Tackling Discrimination
Against Ethnic Minorities:
The Case of Post-Colonial Hong Kong

KWANG-LEUNG TANG, MONG CHOW LAM AND
STEVEN SEK-YUM NGAI

Ethnic and racial minorities living in Asia face widespread racial discrimination. The case of post-colonial Hong Kong is illustrative of racial discrimination encountered by racial groups as well as the effective use of international law in tackling racial discrimination. Wary of business opposition to the introduction of anti-discrimination legislation, the Hong Kong post-colonial government played down the severity of racial discrimination against migrant workers and ethnic minority groups. Social workers, advocates and legal professionals drew upon the International Convention on the Elimination of All Forms of Racial Discrimination in their campaigns against racial discrimination. As a result of their activism, and pressure from the United Nations, the post-colonial government is set to introduce a law against racial discrimination in the year 2004. The Convention proves to be an impetus to legislation against racial discrimination. Social workers in Asia have an obligation to advance the rights of ethnic minorities in their daily practice. They have an important role to play in ensuring that their governments comply with international human rights standards.

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INTRODUCTION

Racial discrimination, racism and xenophobia and related intolerance have been spreading at an alarming rate in all parts of the world. The United Nations High Commissioner for Human Rights (1998) warned that action undertaken at international and national levels to combat racial and other forms of discrimination had not been satisfactory. Kofi Annan, the Secretary-General of the United Nations, reiterated
the message in the opening of the World Conference Against Racism in Durban (2001) that racism must be defeated.

Racial discrimination continues to plague Southeast Asian countries (Asian Migrants Centre, 2001). Discrimination against minorities manifests itself in the form of denial of the rights of minorities in the fields of education, citizenship, employment, health care, economic opportunities, languages, cultures and religious practice, political participation, recruitment to the civil services, land and property ownership, access to legal resources as well as fair media representation (Asian Migrants Centre, 2001).

Discrimination against ethnic groups exists in other parts of Asia as well. Racism against foreign and marginalised ethnic groups is generally a feature of East Asian countries. It worsened after the Asian financial crisis of 1997, as evidenced by the attacks on ethnic Chinese in Indonesia, Thailand's return of Burmese migrants without screening them for refugee status, and Malaysia's mistreatment of migrants and summary return of refugees from Indonesia's Aceh region (Human Rights Watch, 1999).

The adverse impact of racial discrimination on the well-being of ethnic and racial minorities has been well documented (Kuo, Chan, Chan and Lee, 1995; Noh, Seiser and Kaspar, 1999; Utsey, Ponterotto and Reynolds, 2000). For instance, Mak and Nesdale (2001), studying racial discrimination and the psychological distress experienced by ethnic Chinese migrants in three Australian cities, found that increases in the psychological distress suffered by Asian migrants were linked to greater perceived racial discrimination and lower levels of coping resources.

The persistence of racial discrimination in all parts of the world calls for effective intervention at both national and international levels. This article first looks at the policy responses of the Hong Kong post-colonial government (that is, the Hong Kong Special Administrative Region [HKSAR] government) to racial discrimination. For some time following the handover, the post-colonial government played down the severity of racism and racial discrimination against migrant workers and ethnic groups. In response, social workers, human rights advocates and legal professionals drew upon the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention) in their campaigns against racial discrimination. We argue that the use of international human rights norms by advocates provides a significant impetus to legislation
against racial discrimination. Social workers in Hong Kong and other parts of Asia have an obligation to advance the rights of the racial minorities in their daily practice.

DISCRIMINATION AGAINST ETHNIC MINORITIES

Before we look at the situation in Hong Kong, it is important to examine the concepts of racism and racial discrimination. Fredman (2001) argues that racism has no definitive objective attributes, but it is a relational concept — it is about relationships of domination and subordination, about hatred of others in defence of self. While racism is a vast and vague concept, many legal scholars argue that the concept of racial discrimination is more clear-cut, signifying a violation of human rights (Fredman, 2001; Petrova, 2001). A comprehensive, and often cited, definition of racial discrimination is given by the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations Office of High Commissioner for Human Rights (2002a):

the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life(Article 1).

According to the Convention, racial discrimination is seen as practices that have a discriminatory purpose or effect. Any distinction, exclusion, restriction or preference of ethnic groups is discriminatory. In fact, discrimination on the basis of 'race, colour, descent or national or ethnic origin' lies at the foundation of many other human rights violations (Farrior, 1999). Both direct and indirect forms of racial discrimination are covered. The Convention makes it clear that positive discrimination or affirmative action helping historically disadvantaged groups is not in violation of the principle of equal treatment. Countries that have ratified the Convention must take practical measures to reduce racial discrimination and 'even to overtake public opinion if the latter is moving at slower speeds' (Petrova, 2001: 62).

