

**HONG KONG HUMAN RIGHTS COMMISSION
SOCIETY FOR COMMUNITY ORGANIZATION**

**Submission to
the United Nations Committee on the
Elimination of Racial Discrimination
on the Third Report of
the Hong Kong Special Administrative Region
under
the Convention on the Elimination of
All Forms of Racial Discrimination**

July 2018

**Hong Kong Human Rights Commission
Society for Community Organization
Address: 3/F, 52 Princess Margaret Road, Homantin, Hong Kong.
Tel: (+852) 2713 9165 Fax: (+852) 2761 3326
e-mail: soco@pacific.net.hk hkhrc@pacific.net.hk
website: <http://www.hkhrc.org.hk>**

New Immigrants from Mainland China

1. Background

The number of new immigrants are over half of the annual natural population growth of Hong Kong. Approximately 40,000 new immigrants from Mainland China come to Hong Kong for family reunion every year. Most of them are women and children. About 30% of them are children, 70% are adult. 85% of adult are mothers. The median age is much lower than that of the Hong Kong general population¹. It can help to reduce the pressure of Hong Kong's aging population. The education level is higher than before. 10% only have primary education background, whilst approximately 70% of them have secondary education background. Nearly 20% of them are with tertiary education level. About 36.5%² of them live under the poverty line and the monthly median wage is HK\$10,250 (US\$1314.1) which is much lower than that of the Hong Kong people (HK\$15,500 (US\$1,987.1)³. However, the HK SAR Government neither adopts any integration policy nor provides adequate assistance to them.

At the same time, social discrimination against new immigrants has become more serious. As the disparity between the rich and poor has become larger, new immigrants are made scapegoats of poverty and social problems. Even organizations working with new immigrants are criticized by the society. Therefore, it has become harder for new immigrants to integrate into society and get caught in the trap of poverty.

Society for Community Organization (SoCO) has conducted surveys on the seriousness of discrimination against new immigrants in 2012, 2014 and 2016. 70% to 80% of the new immigrants have been directly discriminated because of their new immigrant status. 89.9% felt that discrimination against new immigrants is serious. 49.0% face racial discrimination in the workplace, including having a higher workload or being paid less. 11.7% of the new immigrant children have been discriminated by their schoolmates.

¹ The median age for new arrivals from the Mainland China was 34 (in the Fourth Quarter of 2017), while Hong Kong local is 44.3

Source: Home Affairs Department and Immigration Department Statistics on New Arrivals from the Mainland (Fourth Quarter of 2017)

Thematic Report: Persons from Mainland China Having Resided in Hong Kong for less Than 7 years, Population by Census 2016, Census & Statistics Department, HKSARG

<https://www.statistics.gov.hk/pub/B11201012016XXXXB0100.pdf>

² Hong Kong Poverty Situation Report 2016, Commission on Poverty, 2017.
[https://www.povertyrelief.gov.hk/eng/pdf/Hong_Kong_Poverty_Situation_Report_2016\(2017.11.17\).pdf](https://www.povertyrelief.gov.hk/eng/pdf/Hong_Kong_Poverty_Situation_Report_2016(2017.11.17).pdf)

³ Thematic Report: Persons from Mainland China Having Resided in Hong Kong for less Than 7 years, Population by Census 2016, Census & Statistics Department, HKSARG

<https://www.statistics.gov.hk/pub/B11201012016XXXXB0100.pdf>

In addition, 25.3% of the new immigrants told that they do not want to speak or communicate with other people as they feel they are not accepted. 47.7% of them feel a loss of confidence and sense of security. 42.3% of them lack of sense of belonging, and they feel they cannot speak or change their lives. 24.2% of them told that they felt nervous when they went shopping, attended the hospital or approached a government department, because they are afraid to be discriminated against again. It can be seen that discrimination affects new immigrants' social life and integration.

