



**Hong Kong Unison – in response to  
the Tenth and Thirteenth Reports of the People’s Republic of China under the  
International Convention on the Elimination of All Forms of Racial  
Discrimination – Part two: Hong Kong Special Administrative Region**

**Foreword**

Hong Kong Unison is a public charity non-government organization which aims to eliminate racial discrimination and promote racial harmony. Since our founding in 2001, we have been striving for ethnic equality, and fighting for equal opportunities for Hong Kong’s ethnic minorities in various areas including education, employment, public services, and political as well as social participation.

The Hong Kong SAR government (“the HK government”) has this time submitted its report (“the report”) on its implementation of CERD through the PRC. We find the report telling half truths as it fails to fully reflect the harsh reality faced by ethnic minorities in Hong Kong.

The HK government has so far failed to formulate a full policy of promoting ethnic equality and harmony. Although the Race Discrimination Ordinance was enacted last year, it does not cover the government in performance of its functions or the exercise of its powers. The new law also exempts educational, employment and training entities from language and other special requirements. Meanwhile, measures mentioned in the report that are said to help eliminate race bias and support minorities are mostly either short-term or one-off. And there is a lack of mechanism to review how effective those so-called supportive measures have been. This shows the HK government lacks long-term vision and commitment on the issue.

Below we shall respond to the report in areas of education, employment, joining-in of public service and use of social service. We strongly wish your Committee would consider our concerns and urge the HK government to make improvements to help realize racial equality.



## 1) Education

### 1.1 Lack of support for non-Chinese speaking students learning Chinese.

Para 177 in the report says the HK government provides special support for non-Chinese speaking students learning Chinese. Such measures include cash subsidies for individual schools, the formulating of a supplementary guide to the Chinese Language curriculum for non-Chinese speaking students, special teacher training as well as after-school tutorial classes for students who are lagging behind.

The above measures are simply not enough. The cash subsidies are only for “designated schools”<sup>1</sup> (see 1.4 below). The places available for teacher training and student tutorial classes are insufficient. In addition, the government insistence that the present mainstream Chinese Language curriculum meets the needs of Non-Chinese speaking students after suitable adjustment is not true. It has simply turned a blind eye to the difficulties encountered by both the teachers and the students.

Hong Kong Unison pays special attention to education rights of the minorities, and we have been keeping close contacts with concerned schools, teachers, non-Chinese speaking students as well as their parents. They are generally of the opinion that, to learn Chinese effectively, the most important thing is to have a curriculum that fits students’ levels and needs, complemented with learning stage goals and appropriate assessment tools, as well as related teaching material and textbooks.

The HK government claims it is encouraging schools which admit non-Chinese speaking students to develop their own school-based Chinese teaching curriculum within the mainstream framework. But this is to shift government responsibility to the schools and its frontline teachers, most of whom are professionals in teaching but not in curriculum design or development. This practice lacks professionalism, standards and any systematic approach. It will only prove to blend the wheat with the chaff amidst the absence of a clear education goal.

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<sup>1</sup> “Designated schools” are those primary and secondary schools recognized by the HK government for taking in more minority students, and are entitled to receive official cash subsidies. In 2008/09, six secondary schools and 16 primary schools have the approved status.



The HK government has persistently refused to formulate an education policy for teaching Chinese as a second language, and failed to look after the special needs of non-Chinese speaking learners. As a result many minority students, though having learned Chinese since primary, would still have only limited reading and writing Chinese abilities after high school graduation. And the majority of those who have managed to complete pre-university level would still be staring at a Chinese application form, not knowing how to fill it out. This seriously harms their competitiveness in university applications and in the job market.

