

Asia's world city? Hong Kong ethnic minorities feel targeted by police stop and search actions

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Ellie Ng

British teacher and performer David Allen had just got on his motorbike on a busy street in Ho Man Tin last month when he was suddenly stopped by three police officers asking for his identification papers.

It was not the first time he had been stopped by police. But this time, Allen decided to record the exchange because he wanted to show others the prejudice he has faced from police. "Based on my own personal experience, on occasion I have been singled out because of my skin colour. There seems to be a racial bias in policing," he told HKFP.



Teacher and performer David Allen. Photo: Hong Kong Youth Arts Foundation, via Facebook.

In the video that would later go viral on social media, Allen asked the officers why they intercepted him and not any other pedestrians, who appeared to be ethnically Chinese.

"We have the power. We can suspect anyone," one of the officers said. Another used his phone to look up the law enabling police to stop and search citizens.

"I agree. That's good," Allen replied. "Why did you stop me?"

He continued to press on, and the officer finally explained that there was some crime committed by a "black guy riding a bike" earlier that morning. "So we saw you on the street riding a bike, and you are [a] black guy, so we suspect you," the officer said.

Allen, who has been living in the city for more than four years, said he has been stopped more in Hong Kong than in the UK. He added that British police were “slightly more polite and patient” than their Hong Kong counterparts in his experience.

No official data

Allen is not alone in feeling targeted due to his skin colour. He said that after posting the video, he was flooded with messages from people who are non-white and non-Chinese sharing similar experiences. One of them said he had been stopped as many as five times a week, according to Allen.

But it is difficult to even question whether racial profiling exists in Hong Kong, because the police force does not keep track of the ethnicity of stop and search targets.

The force only records the total number of stop and search operations. Last year, 1.6 million stop and search/question actions were conducted in Hong Kong, a city with a population of around 7 million. In comparison, New Yorkers were stopped 12,404 times last year, according to the New York Civil Liberties Union.

Despite the large number of stop and frisk actions in Hong Kong, only around 17,000 offences were detected as a result of over 1.9 million stop and search/question actions in 2012. Such figures are not available in the following years.

The following graph is interactive. Select different items to show or hide them for comparison.

[Stop and search statistics 2008-2016](#) [Infogram](#)

“Without the data, it is difficult to tell for sure whether there is a trend. But on the other hand, you have these stories. It’s hard to piece together what’s happening,” Puja Kapai, law professor at the University of Hong Kong and author of research paper *The Status of Ethnic Minorities in Hong Kong 1997-2014*, told HKFP.

Nonetheless, Kapai observed a tendency for people of certain ethnicities to be targeted disproportionately. For example, men from the South Asian community are more likely to be singled out, Kapai said. It is also not unusual for asylum seekers to be stopped seven times a day.



Puja Kapai. File Photo: HKFP/Elle Ng.

But there are other factors at play, such as different policing methods in different districts. Kapai cited the example of Yau Tsim Mong, where police work closely with ethnic minority residents to keep an eye on gangster activities. The professor said there appears to be mutual trust between police and ethnic minorities in the area.

Longtime resident and teacher Akin Jeje, a Canadian citizen of African descent, thinks that class and race are intertwined.

He finds himself a more frequent target than his white friends, who are rarely – if ever – stopped by police.

“It’s also the assumption of who is well off and who is not,” he said. “A lot of people assume white people are more likely to be better educated, better off and more respectable, so [whites] are less likely to be harassed and more likely to be deferred to.”

Though Jeje’s encounters with police usually ended smoothly as soon as he produces his identity card, he has seen others having a hard time with police.

“I’m a middle-class teacher. Can you imagine what it would be like if you look poor or your status is not as solid as mine, or [if you are] someone who’s learned to fear the authorities? That sort of interaction may not go so well,” Jeje said.

Kapai agrees that class is “very visible” in policing. “For men, if they haven’t shaved that day or dressed nicely, they are aware that they are more likely to be stopped,” she said.

“If they wear religious dress, there is also a higher chance to be stopped,” she said, adding that it is probably because these people are perceived as belonging to the working class and more likely to have pending immigrant status.

Unchecked power?

While keeping better statistics may enhance transparency, critics warn of the lack of accountability owing to legal loopholes.

Police are granted stop-and-search powers under several ordinances, including the Police Force Ordinance, the Public Order Ordinance and the Immigration Ordinance.