Besides, there are a few local groups who have harassed and insulted new immigrants openly, and some of the new immigrants felt threatened.

It is evident that the human right of new immigrants is deprived and the new immigrants lack equal opportunities for development. There is an urgent need to help this disadvantaged group to integrate into the society and fight for equal development opportunities, especially the new immigrant women and children.

2. Inadequate legal protection against racial discrimination

2.1 Race Discrimination Ordinance (Cap. 602)

New immigrants or Mainlanders not included

The government has excluded the Mainlanders or new immigrants from Mainland China from the Race Discrimination Ordinance (RDO). It does not recognize immigration status as a basis for race discrimination nor does it recognize new immigrants as a separate ethnic group.

The government has emphasized that racial discrimination only refers to discrimination on the ground of race, colour, descent, national or ethnic origin. It has attempted to exclude new immigrants from the RDO in section 8(2)-8(3), where it is stated that:

- “(2) An act done on the ground of any matter specified in subsection (3) does not constitute an act done on the ground of the race, colour, descent or national or ethnic origin of a person; and section 4(1)(b) does not apply to a requirement or condition as to any matter specified in subsection (3).*
- (3) The matters specified in this subsection are—*
 - (a) that the person—*

- (i) is or is not a Hong Kong permanent resident;*
- (ii) has or has not the right of abode or the right to land in Hong Kong;*
- (iii) is or is not subject to any restriction or condition of stay imposed under the Immigration Ordinance (Cap 115); or*
- (iv) has or has not been given the permission to land or remain in Hong Kong under the Immigration Ordinance (Cap 115);*
- (c) the length of residence in Hong Kong of the person; or*
- (d) the nationality, citizenship or resident status of the person under the law of any country or place concerning nationality, citizenship, resident status or naturalization of or in that country or place.”*

During discussions of the Race Discrimination Bill, the Hong Kong SAR Government stated clearly that the status being an immigrant from Mainland China is not considered as a ground of discrimination because the new immigrants were viewed as being of the same ethnic group as local Chinese. The Government explained that the discriminatory treatment experienced by new immigrants is based on *social* rather than racial grounds.

Protection against vilification

Protection against vilification is provided for in section 45 and 46 of the Race Discrimination Ordinance (RDO). Section 45 states that “[it] is unlawful for a person, by any activity in public, to incite hatred towards, serious contempt for, or severe ridicule of, another person or members of a class of persons on the ground of the race of the person or members of the class of persons.” Race is defined as the “race, colour, descent or national or ethnic origin of the person” (RDO Section 8 (1)(a)).

It is worth noting that section 45 only renders such acts unlawful, but not criminal. Thus it is subject to the same range of civil remedies as racial discrimination, but it does not make it a criminal offence. In comparison, under the United Kingdom’s Public Order Act 1986 racial vilification is a criminal offence and offenders may be penalized by up to seven years imprisonment⁴.

Offence of serious vilification

Section 46 of the RDO states that a person commits an offence if he intentionally and incites hatred towards another person on the ground of race in public and that this activity consists of threatening physical harm or incites others to threaten physical harm towards persons or premises or property of that person.

⁴ Public Order Act 1986 (UK) c 64 ss 27 (3)(a).

It is worth noting that such acts are subject to a maximum fine at level 6 and to imprisonment of maximum 2 years.

Racial harassment

Under the RDO racial harassment is unlawful in the areas of employment; education; provision of goods, facilities or services; disposal or management of premises; elections; pupilage/tenancy in barrister's chambers; participation in clubs. It is worth noting that such behavior is subject to civil penalties, but not considered a criminal offence.

In contrast in the United Kingdom, racial harassment is both unlawful and a criminal offence. Thus under the Crime and Disorders Act 1998 (UK) it is a criminal offence to pursue a course of conduct which amounts to harassment and which is motivated by racial hostility.