The acknowledgement of racial discrimination as a social problem is a relatively recent phenomenon in Hong Kong. In recent decades, Hong Kong has brought in migrants from the Philippines, Indonesia and Thailand to work as domestic helpers. Since the mid-1990s, there
has been a significant influx of people from South Asia, particularly from Nepal and Pakistan. This influx has not abated, even following the onset of the Asian financial crisis in 1997. According to the 2000 survey commissioned by the Home Affairs Bureau (HAB) and the Census and Statistics Department (Hong Kong: HAB, 2001), the largest minority group at that time was made up of Filipinos, followed (from the late 1990s) by Indonesians (Table 1). Most of them were women aged between 27 and 38 and working as domestic helpers. It is worth noting that only 11 per cent of them indicated that they were fluent in Cantonese (the main Chinese dialect used in Hong Kong), though some 60.4 per cent claimed fluency in English.

**TABLE 1: Principal Ethnic Minorities in Hong Kong and their Size Relative to Total Population, 2001***

<table>
<thead>
<tr>
<th>Ethnicity of Group</th>
<th>Number</th>
<th>Relative Size (Per cent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filipino</td>
<td>1,425,566</td>
<td>2.13</td>
</tr>
<tr>
<td>Indonesian</td>
<td>50,494</td>
<td>0.75</td>
</tr>
<tr>
<td>British</td>
<td>18,909</td>
<td>0.28</td>
</tr>
<tr>
<td>Indian</td>
<td>18,543</td>
<td>0.28</td>
</tr>
<tr>
<td>Thai</td>
<td>14,342</td>
<td>0.21</td>
</tr>
<tr>
<td>Japanese</td>
<td>14,180</td>
<td>0.21</td>
</tr>
<tr>
<td>Nepalese</td>
<td>12,564</td>
<td>0.19</td>
</tr>
<tr>
<td>Pakistani</td>
<td>11,017</td>
<td>0.16</td>
</tr>
<tr>
<td>Others</td>
<td>61,395</td>
<td>0.92</td>
</tr>
<tr>
<td>Total</td>
<td>3,440,000</td>
<td>5.13</td>
</tr>
</tbody>
</table>

*Note: The total population of Hong Kong was 6,708,389 in 2001. The ethnic majority group was Chinese, constituting 94.87 per cent of the whole population.*

*Source: Hong Kong: HAB (2003a).*

A clearer profile of the ethnic minorities emerged in the 2001 Census where some 344,000 non-Chinese people were enumerated, making up some 5 per cent of the population (Hong Kong: HAB, 2003a). Among the ethnic minorities in Hong Kong, the largest groups were of South and Southeast Asian origins. Most of these belonged to the lower socioeconomic stratum and were more susceptible to racial discrimination (Table 2). Although there were some 240,000 South and Southeast Asian people, including Pakistanis, Indians, Nepalese, Indonesians, Filipinos, Thais and others living in Hong Kong (Hong Kong: Census and Statistics Department, 2002), government
departments, social service agencies and educational institutions have not paid much attention to their needs. They are being ignored, marginalised and socially excluded.

**TABLE 2: Principal Ethnic Minorities in Hong Kong and their Size Relative to Total Non-Chinese Population, 2001**

<table>
<thead>
<tr>
<th>Ethnicity of Group</th>
<th>Number</th>
<th>Relative Size (per cent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filipino</td>
<td>1,42,556</td>
<td>41.4</td>
</tr>
<tr>
<td>Indonesian</td>
<td>50,494</td>
<td>14.7</td>
</tr>
<tr>
<td>British</td>
<td>18,909</td>
<td>5.5</td>
</tr>
<tr>
<td>Indian</td>
<td>18,543</td>
<td>5.4</td>
</tr>
<tr>
<td>Thai</td>
<td>14,342</td>
<td>4.2</td>
</tr>
<tr>
<td>Japanese</td>
<td>14,180</td>
<td>4.1</td>
</tr>
<tr>
<td>Nepalese</td>
<td>12,564</td>
<td>3.7</td>
</tr>
<tr>
<td>Pakistani</td>
<td>11,017</td>
<td>3.2</td>
</tr>
<tr>
<td>Others</td>
<td>61,395</td>
<td>17.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,44,000</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

*Source: Hong Kong: HAB (2003a).*

Despite the government’s claim that racial discrimination is not serious in Hong Kong, there has not been any large-scale empirical study assessing the prevalence of racism in the Territory. However, a number of studies (Hong Kong Christian Social Service, 1988; Kuo and others, 2003; Yang Memorial Methodist Social Service, 2000 and 2002) have been conducted by local social service agencies and concerned individuals to examine the needs and difficulties of the ethnic minority groups. The findings were somewhat disturbing.

