



(中文版本請見下方。)

6<sup>th</sup> October, 2014

**Press Release: Response to the Discrimination Law Review and the Related Public Consultation of  
the Equal Opportunities Commission**

Hong Kong Unison welcomes the initiative of the Equal Opportunities Commission (EOC) to review the Discrimination Ordinances and conduct public consultation. As Hong Kong aspires to be a democratic society, it is fundamental that Hong Kong has legislation that embodies the value of equality for all, including the most vulnerable groups. Also, Hong Kong has signed a number of international conventions and has the corresponding obligations to eliminate discrimination by means including legislation and law amendments. The flaws in the Discrimination Ordinances in Hong Kong have repeatedly drawn criticisms from the United Nations, showing the urgency of a comprehensive review.

We have made our written submission to the EOC and below is a summary of our views:

***A. Bringing the Government's exercise of powers and performance of functions expressly within the purview of the Race Discrimination Law***

The Government's commitment to racial equality is of the utmost importance, and this must be fully and visibly reflected in the way the government exercises its powers and functions. Currently, there is no provision in the Race Discrimination Ordinance (RDO) which states that it is unlawful for the Government to discriminate against persons on the grounds of race in the performance of its functions or the exercise of its powers; and the RDO is the only Ordinance amongst the four Discrimination Ordinances that has this key flaw. This flaw should be rectified. The existence of this flaw suggests that the Government does not consider equal rights for ethnic minorities and treats ethnic minorities as second-class residents. The United Nations Human Rights Commission has shown concern in 2013 over this gap and recommended Hong Kong to rectify the gap in close consultation with the EOC.

***B. Including nationality, citizenship, residency and related status as protected characteristics***

Currently the Race Discrimination Ordinance does not apply to discrimination on grounds of nationality, citizenship, residency and related status. Ethnic minorities face discrimination on these grounds too besides race. For example, there have been cases of banks taking a much longer time and/or refusing to open bank accounts for people of certain nationalities. Our service users have complained that ethnic minority construction workers sometimes receive a lower pay if they do not hold an HKSAR passport. The United Nations Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights have shown concern over this problem.

Regarding residence and related status, it is possible to introduce exceptions related to social welfare and government functions such as housing, education and social security, but each exception must be individually justified on grounds of legitimacy, reasonableness and proportionality. Also, the Basic Law



provides that permanent residents have the right to vote and to stand for elections, which would not be affected by discrimination ordinances.

***C. Removing the exemption regarding the medium of instruction in education and vocational training***

The blanket exemption in the Race Discrimination Ordinance that schools and vocational training institutions are not required to make arrangements regarding the medium of instruction for persons of any racial groups should be removed. Some members of ethnic minorities have been unable to receive vocational training because institutions are not required by the RDO to instruct in one of our two official languages that is more accessible to ethnic minorities, which is currently English in most cases. Also, many courses in tertiary institutions where the medium of instruction is supposedly English, in practice, are taught in Cantonese.

Hong Kong Unison has been advocating for years that ethnic minorities should have equal opportunities as Chinese students to learn both Chinese and English, our official languages, at school in order to have equal further education and employment opportunities. The provision of such equal opportunities should not be compromised by the removal of this blanket exemption about the medium of instruction.

As a matter of practicality, we hope the EOC would address concerns over schools' choice between Chinese and English, Cantonese and Putonghua, and Traditional Chinese and Simplified Chinese as the medium of instruction. Some of our service users have also expressed their concerns over, in the situation where ethnic minorities are outnumbered by Chinese students in a class, whether teachers will teach in Chinese, even if the schools have originally promised to teach in English.

**Public education efforts and advocacy strategy of the EOC**

We urge the EOC to devise a clear and effective strategy for advocating these proposed amendments. Also, before this consultation exercise, the EOC has done far from sufficient groundwork for advocating these amendments, such as public education on the content of the law and why the gaps in the ordinances need to be rectified.

Discriminatory and confrontational sentiments against certain groups such as new immigrants or arrivals among some members of the public have been observed. We stress that no groups or individuals should be discriminated against. Some of these sentiments are based on misunderstandings of concepts such as discrimination. We urge the EOC to proactively make the mass public understand these concepts. A correct understanding of these concepts among the public is as fundamental to achieving equality as the adequacy of the law under review.

Hong Kong Unison's full submission to the EOC can be viewed here: <http://tinyurl.com/unisondlr>

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