

**Education for Ethnic Minorities Children**

**Meeting of Legislative Council**

**Panel on Education on 12 December 2011**

**--Submission from the Equal Opportunities Commission--**

**Purpose**

This paper aims to update Members the views of the Equal Opportunities Commission (EOC) on education for ethnic minorities (EM) children. In the context of EOC's concern, ethnic minorities in this paper refer largely to South Asians, essentially Filipino, Indonesian, Nepalese, Indian, Pakistani, Bangladeshi, Thai, Sri-Lankan, Vietnamese etc. who are residing in Hong Kong, and who are from low income families which cannot afford the choice of international schools.

**Background**

2. Education is the key to the future of our children. Equal access to quality education provides children with a level-playing field in the education system and eventually in the employment market. EOC recognizes that education is an effective means of empowerment, and is fundamental to personal, social and career development of individuals. Concerned with the high failure rate of EM children in the mainstream education system, a Working Group on EM Education was set up in July 2010 to specifically deal with the subject.

3. The Working Group has met with different stakeholders including school principals and teachers, EM parents and students, and NGOs serving the EM community to ascertain their concerns and views on the subject. While the views of different stakeholders are diverse, probably because of their different personal experiences and perspectives, there are common concerns of which

learning Chinese language is seen to be most daunting. The majority of them considered that although language and other support programmes were funded, the outcome was disappointing. There was neither central monitoring of the support programmes' effectiveness nor quality assurance. The bulk of the EM students failed to attain the mainstream Chinese qualification in the end. What is worse is that most of them gave up mid-stream because their poor examination results in Chinese Language dragged down their overall academic attainment which in turn frustrated their aspiration to move up the academic ladder.

4. After working for nearly a year, the Working Group has come up with a set of recommendations in a Report published in July 2011 (copy attached). The Report attracted public attention and generated considerable discussions among the stakeholders as well as in public platforms. Nevertheless, the response of Education Bureau (EDB) has been disappointing. It failed to recognize the problems faced by EM students and only made vague and non-committal response to the Report's recommendations.

### **Key Recommendations**

5. While it may not be practicable to have all the recommendations implemented at one go, the EOC and stakeholders consider that the recommendations on strengthening pre-primary/junior primary language support, developing an alternative curriculum/qualification assessment, and capturing relevant information for policy formulation and improvement of support measures should be accorded top priority.

### ***Language Support at Pre-primary/Junior Primary Level***

6. It is universally recognized by educationists and linguists that students tend to be much more receptive to and be capable of learning a foreign language at younger age. With the introduction of the Pre-primary Education Voucher

Scheme, there is an increasing number of EM children enrolled in kindergartens taught with mainstream curriculum where Chinese is predominately the medium of instruction. The EOC recommends in the Report that the Government should commit to providing Chinese language support programme for EM children at pre-primary level to help them lay a solid language foundation for learning Chinese and to lessen their language difficulty in their integration in the mainstream primary schools. A useful reference is that, a charitable organization, the Lee Hysan Foundation, has been funding a pilot scheme to hire students of the Hong Kong Institute of Education and retired teachers to provide Chinese language support to EM children at about 30 kindergartens and primary schools (for junior primary level). Children who are covered by the scheme have undoubtedly benefited by the early intervention. We strongly urge the Government to learn from the experience and to seriously consider providing structured language support programmes for EM children at the pre-primary level.

7. In addition to language support, it would also be helpful to have EM kindergarten teachers, who are proficient in minority languages and familiar with their cultures, serving in mainstream kindergartens to help EM children to adapt and integrate more effectively. EM teachers can also enhance communications between the kindergartens/schools and parents who may not be proficient in Chinese or English. In this respect, the Government should, by making reference to the JUPAS, explore with the training institutes concerned to admit more EM students for training as kindergarten teachers, with a more flexible Chinese language admission standard.