According to these research findings, the major difficulties encountered by the ethnic minorities in Hong Kong include: limited participation in social activities; problems in renting private housing; unemployment or difficulties in looking for a job; difficulties in finding a suitable school for their children; children's getting marginalised in the school system; poor access to social services and community resources; communication problems due to language barriers; financial difficulties; and difficulties in making friends with the local Hong Kong people. Among their difficulties, language problems (that is, the inability to communicate in Chinese) was found to be a major barrier that hindered ethnic minorities from participating fully in normal life.
Further, various studies of their needs and adjustment levels point to widespread racial discrimination against ethnic groups. The findings of some statutory bodies also support this observation. The Equal Opportunities Commission, established by the Hong Kong Colonial Government in 1996 to handle complaints relating to discrimination, have reported that complaints lodged at their office had soared in more recent years, with 64 allegations of racial discrimination in the year 2000 alone, as compared to a total of 62 between 1996 and 1999 (CNN News, 2001).

In a survey of 123 ethnic minorities by the Hong Kong Human Rights Monitor (2003), it was found that 69 per cent of the respondents witnessed and experienced racial discrimination. The same study found that 76 per cent of them were in support of passing a domestic legislation against racial discrimination (Hong Kong Human Rights Monitor, 2003). Racial discrimination was most common in employment-related settings, access to facilities, and purchase of goods and services.

Anecdotal evidence of racial discrimination is documented in this report. For instance, a taxi driver waved away an Indian couple that were waiting first in a taxi queue but picked up a Chinese man who was next in line. When a Nepalese man entered a clothing shop and asked about the merchandise, sales staff waved him away shouting, 'No, no, no!' (Hong Kong Human Rights Monitor, 2003). Other studies corroborate this finding. For instance, ethnic Indians experienced persistent problems in obtaining housing because landlords would not lease to them because of their skin colour (Benitez, 2001). Some anecdotal evidence shows that travellers from Nepal, India, Thailand and Pakistan were much more likely to be selected for urine tests and body searches at the airport (Hong Kong Standard, 1999).

The Race Relations Unit set up by the government has documented a number of racial discrimination complaints. One case related to a Filipino domestic helper. She complained that the shopkeeper of a bakery had racially insulted her, loudly calling her a 'troublesome Bun Mui (Filipino)' (Hong Kong: HAB, 2003b). Another case involved a Pakistani who was living in a district with relatively high numbers of minority residents. He claimed he was referred by a clinic to attend a medical examination in a public hospital but missed the appointment because of the absence of bi-lingual signage. A third case concerned an Indian who had only recently arrived in Hong Kong. He complained that a property agent prevented him from viewing a flat because of his race (Hong Kong: HAB, 2003b).
In a study done by a local social service agency using in-depth in­
terviews of several ethnic minorities (Yang Memorial Methodist So­
cial Service, 2000), racial discrimination was reported. One respondent of the study felt that 'they (the public) don't like my na­
tionality'. Another respondent's mood was sombre, saying: 'I don't think the Chinese could be my good friend. I don't understand, but I think they want friend like them (not dark skin).'</p>

It is not uncommon for ethnic minorities to encounter denigratory stereotyping of the group to which they belong. In a recent study done by the same social service agency, ethnic minority youth in a focus group experienced negative stereotyping (Yang Memorial Methodist Social Service, 2002). As one participant emphatically put it,

The question is: people are biased against you. They think that if one of you commits a problem, the rest of you will do the same...
They treated several people from the same race as having the same qualities, and asked if you have any of these qualities too (p.34)

It is in the area of employment that ethnic minorities are most often discriminated against. Some Chinese employers were found not to be willing to employ immigrants with black skin because it would be 'no good for business' (Thomas, 2001). Most of the employed immi­grants were subjected to unfair treatment in the workplace, working more than 63 hours per week (Hong Kong Standard, 1998). Some of them reported getting lower pay than their Chinese counterparts. At least a quarter of foreign domestic helpers, primarily Indonesians, experience violations of contract — receiving payment under the mini­imum wage and not getting their mandatory weekly rest day or all of their statutory holidays (Asian Migrants Centre, 2001).

Finally, the notorious two-week rule that requires foreign domestic workers to leave Hong Kong within two weeks of the termination of their contract renders these workers extremely vulnerable to under­payment and maltreatment by their employers. The possibility of de­portation would effectively prevent them from reporting violations of their rights and abuses (Tan, 2001). They often do not file a complaint for fear of losing their job and being forced to leave Hong Kong.

As far as school-age minority children are concerned, they are un­able to get suitable education. A survey conducted by the Yang Me­morial Methodist Social Service (2000) found that 30 per cent of the ethnic minority children had difficulty finding school placement. Many of these children, primarily from South and Southeast Asia, had to wait a year or more for a vacancy in school. The Government of
Hong Kong is insensitive to the needs of migrant children whose mother tongue is neither English nor Chinese (Leung, 2003). While the Education Department offers adjustment courses for newly arrived children from Mainland China, there are no such courses to acclimatise non-Chinese migrant children (South China Morning Post, 1999).