Barrister Chris Ng of the Progressive Lawyers Group said these ordinances give officers broad powers, partly out of the need to combat illegal immigration. In practice, he said, it is very difficult to refuse to be stopped.

“I think we should agree that police need to have the power for doing their job. But this power should be exercised reasonably,” Ng said.



File Photo: HKFP/Elle Ng.

But there are doubts over whether citizens can challenge police actions on grounds of racial discrimination, even if they feel that the power has been misused.

[Rights advocates have criticised a recent court decision](#) ruling that policing is not bound by the Race Discrimination Ordinance. The high-profile case concerned child prodigy Arjun Singh, who alleged police unlawfully arrested him in 2011 based on his race after a woman accused him of assault. Singh was 11 at the time of the incident.

It marked the first case brought against a public authority under the anti-racism ordinance since it came into effect in 2009, and the area covered by the ordinance was a key issue.

Unlike three other anti-discrimination laws in Hong Kong which scrutinise government “functions” and “powers,” the Race Discrimination Ordinance does not explicitly cover the exercise of functions and powers by public authorities.

Singh lost the case. The District Court held that police acts do not amount to the provision of “service” and are therefore not subject to the ordinance. It also rejected evidence tendered to suggest there was racial profiling in

the case.

Phyllis Cheung, executive director of NGO Unison, said the case highlights the ineffectiveness of the Race Discrimination Ordinance in protecting ethnic minorities from discriminatory acts by the government.

“It is a systemic problem. We cannot sue the police or file complaints to the [Complaints Against Police Office] over racial discrimination allegations, because legal protection is nonexistent,” Cheung told HKFP.

Last year, the Equal Opportunities Commission recommended amending the ordinance so that government functions will also come under scrutiny. However, Cheung said the government has not yet said when it will implement the suggestion.

Police training

While law reforms may not be in sight, efforts to change the culture of policing are underway.

Social worker Jeffrey Andrews runs cultural sensitivity training for police officers. Andrews, who was born into an Indian family in Hong Kong, said he used to be stopped monthly until he became more high-profile for his advocacy work recently. But he said some of his clients were stopped at least twice a week.



Jeffrey Andrews running a cultural sensitivity training session for the police force. Photo: Jeffrey Andrews.

“Youngsters come and tell me that it’s an everyday occurrence and it’s very humiliating to them,” he said. “[The officers’] tone can be a bit rough and I think that needs to be changed.”

Andrews added that officers’ attitude usually softens if he responds in Cantonese. Meanwhile, he said the situation could become tense if people ask questions in English, because many officers lack English proficiency.

“Law enforcement agents are to serve, not to antagonise or target any group, and that’s very important for community building,” he said.

While Andrews said he felt encouraged by the positive response from the officers he worked with, uncertainty remains over whether the management has plans to change the force's policy in the near future.

Jeje, the Canadian teacher, also did not blame police officers. "Hong Kong has not been politically correct. The whole idea of racial profiling may not be obvious to some officers," he said.

He would like to see officers show more courtesy when approaching people. He also believed that upgrading the force's English language skills and hiring more non-Chinese officers could help bridge the gap with the public.

But these changes may mark only a small step towards an inclusive society. Andrews said everyday racism extends beyond policing. In particular, he expressed concerns over growing hostility against "South Asians" and "Africans" that appears to be fuelled by sensational media reporting and politicians in recent years.



The Liberal Party held a rally against "fake refugees." File Photo: Dan Garrett.

"It is very, very sad. The government [should] play a crucial role in condemning this trend, but they haven't done that," he said. "When someone said something about [the death of the education official's son](#)... immediately the chief executive condemned it. But why is it that when it comes to [racial discrimination], no one wants to step up?"

See also: [Off the agenda? Ethnic minorities feel shut out of Hong Kong's political conversation](#)

For others, the prejudice they experienced has left them with an unpleasant image of Asia's "world city."

"You can't help but be disappointed," Allen said. "My friends or family ask me what it's like here, the first thing I say is no one comes here for the people... It's not just the way people treat foreigners; it's also how they treat each other."

"Coming from the UK, it's hard to compare. People there are generally respectful to strangers and have better manners like holding the door open for others. It's a small thing but it makes a difference. It is about treating a person like a *person*, even though you may not know them."



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