*We deem it necessary the HK government to tailor-make a full-scale Chinese learning curriculum for non-Chinese speaking students, stretching from kindergarten to secondary school level. The design of the curriculum should fit the students' standards, and a goal should be set at each learning stage, complete with relevant assessment tools and criteria. The HK government should also work with scholars and experts in the field to produce a set of appropriate teaching material and textbooks.*

## **1.2 Secondary school place allocation disadvantages minority students.**

The Chinese standards of non-Chinese speaking students are far lower than those of their ethnic Chinese counterparts. This puts the minority students in a most disadvantageous position under the existing secondary school placement scheme. Their chances of getting into any top school is near-zero.

Under the existing system, all primary pupils, including minority ones, need to take in-school academic assessments during the second term of P5, as well as in both the first and second term in P6. Results of the assessments would directly affect their secondary school choices.

When it comes to Chinese Language tests/exams, some of the minority pupils studying at designated schools need to take a paper with the same level as their ethnic Chinese counterparts. As a result, they could hardly catch up with the ethnic Chinese students. For those minority pupils who can take an assessment specially made up for them according to their standards, at the end of the day, they are marked along with local Chinese children on the same criteria. As a result, a non-Chinese child's in-school Chinese grade that is A to B would often be wound down to an F, in order to reflect his or her genuine ability.



On the other hand, for those minority pupils studying at the “mainstream schools”<sup>2</sup>, in which mostly adopt Chinese as their teaching medium and using mainstream Chinese textbooks, it is simply impossible for them to catch up with their Chinese counterparts. Usually they could not understand what the teachers have said. As a result, their overall academic achievements, including subjects of Mathematics and General Studies, are severely hampered.

All these point to one fact – whether they study at a designated or mainstream school, minority students’ lower Chinese skills make it almost impossible for them to get into a quality secondary school. Compared with their local Chinese counterparts, their rate of being sent to the lowest banding schools, i.e., Band 3 schools<sup>3</sup>, is much higher.

***We demand the HK government to review its existing secondary school placement system: It should consider assessing non-Chinese speaking pupils’ Chinese standards separately from local Chinese children. Or, the minority children’s assessments should be adjusted accordingly, to allow them a better chance of entering quality high schools.***

### **1.3 A pluralistic education that fails to benefit the grassroots**

Para 179 in the report says courses taught in English are available in both public and private-funded schools, with the latter even offering non-local primary and secondary curricula. The report goes on to claim that this exhibits the education alternatives available to non-Chinese speaking students whose Chinese language abilities are low.

But it needs to be stressed that most of those public schools which use English as their medium of instruction belong to the higher band of quality schools, and admission chances for minority applicants, as discussed in para 1.2 above, are extremely low.

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<sup>2</sup> All non-designated schools are called mainstream schools. Under the HK government’s mother-tongue teaching policy, most of them use Chinese as the medium of instruction.

<sup>3</sup> All Hong Kong primary six students are officially graded, according to the academic level of their student in-take, into three bands – band 1 the highest, band 3 the lowest. As a result, secondary schools are classified as Band 1, Band 2 and Band 3 according to students that they admit.



Meanwhile the private/international schools stated in the report generally demand exorbitant fees<sup>4</sup>. Their student populations are mostly from Europe, the U.S., Japan, Korea and local Chinese middle-to-upper-class families. Those school doors are just too expensive to knock on for South Asian applicants, especially those from low-income Pakistani, Nepalese and Filipino communities<sup>5</sup>.

Moreover, those private schools mostly aim to have their students further their studies overseas, while locally born and raised South Asian students would prefer finishing their education in Hong Kong and working in the local community. All in all, the so-called pluralistic education approach hardly benefits grassroots minorities.

#### **1.4 Zero support for mainstream schools admitting non-Chinese speaking students**

The latest HK government statistics show in the 2008/09 academic year, a total of 533 primary and secondary schools have admitted minority students. However, among them only 22 designated schools received an official cash subsidy of HK\$300,000-HK\$600,000 each for supporting the teaching and learning of Chinese by non-Chinese speaking students. The rest 511 schools did not receive one cent of government aid.

