



Hong Kong Unison Limited  
香港融樂會有限公司

## Hong Kong Unison

### Submission for the Universal Periodic Review of the People's Republic of China (Hong Kong Special Administrative Region)

#### Remove Barriers to Effective Education

#### How the Education System Discriminates Against Ethnic Minority Students in HK

##### Introduction

"To learn is to change. Education is a process that changes the learner." This famous proverb is partly true. Experiences from ethnic minorities in Hong Kong tell us that, without an effective education system and a learning environment promoting racial harmony, they still cannot acquire necessary knowledge and break the cycle of poverty through education. The rest of this section introduces how the Hong Kong Government institutionally discriminates against these students.

##### 1) Violation of the UN Convention

Hong Kong has obligations with respect to the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR). Articles 13 and 14 of the ICESCR, and articles 28 and 29 of the Convention on the Rights of the Child (CRC), which also applies to Hong Kong, guarantee a right to compulsory primary and secondary education available and accessible to every child. Enjoying such rights means ensuring accessibility to education without discrimination. Furthermore, in the 1992 "Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination" [Model], the definition of discrimination includes:

*"any distinction, exclusion, restriction, preference or omission based on race, colour, descent, nationality or ethnic origin which has the purpose or effect of nullifying or impairing, directly or indirectly, the recognition, equal enjoyment or exercise of human rights and fundamental freedoms recognized in international law"*<sup>1</sup>

However, the Hong Kong Government does not try her best to eliminate discrimination, but legitimizes it. The Race Discrimination Ordinance passed in last July states that it is not unlawful *"to make different arrangements regarding holidays or medium of instruction for persons of any racial group"*.<sup>2</sup> Such

<sup>1</sup> United Nations Secretary-General, "Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination, third decade to combat racism and racial discrimination (1993-2003)" (Model), available at the UNHCHR website: <http://www.unhchr.ch/html/menu6/2/pub962.htm>.

<sup>2</sup> See the Race Discrimination Ordinance, (n 5 above), Section 26.2.



wording has relieved Government obligation of looking after language needs of EM students and undoubtedly violates the Convention and commits discrimination.

## 2) Lack of tailor-made Chinese Curriculum for EM students

Lower Chinese language standard has been a long time problem of ethnic minority (EM) students in Hong Kong. This has limited their way out for further education, and weakened their competitiveness in the labour market. The Government has refused to set up a systematic Chinese curriculum for EM students. Concerned teaching materials and textbooks are also lacked of in the private market. As a result, teachers have to find their way out. Preparation of teaching materials without experience and guidance would not only affect the quality of teaching, but also increase the workload of the teachers. Both the students and teachers would thus be suffered.

Under the striving effort for many years by the concerned parties of ethnic minorities, the Education Bureau published a Supplementary Guidance to the Chinese Language Curriculum for non-Chinese Speaking Students<sup>3</sup> in November 2008. However, we consider the provision of guidance only is not enough. What the teacher and students need is a systematic Chinese curriculum that runs through the whole study period, i.e., from kindergarten to Secondary Six. In accordance with different levels of students, learning objectives (i.e. the Chinese level that could be attained) should be set up in each learning stage (such as P.1, P.6, and F.3), and correspondent assessment tools should be formulated.

## 3) Secondary School Places Allocation puts EM students in a Disadvantageous Situation

For EM students, one of the most tangible influences brought about by their lower Chinese standard is their disadvantageous position in the secondary school place allocation system. In comparison with their Chinese counterparts, their chance of joining the schools of better banding is slimmer.

Currently, ethnic minority students in P.5 and P.6 are required to take part in internal assessment and be assessed together with their Chinese counterparts.<sup>4</sup> Results in the assessment would directly affect their banding. In case of designated schools<sup>5</sup>, school-based Chinese teaching is implemented from P.1 to P. 4 and EM students who receive teaching of Chinese in these schools are taught in accordance with their level. However, when they take part in the internal assessment in the second term of P.5, all in a sudden they are

<sup>3</sup> Legislative Council Panel on Education, LC Paper No. CB(2)615/08-09(01), available at the Legislative Council website : <http://www.legco.gov.hk/yr08-09/english/panels/ed/papers/ed0112cb2-615-1-e.pdf>

<sup>4</sup> For more information on the system, please refer to the introduction on the Education Bureau's website: [http://www.edb.gov.hk/Filemanager/EM/Content\\_1579/notesforparents\\_080422\\_eng.pdf](http://www.edb.gov.hk/Filemanager/EM/Content_1579/notesforparents_080422_eng.pdf).

<sup>5</sup> Designated schools refer to those primary and secondary schools (total 25 schools) which traditionally have been admitting a greater number of non-Chinese speaking students.



required to take the same Chinese examination paper together with Chinese students. In this regard, their study performance would inevitably drop and their banding would subsequently be affected.

On the other hand, EM students studying in mainstream schools receive the teaching of Chinese and attend the same curriculum together with Chinese students. Due to their lower Chinese standard, they are unable to catch up with their Chinese counterparts in academic performance. As teachers are unable to handle great discrepancies between two types of students, they adopt a loose attitude towards EM students and leave them run their course. At last, these students would be unable to obtain satisfactory results in internal assessment and would thus be allocated to Band 3 (the poorest banding).

To sum up, we can see the problem of lower Chinese standard of ethnic minority students has not been taken into account in the secondary school place allocation system. These students are hence assessed disproportionately into schools with poorest banding (band 3), and their chance of getting into schools with better banding (Band 1) secondary schools is seriously lowered.

4) **The Government fails to promote a Racially-Inclusive Learning Environment at School**

Apart from a suitable curriculum, students and teachers need a racially-inclusive learning environment at school. The Education Bureau, however, does not offer adequate support. At present, special allowance is given to 22 designated schools whereas other mainstream schools (with a total of over 500 schools) have not received even a cent owing to their admission of EM students.