2.2 Reservation in ICCPR

Although the provisions of ICCPR apply to Hong Kong there is a specific reservation worth noting in this connection. "The Government of the United Kingdom interpret Article 20 consistently with the rights conferred by Articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order (*ordre public*) reserve the right not to introduce any further legislation."

2.3 Hong Kong Bill of Rights Ordinance (Cap. 383)

The aim of the Hong Kong Bill of Rights Ordinance (BORO) is to provide for the incorporation of provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong. Given the above reservation, it is important to note that article 20, para. 2 of ICCPR has not been incorporated into BORO. That article states that "[any] advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

It is highly recommended that BORO be amended in light of the recent developments in Hong Kong where differences between Hong Kongers and Mainlanders have been racialized.

2.4 Public Order Ordinance (Cap 245)

Under section 14 of the Public Order Ordinance, the Commissioner of Police may object to a public procession being held if he reasonably considers that the objection is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others.

However, the Public Order Ordinance does not specifically refer to racial vilification and it is therefore doubtful whether a public procession that propagates hatred towards a certain race would be stopped by the Commissioner of Police.

In comparison, under the UK Crime and Disorders Act 1998 racially or religiously aggravated public order offences are included.

2.5 Telecommunications Ordinance (Cap 106)

Under section 13M of the Telecommunications Ordinance (Cap 106), a licensee shall not broadcast any program which is likely to incite hatred against any group with reference to colour, race, sex, religion, nationality or ethnic or national origins.

It is worth noting that incitement of hatred against a group with reference to descent has not been included in the Telecommunications Ordinance, as opposed to the RDO where race includes race, colour, descent or national or ethnic origin of the person.

2.6 Broadcasting Ordinance (Cap 562)

Under the Broadcasting Ordinance a licensee shall not include in its licensed service a television program, or any part thereof, that is likely, in Hong Kong, to incite hatred against any group of persons, being a group defined by reference to colour, race, sex, religion, nationality or ethnic or national origins.

3. Increased discrimination against New Immigrants

There has been an increase in discrimination against new immigrants following the abolishment of the 7-year residence requirement for welfare applicants.

SoCO assisted a new immigrant woman to fight for equal access to public assistance (Public Assistance is named as Comprehensive Social Security Assistance (CSSA) for the

new immigrants.) The case was dismissed by the High Court and Court of Appeal in 2009 and 2012. However, the case was overturned by the Court of Final Appeal (CFA) on 17 December 2013.

3.1 Implications on the Right to Social Welfare of the Hong Kong citizens

The judgment of the CFA not only has significant positive impact on the new immigrants but also to the entire society. It was the first time the Hong Kong courts reassured the right to social welfare of the Hong Kong citizens as enshrined by the Article 36 of the Basic Law that the Judiciary attempted to define the scope of right to social welfare and its applicability in the local context. Under the conventional approach of human rights, only the civil and political rights is treated as an alienable rights, while the economic and social rights are generally ignored and the Court is hesitated to intervene the administrative policy due to the limited public resources. The CFA ruling emphasized the importance of the right to social welfare by referring to the case law of other common law jurisdictions that right to social welfare should be taken in serious consideration. Social welfare right is recognized as the fundamental human rights that all Hong Kong citizens should be entitled to enjoy regardless of year of residency or devotion to the society.

3.2 Opinions on the ruling from the Hong Kong society

3.2.1 Some Political parties opposed the ruling

In view of the increasing conflicts between Hong Kong people and mainlanders from China, the judgment triggered a greater anger among local Hong Kong residents against new immigrants from the mainland China. Some local political parties strongly opposed the court's ruling. For example, the Liberal Party, which in support of economic liberalism, formed an Alliance against the abuse of social security, argued that the ruling will create a floodgate to enhance the abolishment of 7-year residing requirement of all kinds of public services, including application for public rental housing, etc., It is worried that over billions of public reserve will be wrongly spent under the ruling.⁵ In addition, public survey was conducted by the political party which was found that over 82% of the respondents opposed against the ruling. While asking about the reasons of the opposition, around