### *Alternative Chinese Curriculum and Qualification*

8. It is commonly agreed that the gap between GCSE (Chinese) and the mainstream Chinese curriculum/qualification is huge. Attainment of the GCSE Chinese qualification hardly helps school leavers to meet the vocational requirements. Despite the fact that starting from 2008/09, local universities

could exercise discretion to admit EM applicants vide JUPAS by accepting GCSE as an alternative Chinese language requirement, there is no noticeable increase in the percentage of EM students getting a place in tertiary institutions. The reasons could be either the universities seldom exercise their discretion, or EM students, frustrated by their low attainment in Chinese language, generally perform unsatisfactorily in other subjects that hinder their academic advancement. So far, relaxing the admission requirement on Chinese language could hardly be considered an effective measure in enhancing EM students' academic pursuit.

9. EOC advocates a more pragmatic approach: to develop a dedicated Chinese Proficiency Programme and Testing System (CPPTS) with curriculum taught in stages, graded assessment and accreditation. Unlike an alternative syllabus/academic curriculum which is categorically dismissed by the EDB as a 'second-class' qualification, the CPPTS aims to provide an alternative language qualification for educational advancement as well as a benchmark for language proficiency required by different trades and job groups. Reference could be made to the globally recognized International English Testing System (commonly known as IELTS). Adaptation could also be made to the Chinese Proficiency Test (HKS) (*Han yu Shui ping Kao shi*) administered by the China National Committee for Chinese Proficiency Test (HSK) (CNCCPT). This alternative offers a set of more specific and achievable qualifications than the EDB's present policy which is either too high to be achievable by most or too low as to be meaningless. It also offers a range of language attainment standards to suit the different abilities of EM children who may have widely varying language backgrounds.

### ***Data Collection***

10. In the course of following up the Report, the EOC has tried to capture statistics and information about the educational attainment of EM students with particular reference to their attendance in tertiary education. To our

disappointment, there is no uniform and systematic mechanism among the tertiary institutions in collecting information about students' ethnicities, modes of their secondary education, main language spoken etc. The University Grants Committee Secretariat provides statistics about students studying in the government-funded programmes, but categorization is essentially by local/non-local students, or Chinese speaking/non-Chinese speaking. Further enquiry with the tertiary institutions reveals that the interpretation of 'ethnicities' vary among institutes when they capture students' profile differently, including 'nationalities', 'place of origin', 'place of birth' and 'language spoken at home'. Apart from the tertiary level, there is no accurate statistics and information about the dropout rate of EM students at each level of studies in the primary and secondary education. One can only deduce from the statistics on student population by 'ethnicities' (the definition of which was unclear) at different level of studies/age groups. The latest available information was the 2006 Population By-census which was seriously out-dated.

11. In the absence of accurate data and information collected via a systematic, methodical and uniform mechanism, it is doubtful how policymakers could make out the scope and intensity of the issue, and to formulate effective policies and measures for improvement. In this respect, the Government should develop an effective data collection system to capture the relevant information. The Report also recommends that the Government should undertake comprehensive longitudinal study to keep track of the academic and social development of EM students in order to identify policy deficiencies and service gaps for devising appropriate and effective support measures.

## **Way Forward**

12. Education is a major undertaking. For many EM families, their children's access to quality and higher education remains their only effective hope to rise above poverty in time. The EOC is prepared to collaborate with the Government and stakeholders in enhancing equal opportunities of EM

students to enjoy quality education. We await anxiously, like the EM communities and other concerned stakeholders, positive and solid response from EDB in respect of the problems identified and the recommendations made in our Report.

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**Equal Opportunities Commission**

**December 2011**



# Education for all

## Report on the Working Group on Education for Ethnic Minorities



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

# **Report on the Working Group on Education for Ethnic Minorities**

## **Introduction**

The Equal Opportunities Commission (the EOC) is a statutory body established to eliminate discrimination and promote equality of opportunities by way of administering anti-discrimination legislation and advocacy. The EOC Board has set up four functional committees to oversee the administrative and executive functions carried out by the EOC Office, one of which is the Policy and Research Committee (PARC).

