) ng CHEER
	Thai 泰語 ภาษาไทย	3755 6866	ชี้ไปที่ภาษาที่คุณพูดแล้วเจ้าหน้าที่ของหน่วยงาน จะช่วยคุณโทรศัพท์มาที่สายด่วนบริการสามทางโทรศัพท์ (TELIS) ของศูนย์ CHEER
	Hindi 印度語 हिन्दी	3755 6877	जो भाषा आप बोलते हैं उस भाषा की तरफ संकेत करें और आपके सेवा प्रदाता आपको CHEER केन्द्र के टेलीफोन व्याख्या सेवा (TELIS) हाटलाइन पर कॉल करने में आपकी मदद करेंगे 請指出適合你的語言，讓服務提供者協助你致電「融匯」中心電話傳譯服務 (TELIS) 熱線，好讓你們可以溝通。
	Vietnamese 越南語 Tiếng Việt	3755 6888	 Hãy chỉ vào ngôn ngữ thích hợp bạn, để người cung cấp dịch vụ hỗ trợ bạn gọi tới CHEER trung tâm Trợ Giúp Thông Dịch Qua Đường Dây Nóng (TELIS), để bạn có thể giao tiếp được



**Data Collection on  
Service Users of Diverse Race**

Public authorities should understand and be responsive to the needs of service users in planning, assessing and reviewing the service provision. For this purpose, practicable steps should be taken to collect data on service users of diverse race, and to make the data (notably non-personal data) readily retrievable. Based on such information collected on a regular basis, public authorities can assess the impact of their policies and measures on racial equality, monitor service users' equal access to public services, and enable continuous improvement of service provision.

**Objectives**

2. The objectives for collecting data on non-Chinese service users include -

- (a) to understand their profile, characteristics and their specific service needs;
- (b) to understand their service utilisation patterns and monitor their access to service provision;
- (c) to facilitate the provision of necessary assistance and support measures to service users who encounter culture and language barriers in accessing public services;
- (d) to enable ongoing monitoring of the effectiveness of service provision; and
- (e) to keep the public informed of the progress of the implementation of measures and policy effectiveness.



3. The data and information should be collected by public authorities on a voluntary and confidential basis, and for the purpose of advancing equality of opportunity. Where services users do not wish to reveal their racial groups, public authorities may consider collecting data on an anonymous basis. Service users should not be compelled to provide data to public authorities as a condition to obtaining or using the services and no adverse consequence should follow if they refuse to provide such data<sup>1</sup>.

4. Public authorities must notify service users, on or before collecting their personal data, the purposes for which the personal data are to be used and making it clear that the supply of data is entirely voluntary. Public authorities are also reminded that the data collected is for statistical and service monitoring and not for any other purposes. Besides, the resulting statistics or results of service monitoring will not be made available in a form which identifies the data subject. A sample statement informing service users of the above arrangement is at **Appendix** for reference.

## **Scope**

### Public services subject to data collection

5. Public authorities should review all policy areas and identify policies and measures that people of diverse race may make use of and need access to, and collect data accordingly. “Enquiries and complaints” are considered to be mandatory types of services subject to data collection. In this respect, public authorities should collect data from enquirers / complainants who have a “need for interpretation / translation services” and their “preferred languages”.

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<sup>1</sup> Since data is collected on a voluntary basis, the completeness, validity and reliability of the statistics compiled may inevitably be affected. That said, it is considered that such statistics and data collected would still provide useful information and feedback to public authorities for service monitoring and continued service improvement.

### Data to be collected

6. Basic information on “the need for interpretation / translation services” and “preferred language” (other than Chinese and English)<sup>2</sup> of service users who need interpretation / translation services must be collected. Public authorities should collect data from service users who use languages other than Chinese and English, and keep at least the following data on language services, namely,

- (a) the number of cases where language services are requested;
- (b) the number of cases where language services are offered to service users;
- (c) the number of cases where offer of language services is accepted or declined; and
- (d) in the case of request for (i.e. (a) above), or acceptance of offer of language services (i.e. (c) above), the language requested.

Public authorities may collect other data and statistics on use of services by people of different races (like “ethnicity”, “nationality”, “gender”, “country of origin”, etc.) if such data would assist their provision of services (e.g. female of certain races may only consult female medical practitioners).