⁵ Press Release (17 December 2013), Liberal Party, CFA ruling shocked the society Government urged to amend law immediately to fix the loophole
http://www.liberal.org.hk/index.php?option=com_content&view=article&id=886&mid=49&lang=en

40.5% of the respondent ruled that the ruling is not fair to the taxpayer, while 40.2% expressed that it will increase welfare burden of the society.⁶

3.2.2 Local groups against new immigrants

In addition, different groups and individuals which discriminated against the new immigrants and mainlanders by arguing that the ruling would attract new arrivals depending on social welfare and lead to heavy public burden. Worse still, the rise of populism and nativism among the public is another big obstacles in the policy formulation and implementation. Due to the anger and dissatisfaction on current social development from local Hong Kong people, new immigrants from the Mainland China become the scapegoat of social problems. Some nativists and legislators even organized campaign to limit the entry of the new immigrants to Hong Kong and ignoring the right of family reunion, which is the basic human right that they have been hungering for decades.

Some radical views even proposed to stop allowing mainlanders visited Hong Kong. Such exclusionary view did draw some support from local people. For example, the State Society, a non-governmental organization stressed on the importance of protecting the rights of Hong Kong permanent residents, urged the Government to amend the Basic Law in order to prioritize the interest of the permanent residents. Tremendous discussion on the internet was held and some organizations even advertised a discriminatory advertisement against new immigrants from mainland China urging the protection of rights of local people in Hong Kong.⁷

The criticisms not only focus on the new immigrants but also point a finger on the Judiciary. There are even some absurd critics which queried the judicial independence due to the ruling and the composition of the Judiciary and suggested if the judges of Hong Kong Judiciary should be elected by universal suffrage.⁸

3.2.3 Mass media labelling new immigrants

Certain newspaper, like the *Apple Daily*, one of the leading newspapers in Hong Kong, criticized SoCO for taking political benefits from the court case. It is also

⁶ Press Release (6 January 2014), Liberal Party, The announcement of the survey results on the problem of "Receiving the Comprehensive Social Security Assistance for residents living low than 7 years" http://www.liberal.org.hk/index.php?option=com_content&view=article&id=900&mid=49&lang=tc

⁷ am 730 (15 January 2014) Page 31, Advertisement by State Society

⁸ Mingpao Daily News (2 January 2014) Forum, But Sau Yin, *Who will be responsible for monitoring the Judiciary?*

commented that problem created the awareness of nativism of Hong Kong people. It is recommended that the Government should amend the Basic Law, take back the power of immigration control by gaining the authority of approval of One Way Permit so prevent new immigrants from settle at Hong Kong. The column even proposed to disregard the concept of social integration between Hong Kong and the mainland China and establish a native ideology instead.⁹ The prejudice and conspiracy against new immigrants from mainland China were further magnified by the mass media which chooses what suit their editorial line, while it was generally supported by the general public.

3.2.4 Government and the Department of Justice

Facing the wide-spreading criticism in the society, the Hong Kong SAR Government merely re-stated that it would follow the ruling of the Court and review the residence requirement of other social policies. The Government did not state to the public on explaining the myth of creating heavy financial burden due to the judgment and did not educate the general public for not discriminating the new immigrants in the mainland China.

As for the criticism against the Judiciary, the Secretary for Justice declared that appropriate discussion or even criticism of judicial decisions is one thing, while abusive attacks and unwarranted conduct which would undermine the independence of the judiciary and public confidence in the administration of justice are totally different. The Secretary for Justice quoted the observation by Sir Anthony Mason observed that the courts "should not be made a target of irresponsible criticism. Public confidence, which is vital to the well-being of the administration of justice, once lost or damaged, is not easily restored."¹⁰

4. Split families

4.1 100,000 split families

In Hong Kong, there are still approximately 100,000 split families comprising parents, mostly women, and their children separated between Mainland China and Hong Kong as a result of erroneous policy. Their prospect of reunion is not regulated by a reasonable

⁹ Apple Daily (18 December 2013) Court of Final Appeal ruling bring a new awareness of nativism of Hong Kong people.