In sum, subtle and insidious racial discrimination against ethnic minorities in Hong Kong, commonly found in the attitudes of the general public as well as governmental social policy and social institutions, is a major factor that aggravates the process of social exclusion among the ethnic minorities.

POLICY RESPONSES TOWARDS RACIAL DISCRIMINATION

There is some consensus among international and local NGOs and legal scholars that the elimination of racial discrimination and racism requires legislation. Moreover, as Hong Kong poses itself as a world city, it must live up to international human rights standards. More importantly, Hong Kong is now a signatory to several key international human rights treaties. The International Convention on the Elimination of All Forms of Racial Discrimination was first extended to colonial Hong Kong in 1969. Other international human rights agreements such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights also ban racial discrimination. These Covenants are specifically incorporated into the Basic Law, the written constitution for the city-state.

In spite of these international covenants, the government has failed to enact a law against racial discrimination in recent decades. Locally, the Bill of Rights Ordinance, enacted in 1991, only prohibits discrimination by government and public authorities. Both the colonial and post-colonial governments insisted that racial discrimination was not so serious a problem that it warranted legislation. On the contrary, such legislation would only lead to racial disharmony. They believed that public education was a better way to address the issue.

The HKSAR government defended its non-action using the results of a 1997 consultation study entitled 'Equal Opportunities: A Study of Discrimination on the Ground of Race', which showed over 80 per cent of respondents from the business sector opposing such legislation. Fearing that domestic legislation would undermine Hong Kong's free enterprise economy as well as drive the costs of labourers
higher, the business sector was the strongest opponent of such a legislation. Their stand was not unique, since business people in other countries, too, have raised the same argument. They contended that human rights obligations could make states liable for expensive legal cases, if established practices were challenged under international human rights law (The Economist, 1999).

In its periodic country report presented to the United Nations Committee on the Elimination of Racial Discrimination (UNCERD) in 2001, the main monitoring body for the Convention, the HKSAR government stated:

The outcome of the consultation on the issue held in 1997 indicated that we could not look to the public for support for legislation in this area and that, without such support, legislation would not be effective. That remains our view. (Hong Kong: HAB, 2001b).

The HKSAR government was criticised for being non-committal in combatting racial discrimination (Yang Memorial Methodist Social Service, 2002). This is evidenced by the decreasing amounts of money invested in education over the past few years (Hong Kong Human Rights Monitor, 2003). Another sign of the government's passivity was the failure to broadcast messages using the language of ethnic minorities during the Severe Atypical Respiratory Syndrome (SARS) epidemic in early 2003 (Ming Pao News, 2003).

In the absence of any legislation against racial discrimination, not only are the victims of racial discrimination left without any legal remedies, the Hong Kong Equal Opportunities Commission, while tackling discrimination on grounds of gender, pregnancy, marital status, disabilities and family status, has no statutory power to deal with complaints on racial discrimination between private individuals. The Ombudsman Office, an independent statutory body, is only authorised to examine complaints arising from governmental maladministration. Finally, there is no Human Rights Commission in Hong Kong, albeit repeated calls for this establishment made by various bodies, including the United Nations Human Rights Committee.

Though the post-colonial government studied the arguments for and against the introduction of an anti-racism law in 2001, it displayed no sense of urgency in considering legislation despite the rising support of the business community and NGOs for such a legislation (Hong Kong: HAB, 2002a).

Refusing to legislate, the government made several half-hearted attempts to eliminate racial discrimination. It stated in the Report of
Hong Kong submitted to the United Nations under Article 9 of the Convention that its policy in preventing racial discrimination was 'a combination of administrative measures and public education' (Hong Kong Government, 1997). Several measures have been introduced to deal with racial discrimination. The HKSAR government issues a 'Code of Practice for Employers', which states that race should not be considered when hiring employees (Hong Kong: HAB, 2002b). However, the Code of Practice serves little purpose in preventing racial discrimination as it is not legally binding and the government does not want the Code to be applicable to publicly funded schools.

Further, the Race Relations Unit aims to improve the government's services to the ethnic minorities (Hong Kong: HAB, 2003b). Parallel to the Race Relations Unit, the Committee on the Promotion of Racial Harmony advises the government on public education and publicity to foster racial harmony in the community and to enhance mutual understanding between persons of different ethnic origin.

Compared to the Committee on Promotion of Racial Harmony, the Race Relations Unit performs practical and diverse functions: maintaining a hotline for enquiries and investigating complaints on racial discrimination; publishing a service guide book for migrant workers; promoting racial harmony; administering the 'Equal Opportunities Funding Scheme', which funds projects that seek to promote equal opportunities between people of diverse race or sexual orientation; and providing racial harmony workshops to secondary school students (Hong Kong: HAB, 2003b).

