

Opening remarks by Under Secretary for Constitutional and Mainland Affairs at UN Committee on the Elimination of Racial Discrimination hearing

Following is the translation of the opening remarks by the Under Secretary for Constitutional and Mainland Affairs, Mr Andy Chan, at the hearing in consideration of the 14th to 17th reports of the People's Republic of China under the International Convention on the Elimination of All Forms of Racial Discrimination by the United Nations Committee on the Elimination of Racial Discrimination held today (August 10, Geneva time) in Geneva, Switzerland:

Mr Chairman, Committee members,

I would like to report the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the Hong Kong Special Administrative Region (HKSAR) since the last hearing in 2009.

At present, there are some 250 000 people from ethnic minorities (or EMs in short) in Hong Kong. The HKSAR is committed to meeting our obligations under the Convention. We have been taking measures to reinforce protection of individuals against racial discrimination, to provide EMs with equal opportunities and facilitate their integration into our community.

Enhancing support for ethnic minorities in need

Some EMs have encountered difficulties in adaptation and social integration due to language and cultural differences. To enhance collaboration within the HKSAR Government on support for EMs in need, a steering committee chaired by the Chief Secretary for Administration has been set up in 2018 to co-ordinate, review and monitor support for EMs in Hong Kong and a sum of \$500 million has been earmarked in the 2018-19 Budget to strengthen the support services.

Enhancing support for non-Chinese speaking students in learning Chinese language

On education, the HKSAR Government is committed to encouraging and supporting the integration of EM students, into the community, including facilitating their early adaptation to the local education system and mastery of the Chinese language.

At the last hearing, the Committee expressed concern that teaching Chinese as a second language for non-Chinese speaking (or NCS in short) students with an immigrant background was not adopted as an official

education policy in Hong Kong. In this regard, the Education Bureau, in consultation with teachers and language experts, has been implementing the "Chinese Language Curriculum Second Language Learning Framework" in primary and secondary schools since the 2014/15 school year. The "Learning Framework", which is designed from the perspective of second language learners, aims to help NCS students overcome the difficulties in learning Chinese as a second language, with a view to facilitating their effective learning of Chinese and bridging over to mainstream Chinese Language classes as early as possible, and providing them with more opportunities to pursue further studies and careers. Starting from the 2014/15 school year, the Education Bureau has also significantly increased the additional funding to schools to over \$200 million per year at present to facilitate their implementation of the "Learning Framework" and the creation of an inclusive learning environment in schools. In addition, the Education Bureau will continue to step up school-based professional support services and professional development programmes for teachers through diversified modes. At the same time, the Education Bureau has been reviewing the implementation of the "Learning Framework" and further enhancing the teaching strategies, assessment tools and supporting resources for schools as appropriate in a timely manner in the light of the views from various stakeholders and school practices on learning and teaching.

Employment and training

On employment, we attach great importance to providing EMs with equal opportunities in seeking employment. As the largest employer of Hong Kong, the HKSAR Government plays an active role in ensuring that the Chinese language proficiency requirements for all civil service positions are commensurate with their job requirements so that all applicants have opportunities for appointment. In addition, the Labour Department provides dedicated employment services to EM job seekers, and actively promotes their working abilities among employers. The Employees Retraining Board also provides dedicated training courses and support services to meet the career aspirations and training needs of EMs.

Foreign domestic helpers

At the last hearing, the Committee expressed concern over the conditions of employment of foreign domestic helpers (FDHs), the "two-week rule" whereby FDHs have to leave Hong Kong within two weeks upon termination of contract, as well as the "live-in requirement" i.e. all FDHs are required to work and reside in their employers' residence as stated in the Standard Employment Contract. Under our labour laws, FDHs enjoy the same employment rights and protection as local workers in relation to their entitlement to weekly rest days, paid statutory holidays, paid annual leave, sickness allowance, maternity protection, severance payment and long service payment, etc. In addition, FDHs are further protected through the HKSAR Government-prescribed Standard Employment Contract under which they enjoy the Minimum Allowable Wage, free accommodation, free food (or food allowance), free medical care and free passage to/from their places of origin. The aforementioned benefits are not necessarily available to local workers. As for working hours, there is currently no legislation related to working hours in Hong Kong, and FDHs

enjoy the same rights as local workers under the labour laws concerning rest days and other holidays.

The "two-week rule" is necessary for maintaining effective immigration control and helps to prevent FDHs from job-hopping frequently and working illegally in Hong Kong after premature contract termination. It does not preclude FDHs from applying to work in Hong Kong again after returning to their places of origin. The "live-in" requirement forms the cornerstone of the HKSAR's policy of importing FDHs. It has been the our established policy that, as in many other jurisdictions in the world, priority in employment should be given to the local workforce, and importation of workers should only be allowed where there is confirmed manpower shortage in a particular trade that cannot be filled by local workers. In accordance with this principle, FDHs have been imported since the early 1970s to meet the shortfall of local live-in domestic workers. Given that there is no shortage in supply of local non-live-in domestic workers, any change to the "live-in requirement" will go against the rationale for importing FDHs and the fundamental policy that local workers should enjoy priority in employment.

We will continue to strengthen the protection of FDHs. In March 2018, a high-level inter-bureau/departmental steering committee with the Chief Secretary for Administration as its chairman promulgated the "Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong" to steer the work of the HKSAR Government in this aspect.

Non-refoulement claimants

We have been operating the unified screening mechanism since March 2014 to screen non-refoulement claims on all applicable grounds. Procedures of the unified screening mechanism meet high standards of fairness required by law, including the provision of publicly funded legal assistance as well as interpretation and translation services to all claimants. Claimants aggrieved by the Immigration Department's decision may lodge an appeal with the impartial Appeal Board. The estimated expenditure on the screening of non-refoulement claims, including expenditure on various support services provided to the claimants, is about \$1.4 billion in 2018-19 which represents an increase of 159 per cent over that of 2014-15.

Integration into the community

We believe that public education and support services are crucial to facilitate better integration of EMs into the community. For many years, we have implemented an array of measures to promote racial harmony and facilitate the integration of EMs into the community. The Home Affairs Department renders dedicated services and programmes for them through district networks, including commissioning non-governmental organisations to operate six support services centres and two sub-centres for them to provide various tailor-made learning classes, integration activities and counselling services; funding two community support teams, i.e. the Nepalese Community Support Team and the Pakistani Community Support Team, to offer integration services through members of their own communities; and launching district-

based integration programmes and the Ethnic Minority Ambassador Schemes. Furthermore, the Committee on the Promotion of Racial Harmony continues to advise the Government on matters relating to fostering racial harmony and facilitating the use of public service by EMs. The Ethnic Minorities Forum also provides a channel of communication between the Government and EM communities and the organisations dedicated to serving them.

Discrimination law review

On legislation, the HKSAR Government is actively following up on the Discrimination Law Review report submitted by the Equal Opportunities Commission in 2016 and will put forward proposals to the Legislative Council within this year. We will take forward eight recommendations of higher priority, of which six are related to the Race Discrimination Ordinance, such as expanding the scope of protection from racial discrimination from a person's "near relative" like spouse and children, to "associate" such as a carer or a colleague; and prohibiting discrimination by "imputation" that a person is of a particular racial group.

Closing remarks

Mr Chairman, distinguished members, the HKSAR Government seeks to provide EMs with equal opportunities through enhancing legislation as well as education, employment and training, community participation and other support services, so that they can fully integrate into Hong Kong, realise their potential and contribute to Hong Kong's success. Over the years, we have taken steps to promote racial harmony and equality. We will continue to make our best endeavours in this respect.