¹⁰ Department of Justice, Hong Kong SAR Government, Secretary for Justice (13 January 2014), *Secretary for Justice's speech at Ceremonial Opening of the Legal Year 2014*.

queuing system but procedures that subject them to bureaucratic manipulation and corruption.

Since China has adopted the open door policy in late 1970s, the residents of the Mainland China or Hong Kong had more and more chances to develop business or work together. Many Hong Kong single males were employed to work in mainland factories as the Hong Kong factories developed business in mainland after the open door policy. The number of cross-border marriage has grown rapidly. Nevertheless, according to existing policies, their spouse and children have to stay in Mainland China to apply for One-way Entry Permits from the PRC Government before they are allowed to join their parent/s in Hong Kong.

The One-way Permit system has been commonly criticized as unfair, ineffective, as well as lacking a transparent and uniform standard. Different provinces in Mainland China now operate their own system to allocate their share of the 150 daily quotas. We understand from the PRC government that One-way Permits are not approved on family but individual basis. In most cases, mothers and children have to wait for their turns in separate queues, resulting in prolonged and unnecessarily family separation. The worst scenario is that in some parts of China, children or mothers are absolutely denied the right of application thus causing split families of a permanent nature.

Worse still, the problem is aggregated by widespread corruption. Some of the applicants have reported that they have to pay a bribe ranging from HK\$60,000 to HK\$200,000 i.e. US\$7,692 to US\$25,641 to the responsible district officials or they run the risk of being disqualified. As a result, families who cannot afford to pay a bribe are separated for long time and do not know when they will be together again. Some of them have no choice but to enter Hong Kong illegally and overstay in Hong Kong so as to take care of their children.

4.2 Split single parent families are excluded from the family reunion policy

The situation is worse for single-parent families, usually in which the mother is a widow or has been abandoned by the Hong Kong father, depriving them from getting a One-way Entry Permit to Hong Kong when their children are born or are already allowed to stay in Hong Kong. These children cannot stay with their mothers in mainland China as they do not have household account and identity. The only way for family reunion is for the mainland mother to apply to come to Hong Kong to take care of them and for family reunion. However, there is no quota for these single parent mother in one way permit system.

These mainland mothers can only visit their children in Hong Kong for prolonged years with a visitor's permit. Some children even need to leave Hong Kong to apply for the visitor's permit for their parents every three months or two weeks, which seriously affects the children's learning progress in school as they cannot attend lessons and delay would be inevitable.

On the other hand, without the Hong Kong Identity Card, the mother cannot be employed in Hong Kong as has to rely on children's public assistance (CSSA) on a living. Under insufficient revenue, the children's learning and living conditions would be affected, causing problems in the family's physical and mental development and well-being. At least 7,000 Hong Kong children cannot reunite with their mainland mother for years. Although China has introduced a visitor's policy lasting for more than one year, the mechanism is inconsistent and can hardly benefit the single-parent families.

These split families have waited for over 4 years for family union. Some Permits are also withdrawn when the husband died or abandoned them shortly after the Permit had been issued. There is no quota for these single parent families to apply to come to Hong Kong or take care of their children. Indeed, the 150 daily quotas are not fully utilized and only 125 were used. Many of the single parent families have waited between 7-20 years. The China Government fails to put them into the victim's shoes and utilize the left quota to help the needy ones.

The Hong Kong government not only did not work out a policy to help the single parent for family reunion with the Chinese Central Government but also failed to help the mother to extend their visiting document in Hong Kong to take care of the children.