7. To facilitate comparison with benchmarks such as census data as well as among different public services, when considering the categories of data to be collected, reference should be drawn from the standardised codes adopted by the Census and Statistics Department. In this connection, for classification of ethnic groups, public authorities are advised to collect, at a minimum, data in relation to 8 categories, namely Filipino, Indonesian, Indian, Nepalese, Pakistani, Thai, Other Asian (including Vietnamese) and Others. The aforementioned ethnic groups are the largest non-Chinese groups according to the *2016 Population By-*

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<sup>2</sup> To facilitate comparison, public authorities are advised to collect, at a minimum, data in relation to nine languages, namely Bahasa Indonesia, Hindi, Nepali, Tagalog, Thai, Urdu, Vietnamese, Punjabi and Others.

*census Thematic Report: Ethnic Minorities*<sup>3</sup> by the Census and Statistics Department.

8. Public authorities are reminded that the information collected should be directly relevant, necessary and not excessive for the purpose of ensuring service users' equal access to the services. Non-personal data on service users of different races collected should be readily retrievable to support on-going monitoring. In case of doubt, advice from the Department of Justice / the Office of the Privacy Commissioner for Personal Data should be sought.

9. The consideration and decision on the types of services subject to data collection and the categories of data (i.e. paragraphs 5 to 7 above) to be collected should be properly documented. In addition, such decision should be reviewed on a regular basis having regard to changes in circumstances.

## **Implementation**

10. The collection of data / information on non-Chinese service users will start in April 2020 for phased completion within 2 years, i.e. by March 2022.

(a) First Phase (to be completed by March 2021)

- to collect data from enquirers / complainants who have a “need for interpretation / translation services” and their “preferred languages” as follows:
  - (i) the number of cases where language services are requested;
  - (ii) the number of cases where language services are offered to service users;

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<sup>3</sup> Please refer to Table 3.1 in 2016 Population By-census Thematic Report: Ethnic Minorities (<https://www.statistics.gov.hk/pub/B11201002016XXXXB0100.pdf>). In these Guidelines, White and East Asian people like Japanese and Koreans would be classified under “Others” as most of them should be expatriates working in Hong Kong and can communicate in English.

- (iii) the number of cases where offer of language services is accepted or declined; and
  - (iv) in the case of request for (i.e. (i) above), or acceptance of offer of language services (i.e. (iii) above), the language requested<sup>4</sup>.
  - (v) number of complaints lodged by service users with interpretation / translation needs, and whether the complaints are related to the “lacking of / provision of interpretation and / or translation services”; and
  - (vi) any other types of data identified (if any).
- to monitor the overall data collection arrangement and make necessary adjustments based on actual circumstances;
  - to complete a review on the data collection arrangement in the First Phase and make necessary technical and publicity preparation for extending data collection to services planned to be included in the Second Phase by end of February 2021;
  - to make available the statistics so compiled in an aggregate form on respective websites for public information by end of April 2021; and
  - to review the effectiveness of policies, measures and service provision based on the resulting statistics and introduce refinement / improvement as appropriate.
- (b) Second Phase (to be completed by March 2022)
- to collect data and statistics on service users of different races for services planned to be included in this phase;

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<sup>4</sup> Please refer to footnote 2 for data in nine languages to be collected.

- to monitor the overall data collection arrangement and make necessary adjustments based on actual circumstances;
- to conduct annual review on the data collection arrangement including the types of services and data to be collected;
- to make available the statistics so compiled in an aggregate form on respective websites for public information by end of April each year; and
- to review the effectiveness of policies, measures and service provision based on the resulting statistics and introduce refinement / improvement as appropriate.

11. Further refinement should be made as necessary in the light of experiences gained in the two-phase implementation.

12. The CMAB is responsible for coordinating and maintaining an overview on the implementation of the Guidelines in the Government as a whole. Among others, CMAB will collate relevant information from public authorities on “the need for interpretation / translation services” and “preferred language” of service users who need interpretation / translation service in prescribed form annually. The aggregate statistics will be publicised on CMAB’s website for public information.

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## **Appendix**

### **Data collection statement:**

*(Note: The statement is applicable to the collection of data and information on use of services by people of different races that is additional to those currently required for public authorities to perform their functions under their respective purviews.)*

### **Collection of Information on Service Users of Different Races**

1. For better understanding of the needs of our customers of different races and improving our service to meet their needs, you are invited to provide information on the “need for interpretation / translation services” and “preferred languages” *(Note: Categories of data to be modified by public authorities as appropriate)* for statistical and service monitoring purposes.
2. Provision of such information is voluntary. You may decline to provide the information. However, your assistance is highly appreciated as the information collected is valuable to the continuous improvement of our services to people of different races.
3. We are committed to protecting the privacy, confidentiality and security of the personal information we hold by complying with the requirement of Personal Data (Privacy) Ordinance with respect to the management of personal information. We will ensure compliance by our staff with the strictest standards of security and confidentiality.
4. The information collected is for statistical and service monitoring purposes only and not for any other purpose.
5. The resulting statistics or results of service monitoring will not be made available in a form which identifies the individual who provides them.
6. For enquiry, please contact:

