

The Racial Discrimination Bill

– *A Ray of Hope...*

or

An Abyss of Despair ??



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(I) The Expectations

1). Government Stated Goals for the Bill:

- To render discrimination, harassment and vilification, on the ground of race, unlawful; to prohibit serious vilification of persons on that ground; ...

2). The Goal for the Rest of Us:

- Anti Racial Discrimination = Promoting Racial Equality??
 - Helping the Socially and Economically Disadvantaged
(*e.g., those of South Asian ancestries esp. Pakistani and Nepali*)
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(II) Controversial Issues in the Bill - The (Dreaded?) Exemptions

). For Vocational Training & Educational Establishments

They *ARE NOT REQUIRED* to:

- (a) To modify for persons of any racial group its arrangements regarding holidays or medium of instruction; or
- (b) To make different arrangements on those matters for persons of any racial group.

(Section 20 (2) (a) & (b) and Section 26 (2) (a) & (b))

The Good

- For (a) Most governments favour some forms of control over the medium of instruction and holidays in publicly funded schools and institutions as an ideological and strategic asset.
- For (b) Minimal additional investments for these establishments in response to the Bill's requirements



The Bad

- For (a) Some NGOs actually want the Government to fund the ethnic minorities to learn in English or even in their mother tongues (e.g., Urdu, Nepali) in Hong Kong, though there exist no consensus among NGOs in that regard and the topic remains highly controversial.
- For (b) It means that there is *NO NEED* for vocational training and educational establishments to provide additional support for ethnic minorities students, be it additional manpower, alternative curriculums, or affirmative quotas (*such as those found in the US system*).



2). The “Big One” - Exception for languages (Section 58)

- In essence, for the following sections, the Bill expressly stated that it will be OK to use or not use any language in any circumstances for the provision of, or failure to provide, a translation, interpretation or transcription into the language:
 - 20. Persons concerned with provision of vocational training
 - 21. Employment agencies
 - 26. Discrimination by responsible bodies for educational establishments
 - 27. Discrimination in provision of goods, facilities or services
 - 28. Discrimination in disposal or management of premises
 - 29. Discrimination: consent for assignment or sub-letting
 - 35. Discrimination by, or in relation to, barristers
 - 36. Discrimination by clubs
 - Except that, following the Official Languages Ordinance (Cap. 5), you may have to provide either English **OR** Chinese.
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Now, in plain English...

- The Bill, in its present form, *DO NOT REQUIRE* private business, NGOs, and Government departments to provide any means of translation / transcription services in the provision of services and goods for the ethnic minorities.
- *NOT EVEN ENGLISH*, one of the two official languages of Hong Kong, is required.



The Good

- Minimal additional investments for all good and services providers, be they private, public, or government bodies

The Bad

Ethnic minorities are indirectly “cut-off” from essential services and the best HK has to offer. Some Examples:

- Employment Barriers Will Persist...
 - The Medical Blues
 - Education Dilemmas
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a). *Employment Barriers Will Persist...*

E.g. Even though no written Chinese is actually required on many jobs:

- Labour Department still would not offer English translation to the content of any of its job offer postings;
- Employers might give the ethnic minorities job seekers an application form to be fill in Chinese.



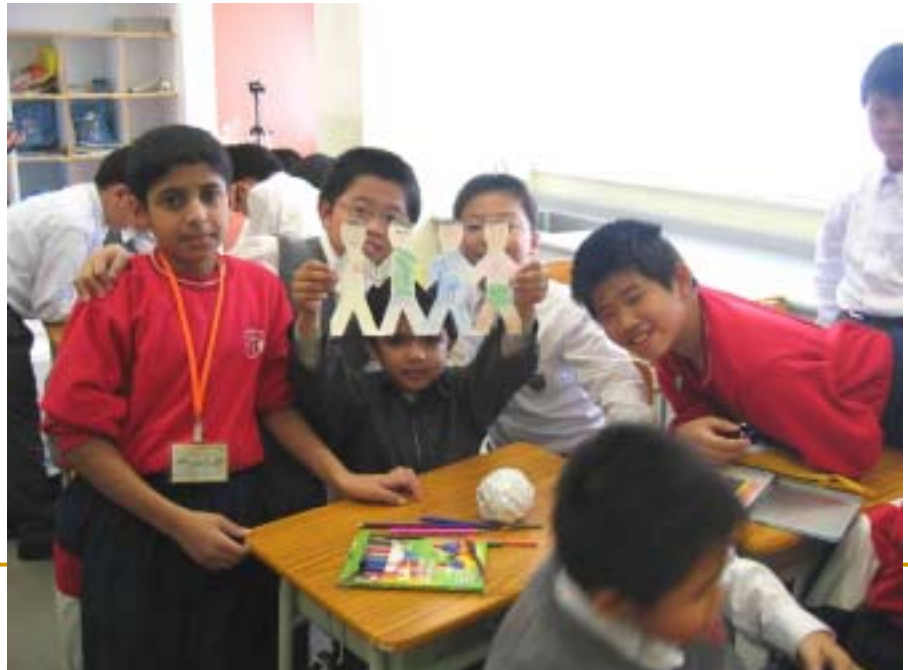
b). *The Medical Blues -- Médecin Sans Logique ?*

- E.g. Many South Asians ethnic minorities' women are misdiagnosed, mistreated, and /or taking the wrong medicines due to lack of proper translation services.
- A study conducted by HK Polytechnic University (2006) revealed that some ethnic minorities' women have mistaken antidepressants for painkillers due to lack of translation in public hospitals.



c). *Education Dilemmas*

- Ethnic minorities' parents who don't know Chinese wish their children could do better in Chinese,
- So they enroll them into mainstream Chinese schools,
- Then they discover that they will know nothing about how their children is doing academically or otherwise, as all school reports, circulars, and the like are in Chinese.



And there lied the Bigger Threat...

- Though the proposed Bill will have some successes in rendering harassment and vilification on the ground of race unlawful,
- The various exemptions as stipulated in it might actually has the opposite effects of *SANCTIONING* many current practices that hampering the social and economical ascent of ethnic minorities (especially those of South Asian ancestries).