5. Violence against new immigrant women

Many new immigrant women do not know how to seek help when they are prone to violence. Over 80% of them are new immigrant women in refuges. They need special services. However, the HK SAR Government closed all the new immigrants' services centers in 2001.

Unfortunately, many children faced different forms of physical or psychological abuses and the average number of reported child abuse cases is over 1,000 and kept on increasing consecutively. In fact, some of the abuse cases are from new immigrant families. Apart from an insufficient parental education, some children lack sufficient rearing because both parents have to gone out for work.

In the Concluding Observations from 2006, the Committee urged the Government of the Hong Kong Special Administrative Region to strengthen its efforts in combating all forms of violence against women, including domestic violence. It urged the Government to ensure an effective response to complaints and carrying out more proactive investigations of complaints.

The number of domestic violence is increased from 1,009 in 1998 to 3,321 in 2016¹¹. Over 80% of them are new immigrant women in refuges.

As mentioned above over 90% of the new immigrants in Hong Kong are women and children. They have experienced prolonged separation with their families. The families lack communication opportunities and spent more resources in keeping two homes.

Many new immigrant women have great difficulties in adjusting to the new society. Many of them are from the villages in the Mainland China and have received little education. Being uprooted from their network of friends and relatives, they are socially marginalized, as many do not speak the local Cantonese dialect and having little knowledge of the community resources and services in Hong Kong. Worse still, they commonly share negative self-image, being stigmatized as unintelligent and burdens of society. Therefore, many new immigrant women do not know how to seek help when they are prone to violence. They need special services. However, the Hong Kong SAR Government closed all new immigrant services centers in 2001.

Lack of special new immigrant social service support and resources, many new migrant women do not seek help when subject to domestic violence, most of these cases are unreported owing to traditional cultural factors and inadequate information about assistance and resource as well as social discrimination. Some of them reported that the social workers and police insulted them when they sought help from the Social Welfare Department and Police station. The police or social workers considered that new immigrant women deserved this kind of misfortune as they chose to married Hong Kong men.

Besides, the Domestic Violence Ordinance does not provide criminal offence provisions. Most of the time, the Police considered family violence is family relationship problem, is not their duty to handle with. It is very hard for the victims to seek help under the law. What is more, there is no mandatory counseling service for the abusers. Many abusers repeated their abuse behaviors and many victims suffer again.

¹¹ Social Welfare Department 2017.

6. New immigrants trapped in poverty

New immigrants lack equal opportunities to access to political, economic and social rights. Most of them are women and children. Most of their Hong Kong family members have a low income, or some of them passed away or abandoned them. Over 90% of these new immigrant women want to find a job, but there is a lack of childcare service and social discrimination is serious. Only 46.9% of them found a job, but the pay is nearly 40% lower than that of general new immigrants and local women¹².

According to the *Hong Kong Poverty Situation Report (2016)* published by the Commission on Poverty, there are 1,352,500 people living under the poverty line. 728,800 of them are female and the women poverty rate is 20.6%.

Also, according to the 2015 government report *Population Policy - Strategies and Initiatives* the female labour force slightly increased from 48.7% in 2004 to 50.7% in 2014. However, it is still lower than that of the male labour force (68.7%). It was found that the married women's (aged 25 to 45) labour force participation rate was 63.9%, which is much lower than that of the unmarried (92.5%). Additionally, for females who need to take care of children, the labour force participation rate is 57.8% or 20.9 percentage points lower than those without child caring responsibilities. It was found that married women with children face more difficulty in work, especially because of the lack of child care services provided by the government.

The lack of childcare support is one of their main obstacles for families with children, as the opening times of the childcare center only run on working weekdays. For most of the new immigrant families, they can only find low paid jobs with long working hours. They need to work on public holiday. There are no childcare services for them. They have few relatives or friends in Hong Kong and their supporting network is very weak. Therefore, some of them have no choice but to stay home to take care of their children. Providing better childcare support could help families participate in the labour market.