2. Education is the key to the future of our children. Not only does it enable individuals to fully develop their capabilities, it is also instrumental to attainment in other areas, such as in employment and in obtaining services and facilities in the community. Ensuring equal access to quality education for all members of the community is fundamental to developing human resources to the full and maintaining the competitiveness of our society.

3. The right to equal access to education is protected by a number of international instruments which the People's Republic of China, including the Hong Kong Special Administrative Region (HKSAR) has entered into, namely the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),



Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC). Domestic legislation of the HKSAR, i.e. the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO) and the Race Discrimination Ordinance (RDO) further specify the rights of individuals to enjoy equal access to education irrespective of their gender, race, and with or without disabilities.

4. In Hong Kong, all eligible local children, including non-Chinese speaking (NCS) children, who are mainly ethnic minorities (EM), are entitled to 12 years of free education, 9 of which is compulsory. Despite having equal right to education, the number of EM students attaining higher level of education is disproportionately low compared with the majority local ethnic Chinese. According to the latest statistics available (2006 Population By-census), EM students accounted for 3.2% of the total student population at pre-primary level (5,452 out of 166,394 (excluding 1,325 White)). The proportion was commensurate with their population in Hong Kong. At the Upper Secondary level, the percentage of EM students was reduced to about 1.1% (2,109 out of 189,380). At the Post-secondary level (including Diploma/Certificate, Sub-degree course and Degree course), the percentage dropped significantly to about 0.59%. The phenomenon warrants serious attention and the reasons behind it are worth exploring.

### **The Working Group**

5. Noting that education is an effective means of empowerment and is fundamental to social and career

development, the EM community has been expressing grave concerns over the past years about the barriers EM students encounter in their academic pursuit, which in turn adversely affect their employability and career achievement. The PARC thus decided to set up a Working Group (WG) to specifically deal with the subject with a view to exploring possible measures to provide EM students with a level playing field in the education system and eventually in the employment market.

6. The WG was set up in July 2010 comprising essentially PARC Members from the education and social services sectors, as well as the EM community. Stakeholders with extensive experience in public policy and teaching EM students were co-opted into the WG to provide views and advice.

### **Sharing Sessions with Stakeholders**

7. Stakeholders including the teaching profession, EM parents and students, and NGOs serving the EM community unanimously agree that the greatest hurdle to academic attainment of EM students is the language barrier. The WG has organized three sharing sessions with a view to ascertaining their concerns and views, and to identifying possible solutions and improvement measures. The first session held on 25 November 2010 was attended by 12 school principals and teachers from schools that traditionally admit a larger number of EM students. The second session held on 2 December 2010 targeting NGOs serving the EM community attracted 11 representatives from NGOs. The third session held on 22 January 2011 attracted 19 EM parents/students

from seven different ethnicities. The major concerns and views expressed and recommendations made by each sector are summarized below:

### *Major Concerns and Views of the Education Sector*

8. There were great challenges faced by EM students in learning Chinese due to lack of support from their families, and inadequate resources for schools to offer intensive coaching. A maximum of funding of HK\$600,000 per year for each school irrespective of the number of EM students admitted was insufficient to schools taking a large number of EM students.

9. In relation to insufficient funding for support programmes and hiring of additional staff, the principals/teachers considered that most of the serving teachers lacked expertise in teaching Chinese as a second/foreign language, and hence, adversely affecting the quality of teaching and effectiveness of learning.

10. There was a tendency for educational psychologists of the Education Bureau (EDB) to attribute special education needs (SEN) of EM students to cultural differences and language deficiency. Some attributed the problem to the fact that all the assessment tools used were catered to Chinese speaking children and that EM students with SEN could hardly be identified for early intervention and support.

11. Many EM students did not go to kindergarten at all, which was disadvantageous to their adaptation to school life in terms of self care and social skills, as well as language and

academic development. The Government should consider starting free and compulsory education at kindergarten level.

12. The current Secondary School Places Allocation System (SSPA) could not guarantee that EM students who completed their primary education in designated schools which used English as the medium of instruction (EMI) could be offered places in EMI secondary schools. These EM students encountered great difficulties in studying in schools where Chinese is the medium of instruction.

