



10 February 2010

Mr. Lam Woon Kwong,
Chairperson,
Equal Opportunities Commission,
19/F, CityPlaza Three,
14 Taikoo Wan Road, Taikoo Shing, Hong Kong

Dear Mr. Lam,

Re: Hong Kong ethnic-Pakistani residents being refused to establish bank accounts

I am writing to express our concern on the issue that many of the ethnic-Pakistani residents being refused to establish bank accounts in local banks. We consider such situation as utterly unacceptable and urge your Commission to look into the situation and ensure our ethnic minority residents having equal access to bank services.

We noted that Your Commission has initially responded “nationality” does not come under the Race Discrimination Ordinance (RDO); therefore a bank does not break the law if it rejected someone on the basis of “Nationality”. Yet as the public body promoting equal opportunities for all regardless their race, we believe your Commission should interpret the law in a more liberal way, so as to protect basic human rights of ethnic minorities. It is particularly true when “Race” and “Nationality” are closely related. As in this case it is not easy to distinguish whether the bank has refused to provide services based on the ground of “Race” or “Nationality”.

Up until now, we have been receiving and handling at least 50 complaints. At least five banks, including Hang Seng Bank, Bank of China, Bank of East Asia, DBS Bank and Standard Chartered Bank were involved. This shows that the situation is not confined to individual cases. Instead it is a common practice which might jeopardized Hong Kong’s reputation as an International Finance Centre as well as an International City embracing ethnic equality and diversity.

Given the commonness of such discriminatory practice, we consider the present complaint and reconciliation procedure by your Commission not enough to deal with the situation. Instead your Commission should take the initiative to investigate if institutional racial discrimination exists in the banking sector. It would also be useful if your Commission clarified

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publicly that the above practice could amount to indirect racial discrimination; and issue guidelines to local banks to ensure non-discriminatory practice when they encounter ethnic minority service users. In the long run, we believe your Commission should address the loophole of the RDO, and consider its further amendments to cover discrimination based on the ground of "Nationality".

Since ethnic minority communities are highly concerned about the issue, we sincerely wish you could respond to our request as soon as possible. A written reply would be much appreciated. Should you have further enquires, please feel free to call me at 2789 3246 or 9237 6464.

Yours Sincerely,

Fermi Wong
Executive Director
Hong Kong Unison

c.c. Legislative Panel on Constitutional Affairs, Economic Development and Financial Affairs
Secretary for Financial Services and Treasury
Secretary for Commerce and Economic Development
Secretary for Constitutional and Mainland Affairs
Hong Kong Human Rights Monitor



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Profile of the Complainants

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| 1 | Number of complaints received under the Period of Jan 2008 to Oct 2009 | 10 | <p><u>Remarks:</u></p> <p>1. We have received same complaints since Jan 2008 from time to time, about 10 complaints from Pakistani community.</p> <p>2. Two cases were reported by SCMP on 30 Nov 2008 and a related question was asked by Emily Lau, LegCo member on 17 Mar 2009.</p> |
| 2 | Number of complaints received under the Period of Nov 2009 to Jan 2010 | 50 | <p><u>Remarks:</u></p> <p>Many of complainants claimed that their families, relatives and friends also faced same problem.</p> |
| 3 | Ethnic Origin & Nationality | | <p>Pakistani: 49</p> <p>Indian: 1</p> |
| 4 | No. of cases rejected by different bank | | <p>i. Hang Seng Bank: 31</p> <p>ii. Bank of China: 9</p> <p>iii. Bank of East Asia: 4</p> <p>iv. DBS Bank: 3</p> <p>v. Standard Chartered Bank: 3</p> <p><u>Remarks:</u></p> <p>1. Some cases eventually able to establish accounts by left the 'Nationality' column blank/or were asked to false fill their Nationality as Chinese.</p> <p>2. Ethnic Minority residents were requested to provide more documents, apart from Address Approve and</p> |



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| | <p>HK Identity Card, they also have to provide Passport, Birth Certificate, Marriage Certificate, Employment Letter, Other Bank Account Information, Student Handbook, School report, Tenancy Contract etc.</p> <p>3. most of the ethnic minority applicants were not able to establish an account within one day, they were simply rejected or had to wait from a week to a month.</p> <p>4. Staff of Standard Chartered Bank usually ask ethnic minority applicants to go to other banks.</p> |
| 5 | <p>Social Status</p> <p>Student: 15 Housewife: 10 Youth general Worker: 9 Adult general worker: 16</p> |
| 6 | <p>Gender</p> <p>Male: 27 Female: 23</p> |
| 7 | <p>Place of Birth / Length of Residency in Hong Kong</p> <p>Hong Kong : 15 Home Country: 35 (5 immigrated to HK less than 7 years while others are permanent residents, some have resided in HK for more than 20 years)</p> |
| 8 | <p>Hong Kong Residents</p> <p>All</p> |