As far as complaints are concerned, the Unit has received a total of 37, of which 19 complaints were resolved (with another 7 pending and the others which come into the categories of either not pursuable or investigation discontinued) (Hong Kong: Home Affairs Bureau, 2003b). These complaints centre on racial discrimination in employment, education and in provision of services and housing. There are also cases involving racial discrimination by a community club and public body. The Race Relations Unit investigated these complaints. In the end, the respondents involved agreed to take appropriate action (for example, sending an apology to the complainant or putting up bi-lingual signs, and so on) to avoid any future re-occurrence of racial discrimination.

The Race Relations Unit stresses the use of mediation in its approach. Settlement terms can involve a written or oral apology, access
to services, financial settlements and changes in policy. All in all, the Unit does not have extensive powers, especially when it comes to the enforcement of its decisions (Hong Kong Against Race Discrimination, 2003). Its main weakness is that it is not independent from the government nor has it acquired statutory status. Also, one would expect that in the absence of statutory support, victims of racial discrimination are reluctant to come forward with complaints. It cannot be overemphasised that the passing of a domestic law would provide a more effective tool against racial discrimination, since it would create both criminal and civil liability in the case of a breach of its provisions.

As the reported cases of racial discrimination soared, there was an urgent need for the government to legislate against racial discrimination to protect the rights of ethnic minorities in Hong Kong. In a major reversal of policy, the post-colonial government announced in June 2003 that it agreed, in principle, to legislate against racial discrimination. A proposed bill, approved by Chief Executive-in-Council (the top executive decision-making body), would be introduced in the Legislative Council during the 2004-2005 session. The bill aims to make discrimination on racial grounds unlawful and to make provisions against racial harassment (HKSAR Government Information Office, 2003). The Secretary for Home Affairs, Dr Patrick Ho, said, 'It will enable us to meet our obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.' He acknowledged that the government's current strategy comprised extending process and addressing discriminatory attitudes and actions that impeded the process (HKSAR Government Information Office, 2003). The government now admitted that, according to another round of consultation done in 2001-2002, 16 out of 25 business organisations were in support of the legislation, while the 44 NGOs consulted were also in favour of it.

THE UNITED NATIONS CONVENTION
This policy reversal can be attributed to two key factors: the pressure from the international organisations on the government of post-colonial Hong Kong to comply with the Convention as well as social activism in the civil society. For some time, the post-colonial government has been under pressure from various United Nations' human rights bodies, including the Committee on Economic, Social and Cultural Rights and UNCERD to introduce a law against racial discrimination. Hong Kong is a signatory to a number of major UN
conventions on human rights that ban racial discrimination, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination. Accordingly, these instruments lay down standards which are legally binding and to which state parties must adhere.

Historically, the United Nations has taken the lead in promoting racial equality by setting up international human rights standards. International human rights laws pertaining to racial discrimination have grown rapidly since 1945. The United Nations General Assembly adopted the Declaration on the Elimination of All Forms of Racial Discrimination in 1963. The Declaration called racism an offence to human dignity and rejected any doctrine of racial superiority. It affirmed that a world society free of racial segregation and discrimination was the fundamental goal of the United Nations. Two years later, the United Nations adopted the Convention.

As of July 7, 2003, 168 countries had ratified this international treaty. The Convention contains comprehensive and legally effective standards to combat worldwide racial discrimination. Some key provisions of the Convention include: positive obligations on states to review and amend their legislation and adopt new statutory provisions with a view to eliminating all forms of racial discrimination (Article 2); prohibition of racial segregation and apartheid which covers 'partial segregation' (Article 3); and prohibition of incitement to racial hatred and discrimination (Article 4). Finally, Article 7 requires state parties to undertake 'immediate and effective measures, particularly in the area of teaching, education, culture and information, with a view to combatting prejudices which lead to racial discrimination' and to promote understanding, tolerance and friendship among nations and racial or ethnic groups (United Nations Office of the High Commissioner for Human Rights, 2002b).

The UNCERD has emphasised Articles 4 and 7 as the pillars on which the Convention lies (Farrior, 1999). The purpose of Article 4 is to condemn any theory of racial superiority and urge state parties to adopt immediate and positive measures to end incitements to, or acts of, racial discrimination. As noted earlier, the importance of preventing racial discrimination by means of education is underlined in Article 7.

After ratification, state parties must take measures to implement the treaty domestically and file their progress reports (once every two years) with the UNCERD. These reports look at the status of racial
discrimination in the country and the policy and legal framework of eliminating racial discrimination. The UNCERD also invites NGOs to submit their reports and submissions. State parties are invited to explain their country reports before the UNCERD. The meetings are held in public and the UNCERD issues 'Concluding Observations' outlining positive aspects, principal subjects of concern and suggestions and recommendations for addressing the challenges identified during the dialogue with the state party (United Nations Office of the High Commissioner for Human Rights, 2002b).