13. Some principals said that the current public examination system disfavoured EM students because their low attainment in Chinese adversely impact their total scores, and hence, minimized their opportunities of education advancement. Although the universities accepted Chinese language at General Certificate of Secondary Education (GCSE) level as an alternative language requirement for admission under specified circumstances, the situation has not improved as most of EM students actually dropped out before finishing their secondary education due to the unfair assessment system.

14. Some schools expressed the view that challenges also came from Chinese parents. It was not uncommon that when the intake of EM students into the school increased, Chinese parents tend to avoid sending their children there or even choose to leave, hence the school would be unable to provide an environment conducive to learning Chinese. Therefore, parent education and promotion of racial acceptance should be strengthened.

## *Major Concerns and Views of the NGOs*

15. It was untrue that EM parents did not have much concern about their children's education. In fact, most EM parents might lack the ability, information and support. Efforts should be made to help EM parents make informed choices about the educational paths for their children.

16. Adequate and appropriate education and language support should be provided as early as possible, preferably at kindergarten level.

17. Racial awareness and quality of teachers were essential in creating a racially harmonious learning environment. Therefore, teachers' training should be strengthened.

18. Although universities could accept Chinese at GCSE level as an alternative language requirement for admission under specified circumstances, faculty heads seldom exercised their discretion to consider whether a lower Chinese proficiency level was acceptable to some specific areas of studies.

19. Public education should be strengthened to promote acceptance and racial harmony.

20. Government was reluctant to collect/provide statistics on racial profile in relation to education, employment and social services. It was not conducive to policy formulation and service planning.

21. There is a view that the policy of allowing designated schools for EM was itself discriminatory because it reinforced segregation rather than encouraged integration.

### *Major Concerns and Views of EM Parents and Students*

22. Most of local schools used Chinese as the medium of instruction. EM students who were less proficient in Chinese not only performed unsatisfactorily in Chinese language but also other subjects, which resulted in their overall low academic attainment.

23. There was huge gap between the level of GCSE Chinese and the local mainstream Chinese curriculum. There is a strong body of opinion that an alternative Chinese curriculum should be developed for EM or NCS students to more accurately and fairly reflect their Chinese proficiency for education and employment purposes.

24. EDB should provide immersion programmes for EM students at the earliest possible stage, preferably at kindergarten level.

25. Support services and early intervention should be provided for EM children who had special learning needs.

26. Some considered that designated schools provided a more supportive learning environment for EM students, while some were of the view that designated schools were not conducive to integration.

## **Submission to the Education Bureau**

27. While the views of different stakeholders are diverse, probably because of their different personal experiences and perspectives, there are also common concerns that have been deliberated at various occasions and platforms. The WG has consolidated their views and suggestions, and a written submission to the EDB (as per Appendix) has been prepared for deliberation at its meeting with the EDB. The Submission gives a brief account on the following areas of concerns:

### ***Admission and Assessment***

28. While it would be rare that an EM child is refused admission to an educational establishment on the ground of his race, it is more often that he is rejected due to his lesser proficiency in Chinese as compared with other Chinese speaking competitors. The Chinese proficiency requirement, if unjustly administered by individual schools, may amount to indirect discrimination under the RDO. Similarly, in assessing EM students' academic performance, it would be unfair to set the same Chinese proficiency requirement for them without adequate and appropriate support.

### ***Choice of Designated Schools and Mainstream Schools***

29. Apparently, it is the parents' and/or the students' choice whether the children should go to designated or mainstream schools. However, there are strong views that due to the absence of adequate and effective language support, alternative Chinese curriculum, or moderated Chinese language assessment criteria for EM students in mainstream

schools, some parents have but to choose designated schools which are considered not conducive to integration and effective learning of Chinese.

30. The WG considers that the EDB should carefully review the policy of designated schools, giving due consideration to the long term impacts on the educational and career paths of exit students who eventually have to integrate with their Chinese counterparts in post-secondary institutes and the open workforce.