The truth is, whether it is a designated or mainstream school, the teaching staff mostly lack experience in teaching non-Chinese speaking students, and the schools need government support in terms of extra resources and manpower to help better teaching and learning. And being the minority at mainstream schools, non-Chinese speaking students often become easy targets of bullying. Coupled with their difficulty in adapting to a Chinese learning environment, their self-esteem is hurt and their psyche seriously adversely impacted.

The HK government relaxed its secondary school placement scheme in 2004/05 to allow mainstream schools to take in non-Chinese speaking students. We endorse the spirit behind, which is to help minority youngsters integrate into the local education

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<sup>4</sup> Fees charged by private and international schools range from several tens of thousands to more than a hundred thousand Hong Kong dollars.

<sup>5</sup> According the Hong Kong 2006 Census, local Filipino, Pakistani and Nepalese people's monthly median income is HK\$3,370, HK\$9,000 and HK\$8,000 respectively, lower than the Hong Kong-wide figure of HK\$10,000.



system. However, without adequate extra supporting resources, the exercise has been largely a flop. The schools concerned could not look after the special needs of this group of students, who find it hard to adapt to the learning environment and could not catch up in class. In fact, we have dealt with a number of such cases – the students involved would have wasted several years at a mainstream school before they were forced to return to a designated school.

*We demand the HK government to provide financial and other supportive aid to mainstream schools, for specifically looking after the learning needs of minority students.*

### **1.5 Unclear criteria of becoming a designated school**

As stated in para 1.4 above, the HK government provides subsidies to 22 designated schools for the teaching and learning of Chinese by minority students. But what makes a school a “designated” one lacks a clear set of official criteria, and there are no specific procedural guidelines for a school to apply for the designated status. Latest government figures show some mainstream schools’ minority student population percentage point are up to 56.6-83.1%, but still they are not classified as designated schools.

There is also the absence of a methodology over how subsidy amounts are calculated. For example, in 2008/09, two high schools took in 792 and 91 minority students respectively -- the former figure is 8.7 times the latter – yet the two schools got the same amount of official aid of HK\$600,000.

We consider the existing designated school arrangement is only transitional. The ultimate goal is to allow non-Chinese speaking and local Chinese students to learn together in racial harmony. However, before a truly pluralistic learning environment is set up, designated schools are a necessity. And so we urge the HK government to publish a clear set of designated school definitions, and a transparent application procedure. It should also report to the public over how its school subsidy calculations are worked out – whether the number of minority students involved has been taken into consideration.



## 1.6 Extremely low chances for getting a tertiary education

In the past, all local candidates applying for local tertiary institutes through an official admission scheme called Joint University Programmes Admissions System (JUPAS)<sup>6</sup> had to pass the Chinese subject in an official territory-wide secondary finishing exam. That exam is called Hong Kong Certificate of Education Examination (HKCEE). That requirement had posed natural hurdles to minority applicants. After persistent fights on the part of Unison and other minority concern groups over the issue, the HK government has now relaxed the requirement, replacing the above exam with the lower-level GCSE Chinese exam.

On the surface, this would appear a smoother journey for minority applicants to a tertiary education in Hong Kong. But what needs to be stressed is, acceptance of the above new policy by tertiary institutions is only voluntary. Local colleges and universities are given the discretionary power to decide if they accept a pass in GCSE Chinese as their admission criterion.

Results of a quick research done by us show a number of tertiary labels still demand a-pass-or-above Chinese result in the local HKCEE for admission. They include the Chinese University of Hong Kong's Journalism and Communications school as well as its Department of Sociology; and the Baptist University's Communications, Religious studies and Humanities streams etc. This seriously weakens the admission prospects of minority candidates.

Meanwhile, the GCSE exam fee is a high HK\$965, five times that for the HKCEE, which is HK\$195. This has proved a financial burden to most South Asian families in Hong Kong. While the HK government has been subsidizing IGCSE French takers, in line with the official local Chinese exam fee, government department have been "passing the buck" and have so far failed to give us a clear reply to our demand that similar official aid be given to minority students who sit for the GCSE Chinese exam.

