



4th December 2014

Submissions on the 2015 Policy Address and 2015/16 Budget

Introduction

1. The government has the obligation to eliminate all forms of discrimination under the *International Convention on the Elimination of All Forms of Racial Discrimination* by all appropriate means and without delay. Also, all rights set out in the Bill of Rights, which binds the government, are to be enjoyed without distinction on the basis of race. We urge the government to adopt policy initiatives that meet such legal standards.
2. In the 2014 Policy Address, policy initiatives specifically for ethnic minorities are mentioned in the section ‘Support for the Disadvantaged’ (「扶弱」). The government should recognize that it is its policies that have disadvantaged generations of ethnic minorities, who are Hong Kongers and entitled to non-discriminatory policies as a matter of right.

Education

“Chinese as a Second Language” education

3. Although the Chief Executive announced in the last Policy Address the implementation of the “Chinese Language Curriculum Second Language Learning Framework” in September this year, there is not much difference in this Learning Framework compared with pre-existing piecemeal initiatives that can render this Learning Framework effective in giving ethnic minorities equal access to the right to education and employment. As before, the Education Bureau (EDB) leaves the adaptation of the mainstream curriculum to school-based decisions without benchmarks and teaching targets. This has been proven ineffective because teachers find it difficult to adapt the curriculum without the relevant training and time.
4. The EDB still directs teachers to refer to the *2008 Supplementary Guide to the Chinese Language Curriculum for Non-Chinese Speaking (NCS) Students*, which has been proven ineffective. It directs teachers wrongly that they should decide the level of Chinese language to teach an NCS student according to whether the student intends to stay in Hong Kong for good.



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5. Therefore, the Chief Executive's promise in his election manifesto- to develop a **curriculum and assessment criteria** for "Chinese as a Second Language"- and the government's legal obligation to eliminate discrimination have not been fulfilled.
6. Although the government has earmarked \$200 million annually to step up the education support for NCS students as announced in the 2014 Policy Address, to where these public funds were allocated and the progress of developing such initiatives are unclear. The government should ensure that the funds are adequate as well as effectively used. This lack of transparency raises doubt not only on the **efficiency and effectiveness use of public funds**, but also whether the EDB monitors the use of the funds closely so that the funds can indeed lead to substantive improvement in the education policy.
7. In particular, we urge the EDB to fulfill these promises and report to the public its progress in the following areas:
 - a. The EDB should fulfill its promise in the 2014 Policy Agenda of setting up a **dedicated team** in the EDB for implementing and monitoring the enhanced school support of Chinese language learning to NCS students as soon as possible. The team should include non-governmental organizations, scholars, school management and teachers to work on tasks including curriculum development, student performance assessment mechanism, teacher training, guidance on developing proper teaching materials, and monitoring the design and implementation of teaching plans of schools.
 - b. The EDB should fulfill its promise in the 2014 Policy Agenda to develop **Vocational Chinese Language courses** to enhance employability of NCS. There should be effective monitoring and the courses should be extended to ethnic minority new immigrants.
 - c. The EDB should inform the public of the progress of **strengthened school-based support for kindergartens** to promote learning of NCS children; such as the number of kindergartens receiving the EDB's support, feedback of teachers, studies conducted on pedagogy and curriculum, and how the EDB monitors the use of the funding.
 - d. The EDB should set up an independent body including members of the public to monitor the effective use of funds for their dedicated purpose.
8. The EDB should coordinate the provision of **teachers' training courses** (e.g. diplomas or master's degrees) on teaching NCS kindergarten children Chinese and teaching kindergarten children in a multicultural environment. The Professional Enhancement



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Grant Scheme for Chinese Teachers (Teaching Chinese as a Second Language) should be extended to kindergarten teachers completing these training courses in future.

9. We have been advocating a comprehensive and effective “Chinese as a Second Language” policy, which includes **support in subjects other than the Chinese Language** if NCS students choose to study in a school using Chinese as the medium of instruction for certain subjects. The current measures of the EDB target Chinese Language only. The EDB should conduct research and develop initiatives to support NCS students’ learning of other subjects taught in Chinese.
10. The EDB should step-up **information and communication support measures to NCS parents** for an effective education system. There is an apparent lack of printed bilingual (Chinese and English) information leaflets from the EDB and school notices, circulars and children’s reports in schools using Chinese as the medium of instruction are often in Chinese only.
11. The EDB should invite and/or take reference from overseas experts in the fields of second language education and inclusion in schools particularly on (i) curriculum and pedagogy for second language education in general and (ii) multicultural and inclusive education. It is very important to cultivate **cultural sensitivity** in a diverse school setting. The EDB should explore ways to develop and reinforce cultural sensitivity amongst school management and teachers.
12. Funding mode: the government should ensure **adequate continued funding** to support ethnic minorities to improve their Chinese foundation at kindergartens and junior primary levels, and to facilitate migration to the mainstream Chinese language classes in higher levels.

De facto segregation

13. In 2012/13, in at least 8 public schools, over 90% of the students were ethnic minorities. In 22 public schools, over half of the students were ethnic minorities. The government refused to provide such data in the 2013/14 school year. This *de facto* segregation hinders ethnic minority students from accessing information and understanding mainstream society, thereby limiting their equal employment opportunities. The United Nations Human Rights Committee has urged the Hong Kong government to further intensify its efforts to encourage the integration of students of ethnic minorities in public school education in its Concluding Observations on Hong Kong in 2013. The government should therefore take immediate, effective steps to **eliminate this *de facto* segregation**. It should release data on the concentration of ethnic minority students in different



schools.