States that have ratified the Convention are committed to supporting the principles. In this regard, national reporting is particularly important to the implementation of the Convention. The UNCERD has indicated that the reporting requirement is a substantial one, entailing the provision of detailed information on ethnic compositions and exhaustive documentation of government activities (O'Flaherty, 1998).

National reporting may highlight certain areas of concern for the state parties. For instance, in its first report to the monitoring body, the United States Government admitted the presence of great disparities in economic and social rights fulfilment between ethnic and racial groups in the United States (Felice, 2002). Additionally, the UNCERD sees its role as helping state parties recognise and ameliorate racial discrimination within their borders.

In the case of Hong Kong, the UNCERD urged the Hong Kong Government to introduce a law against racial discrimination after it read its periodic reports in the late 1990s. Commenting on the Hong Kong Government's 2001 report, the UNCERD made the following observation:

[It] reiterates its concern about the continuous absence in the Hong Kong Special administrative Region of legal provisions protecting persons from racial discrimination to which they may be subjected by private persons, groups or organisations. The Committee does not accept the argument put forward for not initiating such legislation, i.e. that such legislation would not be supported by the society as a whole. It is recommended to the Government of the State party and to the local authorities of Hong Kong Special Administrative Region that the existing unsatisfactory situation be thoroughly reviewed and that appropriate legislation be adopted to provide appropriate legal remedies and prohibit discrimination based on race, colour, descent or national or ethnic origin... (United Nations Office of the High Commissioner for Human Rights, 2001)
The Hong Kong Government ignored this suggestion. Following this, social workers, social service agencies, churches, human rights advocates, legal experts, Legislative Council members and enlightened individuals took the government to task. They organised talks and seminars and conducted needs studies, press conferences and signature campaigns to pressurise the government. These crystallised into a discourse on human rights for ethnic minorities.

At the international level, advocacy groups and social workers made numerous submissions to the UNCERD at the time the periodic reports of the Hong Kong Government were reviewed. Some of them actually went to the open sessions of the UNCERD to explain the problem of racism and the need for domestic legislation, while other advocates participated in the Durban United Nations World Conference Against Racism (2001) highlighting the need for prompt action against racial discrimination. Importantly, the Coalition for Racial Equality was established in 2001. This Coalition represented an informal network of human rights advocates that promoted public awareness of racial discrimination. Another important objective of the Coalition was to pressurise the government into passing a racial discrimination law.

Advocates in Hong Kong built their case for an anti discrimination law on several key articles in the Convention. The Convention provides for various measures that states agree to undertake once they become parties to the elimination of racial discrimination. Specifically, paragraph 1(d) of Article 2 of the Convention was used. It states:

Each state party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organisation.

Other stipulations of the Convention were cited such as Article 6, which requires courts and other state institutions to provide for just and adequate reparation or satisfaction for any damage suffered in the wake of racial discrimination. Advocates underlined the fact that the Convention stipulates that all ratifying states have to provide for a comprehensive legal framework capable of affording redress to all victims of actions taken in violation of its articles, whether perpetrated by individuals, groups of individuals or racist organisations.

In retrospect, the repeated recommendations of the UNCERD (along with the Committee on Economic, Social and Cultural Rights) to the Hong Kong Government that there needs to be a law a against
racial discrimination have proved influential. Relying on the UNCERD's recommendations, advocates in Hong Kong are able to focus public attention on the need for a law against discrimination. Their activities have a direct effect in increasing political pressure on the government to respect the rights of their ethnic minorities. Advocates successfully use international fora to focus on the domestic issue of racial discrimination and draw world attention to the plight of ethnic minorities in Hong Kong. The case of the post-colonial Hong Kong illustrates how informed public pressure from concerned groups and professionals increases the likelihood that governments will actually deliver on what they have agreed to when they sign international treaties.

Additionally, the UNCERD's recommendations provide a useful platform for human rights advocates to push for changes. In Hong Kong, one could say that the Convention provides an important impetus to legislation against racial discrimination. The fact that state parties are answerable for their policies on racial discrimination in an international forum serves as a spur to action to bring national policy and practices in line with international standards. State parties that have ratified the Convention have no wish to be criticised for non-compliance (Jennings, 1997). A government would suffer huge embarrassment on the world stage if it were found to be in breach of the international agreement. As Ife (1997:122) pointed out, a discourse of human rights is more likely to be supported by politicians and lawmakers in terms of legislative action since 'a right implies an imperative for the state of ensure that the right is recognised and met.'

ANTI-RACISM SOCIAL WORK PRACTICE

It is not hard to envisage that the use of anti discrimination legislation alone cannot eliminate racial discrimination. Education is equally important. In this respect, Article 7 of the Convention is relevant: it requires state parties to undertake immediate and effective measures, particularly in the area of teaching, education, culture and information, with a view to combatting prejudices that lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups. To meet these objectives, Article 7 includes education and training of teachers, law enforcement officers, judges and other public figures.