In fact, there is a lack of teachers experienced in teaching ethnic minority students, be it in designated nor mainstream schools. Both types of schools need the support from the Government. While the Government promotes integrated education and encourages EM students to study in mainstream schools; she has not rendered support to these schools. Such practices are not just unfair, but also irresponsible.

In addition, the Government failed to promote racial harmony and cultural sensitivity in schools, resulting in tension and misunderstanding between EM and local students. Bullying against EM students is not uncommon. On the other hand, for the teachers they also find it difficult in teaching EM students; and unfair treatment may be resulted out of racial prejudice. In fact, failing in providing a racially inclusive school environment has put EM students in a more difficult situation which has seriously negative impacts on EM children's self-esteem and hindered their participation into mainstream society.



**5) Vocational Training Courses are predominantly in Chinese, limiting EM Career Choices**

For those secondary school leavers who are not promoted to matriculation level or universities, they might have to opt for the route of vocational training. Yet even in this arena, EM students find the choices so limited. Up until now, for the Hong Kong Institute of Vocational Education (IVE) only five out of a hundred courses have been open to EM students. The subjects taught are also confined to business, hospitality and childcare.

In addition, those short-term training courses provided by the other two major vocational training institutions, i.e., Vocational Training Council (VTC) and Employment Retraining Board (ERB) are mainly conducted in Chinese. Another course tailor-made for Secondary School graduates, i.e., Project Yi-jin<sup>6</sup>, is also taught in Chinese. The unavailability of vocational training opportunities has further dampened the prospect of EM students in labour market.

**Conclusion**

To sum up, the difficulty in learning Chinese, the lack of an effective education system and the unfair treatment has all attributed to unfavourable condition faced by EM students. They simply could not compete with Chinese counterparts. Such inequality could be reflected from their academic results. According to a paper submitted to Legislative Council<sup>7</sup>, Non-Chinese speaking students generally perform worse than ethnic-Chinese students;

- **316 NCS students sat for Hong Kong Certificate of Education Examination<sup>8</sup> in 2008;**
- **124(39.2%) met the minimum requirements for admission to Secondary 6 whereas the overall percentage is 51.8%;**
- **24 sat for Hong Kong Advanced Level Examination<sup>9</sup> in 2008;**
- **6 (25%) admitted to government-subsidized universities for the 2008/09 school year, whereas the overall percentage is 48.4%.<sup>10</sup>**

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<sup>6</sup> Project Yi-jin is a course specifically provided for secondary school leavers. It was designed to enhance basic working skills of participants and prepared them for entering into labour market. For details, please refer to the website:  
[http://www.edb.org.hk/yijin/index\\_intro.html](http://www.edb.org.hk/yijin/index_intro.html)

<sup>7</sup> The Legislative Council Panel on Education, Education for Non-Chinese Speaking Students, LC Paper No. CB(2)579/08-09(06), para.18-19, available at the Legislative Council website :  
<http://www.legco.gov.hk/yr08-09/english/panels/ed/papers/ed0112cb2-579-6-e.pdf>

<sup>8</sup> The first public examination which is normally taken by a student at the end of his/her five-year secondary education.  
<http://www.hkeaa.edu.hk/en/hkcee/>

<sup>9</sup> The second public examination which is normally taken by a student at the end of his/her two-year sixth-form courses.  
<http://www.hkeaa.edu.hk/en/hkale/>

<sup>10</sup> Joint University Programmes Admissions System, "Statistics on Main Round Offer Results", website:  
[http://www.jupas.edu.hk/jupas/c\\_content\\_stat\\_mainround.htm#2008](http://www.jupas.edu.hk/jupas/c_content_stat_mainround.htm#2008).



### **Recommendations**

To improve the situation of EM students and to achieve genuine equality, we would like to make the following recommendations:

- a) The Education Bureau has to develop a comprehensive Chinese (language) education policy with clear learning stage objectives which include:
  - (i) a through-train curriculum from kindergarten to senior secondary level;
  - (ii) adequate teaching materials and textbooks;
  - (iii) relevant assessment and examination tools;
  - (iv) recognized qualifications leading to considerable level of Chinese proficiency in the society and entry to tertiary education
  
- b) The Government should develop an **EQUALITY PLAN** for education sector to promote racial equality and harmony which include:
  - (i) arrangements for assessing and consulting on likely impact of proposed policies on racial equality;
  - (ii) monitoring its policies for any adverse impact on the promotion of race equality;
  - (iii) publishing the results of such assessments and consultation
  - (iv) ensuring public access to information and services which it provides; and
  - (v) training staff in connection with the duties
  
- c) The Government should promote a racially-inclusive learning environment with planning and commitment of resources:
  - (i) providing support to both mainstream and designated schools, for instance, cash allowance and additional manpower
  - (ii) conducting racial sensitivity training for teachers
  - (iii) promoting racial harmony in schools and communities
  
- d) The Government should strengthen vocational trainings for EM students. Additional resources should be provided to IVE, VTC and ERB so that more courses with different variety could be provided.

Hong Kong Unison Ltd was established in March 2001 as a non-government funded charitable organization which aims at the promotion of racial equality and harmony in Hong Kong. We believe that people are born equal. No one should be excluded from equal social participation due to differences in race, culture, language, and economic or social status. On the basis of humanitarianism, we will endeavor to assist ethnic minorities to participate in Hong Kong society, assume social responsibilities, and attain equal access to education, employment, legal, housing, social and medical services, and all other rights given to Hong Kong citizens. For further information, please visit our web-site: [www.unison.org.hk](http://www.unison.org.hk).