Moreover, Hong Kong's tertiary institutions also provide, for high school graduates, various associate degree and diploma programmes. But while those courses are mostly

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<sup>6</sup> JUPAS is the main application channel for a place at a tertiary institute in Hong Kong. See <http://www.jupas.edu.hk>



self-financed and therefore expensive, an absolute majority of them are either taught in Chinese only, or demand a HKCEE Chinese Language level -- to the dismay of minority applicants.

To conclude, Hong Kong's minority young suffer a serious low rate when it comes to getting a tertiary education. In 2006-2007, only six minority candidates managed to get admitted into a university through JUPAS. In the 19-24 age group, while the local Chinese rate of receiving schooling is 28 per cent, the figure is a low 13.4 per cent among minorities.

*As agreed by United Nations, education is a basic human right. It serves as a powerful vehicle to enable the marginalized people to lift themselves out of poverty and obtain the means to participate fully in their communities<sup>7</sup>.*

*We therefore demand the HK government to subsidize ethnic minority takers of GCSE Chinese, to see the exam fee lowered to the same level as that for the HKCEE. The government should also encourage tertiary institutions to, except on reasonable grounds, consolidate the new policy of recognizing GCSE Chinese results as an admission criterion. The government should also work with colleges and universities to design associate degree and diploma courses that fit the needs of minority students, so as to provide them with more chances to further their studies.*

## **2) Employment and job training**

### **2.1 Job training**

#### **2.1.1 Insufficient job training for youngsters**

Para 181 in the report says the HK government will continue to provide career education and training to the qualified, regardless of their ethnicity or skin colour. Currently, F5 or senior high graduates who did not manage to get into university can go to a government-run career training college called Institute of Vocational Education (IVE). However, most of the IVE courses are destined for ethnic Chinese students. Out of a total of more than 160 training programmes offered, only five are Foundation Diploma or Diploma courses designed for non-Chinese speaking learners.

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<sup>7</sup> Committee on Economic, Social and Cultural Rights, General Comment No.13, E/C.12/1999/10.



And such courses are confined to business, catering and tourism, and nursery services. There are only limited choices and way-outs for minority high school leavers.

In addition, the government's Vocational Training Council offers short-term courses which are also designed mainly for local Chinese youngsters. Instruction of the courses is mostly conducted in Chinese and so very few suit the minorities' needs. The government's Project Yi Jin, which is meant for F5 leavers, requires a student to do a year's studies or two years' evening part-time studies, before he gets the equivalent qualification of five HKCEE passes. That qualification would enable the student to apply for a number of civil service jobs. But the Project's courses are again taught in Chinese only, thus shutting its door on minority learners.

### **2.1.2 Limited job training for adults**

Para 181 in the report says the public-funded Employees' Retraining Board offers minorities two English-language training courses, one on security and property management and the other on domestic help. However, since many Nepalese and Pakistani people are already in the property management trade, we do not think the course gives the two ethnic groups a wider career choice. As for domestic helper, the job nature is usually part-time and what one earns from it can hardly cover living costs. Most local Chinese families that need a domestic helper would tend to hire a local Chinese part-timer, or a full-time employee from overseas such as the Philippines and Indonesia. Comparatively speaking, the competitiveness of South Asian job seekers in home-help sector is weak.

*We urge the various local job training bodies to provide to minorities – youngsters and adults alike – more courses and programmes with a wider spectrum. For example, the Vocational Training Council can help develop South Asian young people's artistic talents and language abilities by offering them creative art and culture courses, or language and translation classes. The Employees' Retraining Board should also consider giving courses on child-caring and catering services to South Asian women, to help give them more job choices.*

## **2.2 Employment**



### **2.2.1 Absence of any full-scale study, and lack of understanding on minorities' employment needs**

Handicapped by their lower level Chinese skills, coupled with some racial bias that still exists, ethnic minorities have been in a disadvantageous position in the local job market. Unemployment and under-employment remain serious. Regrettably, the HK government has always refused -- despite repeated calls from ethnic communities and race concern groups -- to conduct a full research into the above scenario. The government's Labour Department has also failed to present any systematic study into the needs of its minority service users.