To tackle the problem of racial discrimination in Hong Kong, culturally sensitive policies and measures tailored to the special needs of
Tackling Discrimination Against Ethnic Minorities

Ethnic minorities need be put in place. Besides enacting an anti-discrimination law, the post-colonial government should earmark more funding for NGOs to provide more services to ethnic minority people to improve their living conditions and facilitate their eventual integration into the society. Because the ethnic minorities have confined their activities to their ethnic circles and become marginalised and invisible, social workers should take a more proactive role in reaching out to them in their own communities and designing programmes sensitive and responsive to their specific needs and problems, such as the use of publicity materials in their own language.

To combat institutional racism, social workers should be sensitised to their role as a catalyst and change agent so that they can take on an active advocacy role on behalf of the minority groups and promote self-advocacy in these groups for a fair and equal opportunity to become active members in Hong Kong society. Importantly, ethnic minorities should be encouraged and supported to organise among themselves and to take a more active stance to give voice to their needs and fight for their own rights for a better living as citizens of Hong Kong. Their self-help ability, mutual support and cooperation among ethnic groups should be launched on ethnic equality and integration promoting respect for multi-cultural diversity as well as communication and interaction between the Chinese and the ethnic minorities in Hong Kong.

In the long run, proactive policies of professional training and career opportunities in social work for members of ethnic minorities must be developed. Networking with other social workers doing anti-racism work in other parts of the world is equally important. As Lorenz (1994) rightly puts it, this is an essential aspect of internationalising social work which is concerned with contacts across national boundaries.

Social workers should conduct regular studies into the life situations in which racial discrimination occurs, and the different facets of life of ethnic minority groups. It is important that social workers are able to employ an empowerment approach so that the traditional values and cultural beliefs of ethnic minorities are drawn on as strengths and facilitating factors helping them to face their difficulties and develop their potentials.

There are already some encouraging signs. The Multicultural Service Centre for the South Asian Ethnic Minorities run by the Yang Memorial Methodist Social Service and sponsored by the Community
Chest is an example of recent responses from the social welfare sector. With a funding of HK$1.8 million for a period of three years (2002-2005), the Centre has launched a pilot project providing designated services to the ethnic minorities, which include an information and referral service, individual counselling on social adjustment, education and employment, activities promoting cultural harmony, and community education.

Though social work was among the first of the professions to make anti-racism central to its practice in the West (Pierson, 2002), there are some practical difficulties which social workers must overcome when they are engaged in anti-racism advocacy. First of all, social work for ethnic minorities is a new endeavour in East Asia. Generally, social workers in Hong Kong are not well trained to work with ethnic minorities coming from different cultural traditions. It seems that many, if not most, social workers are not sensitive to, or even aware of, the issue of racial discrimination and the plight of ethnic minority groups. Thus, it is important to provide training to help social workers understand the meaning of discrimination and social exclusion and their implications for practice in the universities. They should be equipped with the knowledge of the cultural values and customs of their targeted ethnic groups so that they can work effectively with them.

CONCLUDING REMARKS
All in all, the United Nations Convention has added a powerful voice to a growing tide of global opinion and action against racial discrimination. Academics such as Cardinale (2002) believe that international human rights bodies and their recommendations can provide a useful platform for social workers to push for changes. In the case of post-colonial Hong Kong, social workers and human rights advocates who endeavour to safeguard human rights gradually come to the realisation that international law is a potent weapon for securing greater racial equality.

Social workers in Asia could pay an important role in the worldwide campaign against racial discrimination (Cardinale, 2002). Having first-hand information on racial discrimination encountered in their daily practice, social workers can add to the factual knowledge at the international level of the situation on the ground. As social workers are committed to the empowerment of the marginalised, and they must place the issue of racism and racial discrimination at the centre of their work (Dominelli, 1988; Lorenz, 1994). Social workers in Asia
have a responsibility to press for the full implementation of interna­
tional conventions aimed at securing the rights of refugees, migrants
and ethnic minorities. Their own actions need to be based on human
rights and the implementation of social rights.

In the context of Europe, Lorenz (1994) argues that the effective
implementation of the Convention is one of the arenas in which the
ability of the social work professional to contribute towards the trans­
formation of civil society in the direction of full participation and full
citizenship is put to the test (Tang, Lam and Lam, 2003). At the same
time, such practice puts social workers in a sensitive position in soci­
ext. Lorenz (1994: x-xi) points out two choices lying ahead of them:
Social workers have a choice between fitting into a given agenda of
exclusion and segregation whose racist implications are
manifesting themselves ever more clearly today, and grounding
their work on principles of social rights and social solidarity.

The case of post-colonial Hong Kong shows that social workers do
make their choice and actively pursue a human rights agenda in their
practice against racial discrimination. In choosing the latter option,
social workers serve as a forceful voice on human rights, thereby ex­
 panding the traditional domain of social work (Tang, 2003). This case
review highlights the importance of international human rights trea­
ties such as the United Nations Convention to bring about desirable
economic, social, cultural and political change in Asia. It affirms the
potency of activism on the part of social workers at both the interna­
tional and national levels, as well as the use of international human
rights norms as an effective advocacy tool.