¹² Thematic Report: Persons from Mainland China Having Resided in Hong Kong for less Than 7 years, Population by Census 2016, Census & Statistics Department, HKSARG
<https://www.statistics.gov.hk/pub/B11201012016XXXXB0100.pdf>

7. Equality in employment and labour rights

7.1 Lack of appropriate child-care support, deprivation of right to employment

According to the “Survey on the needs of childcare service of the new immigrants” in 2012 published by the Society for Community Organization, 97.8% of the new immigrant women want to find a job to earn their living. 94.5% of them could not find work because they needed to take care of their child. Only 43.4% of them found a job (for local women the employment rate is 49.6%), but the pay is 40% lower than that of all new immigrants and local women. Many are unemployed because of racial discrimination and the inadequacy of child-care services. The child-care centers only serve in daytime on weekdays, but most of the new immigrant women are only able to find low skill jobs. Besides, the cost is beyond their affordability and the subsidy from the Government is not enough. Therefore, most of the new immigrant women are deprived of the right to employment. After a few years, the childcare service has very little improvement. According to Society for Community Organization’s Survey on the need for family friendly policies for underprivileged women in 2017, 90% of the underprivileged women do not work because they need to take care of their children.

According to the survey on the situation of the working new immigrant women published by Society for Community Organization in 2014, for those new immigrant women having a job, only 46.7% of them work as full-time. The monthly median wage HK\$5,415 (US\$694.2), which is much lower than that of the overall new immigrants HK\$7,500 (US\$961.5), and that of the Hong Kong local women HK\$8,500(US\$1,089.7), as well as general Hong Kong population is HK\$12,000(US\$1538.4) (Census and Statistics Department, 2011).

These women lack the help from the family, society and Government. They are isolated and their rights are severely undermined. New immigrants are made as scapegoat of these social problems. They are blamed as the source of poverty. They are being marginalized and are the poorest group in the society.

7.2 New immigrant women prone to labor exploitation

New immigrant women are very hardworking. Their weekly average hour is 40.2 while the longest is 86 hours. 49.8% of the working migrant women never have holidays to take a rest. It was also found that the longer the working hour, the harder it is for the new immigrant woman to adjust to society. They take up the most unwanted jobs such as cleaning, dish washing and garbage clearance, yet their wages are much lowered than the local and much lower than male. It is because of social discrimination and their working experience and qualification is not recognized in Hong Kong.

However, discrimination against new immigrants will not be considered as a form of racial discrimination in the Hong Kong SAR Government’s proposed Anti-Racial Discrimination Law. New immigrants from mainland China have been explicitly excluded

from the proposed law, as the government argues that they do not constitute an ethnic group separate from the local Chinese.

8. Recommendations

1. The Hong Kong SAR Government should fill the legislative loopholes in order to protect people from Mainland China from discrimination and against vilification, by amending the Racial Discrimination Ordinance, Bill of Rights and the Public Order Ordinance.
2. The government should promote awareness of racial equality and promote understanding of the contents of the CFA ruling.
3. The Hong Kong SAR Government should abolish the 1 year residence rule for application of Comprehensive Social Security Assistance.
4. The Hong Kong SAR Government should set up an inter-departmental task force group to eradicate domestic violence.
5. The Hong Kong SAR Government should revise the Domestic Violence Ordinance with supporting services, including criminalize domestic violence and mandatory abuser counseling services. A domestic violence court should be set up. The social workers and the police should be trained with gender and cultural sensitivity.
6. The Hong Kong SAR Government should set up a mechanism with China to speed up and make the allocation of One Way Permits more transparent and efficient.
7. The Hong Kong SAR Government should allow single parent families to be part of the quota system for One Way Permits.
8. The Hong Kong SAR Government should provide comprehensive child-care services and subsidy to the low income women.
9. The Hong Kong SAR Government should set up New Immigrant service centers and provide free learning courses and resources for new immigrants.