*We demand the HK government to conduct regular polls and studies on minorities' unemployment and under-employment. The Labour Department should also adopt a systematic guideline to understand minority service users' needs, and the difficulties they encounter in the process of job seeking. Officials can then target to solve the specific problems, and help to improve and upgrade services for the minorities.*

### **2.2.2 Existing employment services lack ethnic sensitivity**

Existing employment services provided by the Labour Department have been persistently criticized as lacking ethnic sensitivity, while failing to look after minorities' needs. Take for example the job vacancies published on the Labour Department's website. Although para 158 in the report claims such vacancy information are stipulated both in Chinese and English, in reality only job titles, working venues and hours are stated bilingually. Other necessary information such as job nature, requirement and content of duties are often only stated in Chinese, to the detriment of minority job seekers.

Although the Labour Department offers a telephone hotline, and officers at its district centres would also handle their enquires, many minority job seekers have reported to us that the English levels of the hotline receptionists and the labour officers are low, to



the point that it often results in communication failures. Even more importantly, the officers' attitude is found to be generally rude and they feel liberal to displaying their impatience, thus failing to show the least respect to the minority job seekers.

Para 160 in the report says the Labour Department welcomes minority job seekers who need individual assistance or more in-depth guidance to take part in the Job Matching Programme. The report says the Department would arrange meetings with placement officers for the purpose. But according to our understanding, minority applicants who request to see placement officers are almost always turned away. The truth is, amidst the lack of specialized employment service for the minorities, frontline workers tend to "prioritize" cases involving ethnic Chinese, and the minorities would not get the help they deserve.

***We demand the Labour Department to conduct a full review of its employment services for the minorities: While ensuring all job vacancy information is released in both Chinese and English, frontline service providers' professional standards and ethnic sensitivity should also be raised to exhibit their rightful abilities and attitude.***

***Due to the fact that minorities face more difficulties looking for work, the Labour Department should strengthen its job matching assistance by considering offering specialized services for them. The Labour Department should also hire minorities as frontline officers or interpreters to help improve the services rendered.***

### **2.2.3 Existing job assistance schemes target local Chinese**

Para 159 in the report says the HK government provides special employment programmes for underprivileged groups, including those aim for the middle-aged and youngsters, and that minorities are welcome to participate in. But the reality is, most of these schemes, such as the Employment Programme for the Middle-aged and the Youth Pre-employment Training Programme are Chinese language-oriented, and the organizations running them would target local Chinese as their service recipients.

***We demand the HK government to review its existing special employment programmes for the underprivileged, to ensure that minorities' needs are being properly looked after. The government should also consider offering different such schemes to cater specifically for minority youngsters, women and unemployed adults.***



### **3. Unequal opportunities in joining public service**

Paras 125-126 in the report calls the HK government as an employer providing equal opportunities -- that since 1999, all applicants applying for a civil service post would be judged on identical criteria. On the surface, that seems all equal and fair. But most public service vacancies stipulate the requirement of the ability to read and write Chinese. This poses hurdles to minorities, and it amounts to indirect discrimination.

Take disciplinary forces as an example. Before the Chinese takeover in 1997, a number of minority residents were known to have joined the Police Force, the Correctional Services and the Immigration Department. However, since the handover of sovereignty, local disciplinary forces have rarely hired minority candidates – even when they actually speak the local language fluently, they have the door shut on them because they cannot read or write Chinese.

This new hiring policy has also affected those minority members who are already with the civil service. Their chances of promotion have been seriously harmed as they do not read or write Chinese. For example, the Correctional Services Department currently has a few dozen minority officers who have been on the job for 15 to 25 years. Since 2000, the Department has introduced an internal assessment on Chinese writing proficiency. Only those passing the test have the chance of being recommended for promotion. Given their lack of Chinese writing skills, the new policy has shut the door of promotion for the minority officers.