REFERENCES
Asian Migrants Centre 2001 : Webpage on Southeast Asian Peoples’ Statement on
Confronting Racism, Racial Discrimination, Xenophobia
and Related Intolerance: Conference Statement, July 18,
Benitez, M.A. 2001 : Hard Luck if You Happen to be Foreign, South China
Morning Post, March 30.
Cardinale, G. 2002 : International Developments in the Field of Combatting
Racism and Racial Discrimination: A Role for Social
Work in Europe, Social Work in Europe, 9(3), 4-10.

*Economist, The* 1999  


*Hong Kong* 1997 *Fourteenth Periodic Report in Respect of Hong Kong under the International Convention on the Elimination of All Forms of Racial Discrimination*, Hong Kong.


Tackling Discrimination Against Ethnic Minorities

Hong Kong Human Rights Monitor
2003

Hong Kong Special Administrative Region Government Information Office
200

Human Right Watch
1999

Hong Kong Standard
1998

Ife, J.
1997

Jennings, J.
1997

Kuo, H.B., Chan, K.W.
Chan, W.L. and Lee W.Y.
2003

Leung, C.
2003

Lorenz, W.
1994

Mak, A.S. and Nesdale, D.
2001

Ming Pao
2003

Noh, S., Seiser, M., and Kaspar, V.
1999

O’Flaherty, M.O.
1998

Petrova, D.
2001

Pierson, J.
2002

Homepage. Available at http://www.hkhrm.org.hk


March 9.

March 12.


A Research Report on the Life Experiences of Pakistani in Hong Kong, Hong Kong: Centre for Social Policy Studies, the Hong Kong Polytechnic University and S.K.H. Lady MacLehose Centre.

Adaptation and Subjective Well-Being Among South Asian Youth in Hong Kong: Research Report, Hong Kong: Save the Children Hong Kong.


Mass Media to Broadcast SARS Preventive Messages in Indian and Pakistani Languages (in Chinese), May 13.


Limbo Amid Language Plea, January 5.


The Scourge of Racism, *Hong Kong Mail*, March 16.


*Educational Needs and Social Adaptation of ethnic Minority Youth in Hong Kong*, Hong Kong: Yau Tsim District Outreaching Social Work Team.

*A Study on Outlets of the South Asian Ethnic Minority Youth in Hong Kong*, Hong Kong: Yau Tsim District Outreaching Social Work Team.

---

**South China Morning Post**

1999

Tan, C.G.S.

2001

Tang, K.

2003

Tang, K., Lam, C.M. and Lam, M.C.

2003

Thomas, S.

2001

United Nations High Commissioner for Human Rights

1998

United Nations: Office of High Commissioner for Human rights

2001

2002a

2002b

Utsey, S.O., Ponterotto, J.G. and Reynolds, A.L.

2000

Yang Memorial Methodist Social Service

2000

2002
HONG KONG—For Zab, Hong Kong has always been home. While the 25-year-old has roots in Pakistan, he was born, raised, educated, and now works in the city. This summer, Zab—who gave only his last name out of safety concerns—has been a cautious participant in several Hong Kong protests, standing out as one of the few brown faces among the protesters. Ethnic minorities such as Zab have historically been either tokenized as a symbol of diversity or demonized as scapegoats for Hong Kong’s social problems. The protest movement is hardly free of discrimination itself. When the anti-extradition protests first erupted, 29-year-old Yasir Naveed, who proudly identifies as a Hong Konger, was galvanized. The colony was not a democracy by a long shot, and many Hong Kongers did face discrimination as second-class citizens under British rule. But they also enjoyed economic prosperity, political freedoms, corruption-free governance and the freedom of conscience that were in stark contrast to the fate of their counterparts in the People’s Republic of China who were still picking up the pieces from Mao’s disastrous Great Leap Forward policies. The article hereby puts forward a very meaningful methodological revision of post-colonial theory. Colonial structure does not merely exist between white and coloured, West and East. It can also exist inside the Eastern World, even orient could sometimes be conqueror and coloniser while occident became conquered and colonised. HONG KONG A man of Nepali descent said he was denied a job after an employer saw his complexion. A woman said people recoiled from her in an elevator, apparently disgusted. The accounts of discrimination also underscore the barriers faced by ethnic minorities, and policies that fail to take them into account. Due to their culture and religion, ethnic minorities like to have family gatherings where they share food, smoke, drink alcohol and chat together, public health official Raymond Ho said in a news conference in January, adding that doing so without masks increases the risks. In addition, Ho said, residents in crowded living environments may need to share sanitary facilities, raising the chance of contracting the virus. The comments sparked frustration.