*(The contacts of the officers who coordinate the implementation of PDPO of respective Public Authorities.)*

**Figures on Interpretation Services Arranged by Public Authorities** (Note 1)  
(April to September 2020) (Note 2)

**(A) Number of interpretation services**

<b>Item</b>	<b>Number</b>
1. Number of interpretation services requests made by service users to public authorities <i>Of which:</i>	1 803
<i>(a) Requests acceded to</i>	<i>(a) 1 803</i>
<i>(b) Requests declined</i>	<i>(b) 0</i>
2. Number of interpretation services proactively offered by public authorities to service users <i>Of which:</i>	6 695
<i>(a) interpretation services required</i>	<i>(a) 4 030</i>
<i>(b) interpretation services not required</i>	<i>(b) 2 665</i>
3. Number of interpretation services arranged by public authorities to meet their operational needs (Note 3)	<b>9 524</b>
<b>Total :</b>	<b>15 357</b> <b>(1(a) + 2(a) + 3)</b>

**(B) Languages involved in the interpretation services** (Note 4)

<b>Language</b>	<b>Number</b>
1. Bahasa Indonesia	1 686
2. Hindi	1 377
3. Nepali	990
4. Punjabi	1 100
5. Tagalog	986
6. Thai	563
7. Urdu	3 305
8. Vietnamese	2 627
9. Others (Note 5)	2 728

Note 1: According to the data collected between April and September 2020, over 2 800 number of written translation services were arranged by public authorities. Requests for translation services made by service users were fully met by public authorities. Of the 2 800 cases of written translation services, more than 1 000 were proactively offered to service users by public authorities and of which over 90% were accepted by service users.

Note 2: The Hospital Authority can only provide data collected between April and July 2020 at the moment.

Note 3: Interpretation services arranged by public authorities to meet their operational needs, such as interpretation services for meetings and public programmes, etc.

Note 4: For each case of interpretation service, more than one service provider and more than one foreign language may be involved.

Note 5: Other languages mainly involve Bengali and Spanish, the number of which are 1 052 and 458 respectively.

**Number of Interpretation Services Arranged by Public Authorities  
and Interpretation Service Providers Engaged** (Note 1)  
(April to September 2020)

Public authorities (Note 2)	Total no. of services provided by interpretation service providers	Providers of Interpretation Service				
		External foreign language interpreters serving the Judiciary	CHEER Centre	HKSKH Lady MacLehose Centre	Other service contractors	In-house foreign language interpreters
Immigration Department*	6 315	✓			✓	✓
Hong Kong Police Force*	3 420	✓	✓			
Hospital Authority*(Note 3)	2 190	✓		✓		
Correctional Services Department*	915	✓				
Construction Industry Council*	810					✓
Security Bureau	670	✓	✓			✓
Department of Health*	275	✓	✓	✓	✓	
Social Welfare Department*	181	✓	✓		✓	
Labour Department*	177	✓	✓		✓	
Legal Aid Department*	153	✓				
Customs and Excise Department*	93	✓			✓	
Working Family and Student Financial Assistance Agency	86				✓	
Census and Statistics Department	25				✓	
Equal Opportunities Commission	11	✓				✓
Transport Department	10	✓	✓			
Employees Retraining Board*	8					✓
Housing Department, Hong Kong Housing Authority*	7		✓		✓	
Independent Commission Against Corruption	6	✓				
Innovation and Technology Bureau*	4		✓			
Chief Secretary for Administration's Office (Administration Wing)	1		✓			
Education Bureau*	1				✓	
Environmental Protection Department, Environment Bureau	1	✓				
Planning Department	1				✓	
<b>Total</b> (Note 4) :	<b>15 360</b>					



- Note 1: According to the data collected between April and September 2020, over 2 800 number of written translation services were arranged by over 100 public authorities. The interpretation service providers listed above also provide translation services.
- Note 2: The table above lists the public authorities which arranged foreign language interpretation services between April and September 2020. Public authorities which had adopted and implemented the previous version of the Guidelines before April 2020 are marked with “\*”.
- Note 3: The Hospital Authority can only provide data on interpretation services collected between April and July 2020 at the moment.
- Note 4: Since each case of interpretation service may involve more than one interpretation service provider, the total number is different from the total number of interpretation services shown in Part (A) of Annex II.