*Hong Kong, as an international city, has long had English as one of its official languages. A person's inability to write Chinese should not be taken as a definite negative factor over his ability to perform duties as a civil servant. We demand that the HK government, while formulating hiring and promotion conditions for various posts, should adopt a realistic approach and drop Chinese reading and writing skills as an across-the-board criterion. And employing minorities could be beneficial to the government – as evident in the case of the minority prison officers who, on top of carrying out their daily duties, they also serve as a bridge with minority inmates. Besides, the hiring of minority police officers could also help improve the Police Force's relationship with local ethnic communities.*

### **4. Getting and using social services**

#### **4.1 Social service organizations and personnel lack ethnic sensitivity**



Para 166 in the report stresses that everyone in Hong Kong can enjoy social services, regardless of race and colour. However, due to a prevalent attitude of indifference in the mainstream society vis-à-vis minorities, service organizations and their staff are often found to be negligent of minority needs. Even the government's Social Welfare Department lacks the necessary ethnic sensitivity when providing services – including failing to record the number of ethnic minority service recipients, releasing some of the information only in Chinese, and conducting some group and program activities also only in Chinese. According to our experience, staffs at the Social Welfare Department and their NGO counterparts often lack initiatives when it comes to offering minority translation and interpretation services.

Meanwhile, in recent years, many more Nepalese and Pakistani families with low average household incomes have fallen into the social security net.<sup>8</sup> They have complained that frontline government welfare officers, while dealing with their cases, are generally rude and would sometimes even use insulting language that badly hurt their feelings.

***We demand that Hong Kong, as a metropolis, should thoroughly put into practice the principle of racial equality. The Social Welfare Department should conduct a survey on the needs of minority service users. In addition, the social service sector should be an exemplary force, actively receiving and caring for minorities. From the Social Welfare Department, NGO's to frontline personnel, all should upgrade their ethnic sensitivity, pay extra attention on communication with the minorities and help ensure their right to receiving the service offered.***

#### **4.2 Integrated services ignore minorities' needs**

In recent years, the HK government has forcefully promoted the integration of social services. From family and adolescent services to field work, all are integrated under one umbrella, i.e., one unit serving all recipient groups. The problem is, this trend prompts frontline workers to prefer to “get the easy jobs done”. This means they would tend to prioritize cases involving fellow local Chinese, ignoring the “unfamiliar” minorities' problems.

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<sup>8</sup> According to the latest government statistics, in 2008/09 there are a total of 7, 557 ethnic minority families living on Comprehensive Social Security Assistance, the major social security scheme in Hong Kong.



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One example is the adolescent drug problem in the minority communities. Like their local Chinese peers, South Asian teenagers and young adults have a drug abuse problem. But service agencies and frontline outreaching workers, without exception, set out a Chinese-only target and seldom actively contact minority communities, thus missing the chance of offering help at an early stage. Similar stories are found in social services for the homeless. Also, social workers are reported to be lacking enthusiasm and alertness when dealing with minority domestic violence cases.

***We demand the HK government to revisit its direction of integrating social services, to conduct a full-scale evaluation and analysis on whether the existing scheme of things can truly look after the needs of the minorities. It should offer specialized services for the minorities, with focused care for their needs and help better the hardships they are in.***

### **Conclusion**

In short, we found the report failing to reflect the real picture. Although the HK government has put some effort to improve the livelihood of ethnic minorities, it is still far from enough. In fact the enactment of the Race Discrimination Ordinance would not alter their unfair and disadvantageous position, unless the government truly committed themselves by adopting administrative measures in eliminating racial discrimination and facilitating equal opportunities for ethnic minorities. We sincerely wish your Committee to look into the situation and urge the HK government to take the proper steps in achieving genuine racial equality and harmony.