14. To address this *de facto* segregation, kindergarten is an important stage for the EDB to work on. We have received many complaints from ethnic minority parents that some kindergartens refuse to admit their children because of their race or because they do not speak Chinese. However, it is impossible for these parents to teach their children to speak Chinese at home, especially because these parents did not have a chance to learn the Chinese language when they went through the local education system themselves. The EDB should include an **inclusive kindergarten admission policy** that no kindergarten could refuse to admit ethnic minorities because of their race or segregate them within the kindergarten.

Free kindergarten education

15. We support providing **free kindergarten education**. It is extremely difficult for a child to manage primary education without kindergarten education in the competitive education system in Hong Kong and no one should be deprived of this opportunity due to a lack of means. In developing the free kindergarten education plan, we urge the government to ensure there are enough resources for teacher training and support for kindergarten in teaching non-Chinese speaking students Chinese and other subjects and promoting inclusion in school.

16. The latest official videos of the EDB on the progress of the work of the Committee on Free Kindergarten Education made in September and October 2014 are only available in Chinese. This raises concerns over the **EDB's accountability to non-Chinese speaking parents** and how it can effectively consult them.

Cultural sensitivity

17. There have been news reports about racial stereotyping in textbooks in Hong Kong, one of which is on the recommended book list of the Education Bureau. Although the Education Bureau's guidelines state that textbooks should not carry any form of discrimination or suggest exclusion, the Bureau itself recommends a textbook that probably does not fulfill these guidelines. We urge the government to monitor whether the existing textbooks in all subjects in Hong Kong promotes non-discrimination and is free of stereotypes or bias, and remove any problematic textbooks from its recommended list. The government should **review its textbook recommendation mechanism** to ensure that its guidelines are followed.

18. Besides monitoring textbooks and providing **cultural sensitivity training** to teachers, we hope the government will also procure such training for its officials and public service



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officers, just like what many corporations do for their staff, to enhance government policy.

Others

19. Given the lack of an effective “Chinese as a Second Language” policy, many ethnic minority residents do not have the language proficiency to study in Chinese. Also, ethnic minority new immigrants very often cannot study in Chinese no matter how much they want to receive training. Many tertiary courses which are supposedly taught in English according to the course description are in practice taught in Chinese. The EDB should **ensure tertiary education institutions do teach and provide course materials in English for courses supposedly and promised to be taught in English.**
20. We have received complaints from ethnic minority parents that their children who may possibly have special educational needs (SEN) cannot go through appropriate assessment and identification process without delay because the assessments are conducted in a language the children are not proficient in. Hence, the assessment results cannot accurately identify whether the child’s performance is due to language barrier or a special educational need. The government should review the effectiveness of all stages of the current assessment mechanism including referrals by teachers and the assessment tools. The government should keep ethnic minority parents informed and take steps such as teacher training and other forms of support for schools in **identifying and teaching NCS students with SEN.**

Race Discrimination Ordinance (RDO)

21. There is no provision in the 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 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 over this gap and recommended Hong Kong to rectify the gap in close consultation with the Equal Opportunities Commission (EOC), in order to ensure full compliance with Article 26 of the *International Covenant on Civil and Political Rights*, in its Concluding Observations on Hong Kong in 2013. The EOC also proposes to rectify this and other key gaps in the RDO and has just conducted public consultation on this. We urge the government to put forward an amendment bill to **bring the government’s exercise of powers and performance of functions expressly within the purview of the RDO.**



Others

22. The government should release the report originally due to be released in this year's Poverty Summit, which was cancelled. In relation to the Commission of Poverty, the government is conducting a study on the situation of South Asian families such as family size and income. The government should **expand the scope of the study** to all ethnic minorities including Southeast Asians and Africans so that it will have a more complete picture of the situation of ethnic minorities when for policy making.
23. The Employees Retraining Board (ERB) provides **courses taught in English** in a limited number of fields only. As mentioned above, currently many ethnic minority residents cannot access the courses taught in Chinese to get the relevant qualifications and this affects their access to equal employment opportunities and makes it difficult to lift the poor out of poverty. The ERB should provide courses taught in English in a wider range of fields.
24. The Labour Department should have officers that specifically assist ethnic minority job seekers. It currently has an Employment Services Ambassador Programme for Ethnic Minorities, but the ambassadors only work and receive on-the-job training simultaneously for 6 months. The length of the programme should be **extended** and/or outstanding ambassadors should be employed by the Labour Department to offer long-term assistance to ethnic minority job seekers.
25. In the 2014 Policy Address, the Chief Executive announced that the Civil Service Bureau (CSB) will continue to review the genuine language proficiency requirements of different posts and adjust the requirements where appropriate to give ethnic minorities equal employment opportunities. We urge the government to inform the public the progress of the implementation and the **language proficiency requirements** of which posts have been adjusted. According to the CSB paper in July 2014, the only examples of non-disciplinary service posts for which the language proficiency requirements have been adjusted are the Motor Driver grade and the Air Crewman Officer grade.
26. Under the Guangdong scheme, only Hong Kong residents (subject to certain criteria) who reside in Guangdong but not other places outside Hong Kong can receive the Old Age Allowance, raising concerns about possible discrimination by the government against elderly people who choose to reside in other places. The scheme should be extended for all Hong Kong residents who are aged 65 or above and choose to reside in other places.