### *Alternative Chinese Curriculum and Qualification*

31. It is commonly agreed among stakeholders that the gap between the GCSE Chinese and the mainstream Chinese curriculum/qualification is huge. Attainment of the GCSE Chinese qualification hardly helps school leavers to meet the vocational requirements. Although the EDB has strong reservation about providing alternative Chinese curriculum/qualification for EM/NCS students, the stakeholders propose a more pragmatic alternative that a Chinese Proficiency Programme and Testing System (CPPTS) should be developed with curriculum taught in stages, graded assessment and accreditation. Reference could be made to the globally recognized International English Testing System (commonly known as IELTS). It is expected that the CPPTS could provide an alternative language qualification for educational advancement as well as a benchmark for language proficiency required by different trades and job groups.



### *Language Support Measures in Mainstream Schools*

32. Learning Chinese remains the greatest challenge to EM students. Chinese is one of the core subjects, and in most schools the medium of instruction. Proficiency in Chinese greatly impacts on students' academic attainment. Hence, it is essential to provide effective support programmes to help EM students to overcome the language barrier. The WG considers that the adequacy and appropriateness of the support measures in individual mainstream schools does not seem to have been systematically monitored.

### *Support for Students with Special Education Needs*

33. EM students who have special education needs are facing double disadvantages. It is not uncommon that their low academic attainment and learning deficiencies are dismissed as being due to cultural differences and language deficiency since the assessment tools are essentially designed for Chinese speaking students. As a result, EM students with special education needs often miss the opportune time for early intervention and support.

### *Creating an Inclusive School Environment*

34. An inclusive and racially harmonious learning environment is fundamental to the delivery of quality and equitable education services, and the success of which depends on the awareness and sensitivity of school principals and teachers. Hence, the teachers' training programmes should be strengthened. In addition, respect for diversity, equal opportunity values and human rights education should

become one of the core modules for Liberal Studies in the New Senior Secondary Curriculum.

### **Meeting with the Education Bureau**

35. The WG had a meeting with the EDB on 4 April 2011 to exchange views on enhancing equal opportunities for EM students to quality education. The Submission which forms the basis for discussion has been forwarded to the EDB on 29 March 2011 prior to the meeting. (*The Submission is at the Appendix.*)

36. The EDB assured the WG that it shared the same mission of ensuring that every child, irrespective of their ethnic origins, could receive quality education. In response to the stakeholders' comments about designated schools and the dilemma of EM parents of choosing between mainstream schools and designated schools, the EDB stressed that it was the parental choice as to whether they would like to place their children in either type of schools having considered the merits of their individual child. Nevertheless, the EDB agreed that support measures should be strengthened in both mainstream and designated schools to enhance EM students in learning of Chinese. It also advised the meeting that teachers' training had been strengthened to equip them with the skills to teach EM students. They should be able to develop and tailor the teaching materials to suit the ability and standard of individual students.

37. While the EDB expressed strong reservation about the proposal of developing an alternative Chinese curriculum which they expected could only meet with low recognition, it

advised the WG that it has engaged the Vocational Training Council, in consultation with various trades, to develop a vocational Chinese qualification for EM school leavers. The initial plan was to pitch it at Level 3 (of the 7 levels hierarchy) of the Qualification Framework.

38. Noting the prejudice against designated schools/EM students, the meeting agreed that public education on respect and racial acceptance should be enhanced, and the benefits of multicultural learning environment should be promoted. The EDB was willing to work in collaboration with the EOC to establish network and direct dialogue with stakeholder groups to strengthen public education and parental education programmes.

### **Publication of Information Leaflet**

39. Access to information is essential to help parents make an informed choice about their children's education path. While noting that the EDB has published a comprehensive guide in this respect, the WG has decided to publish a handy pamphlet entitled 'Education for All' to advise parents of their children's equal rights to education with particular reference to the RDO. The pamphlet also gives readers a quick glance of the current education system in Hong Kong and the basic language support measures/programmes available for EM/NCS students. The pamphlet will be issued in six minority languages in addition to Chinese and English.

### **Recommendations**

40. Education is forever a subject of controversy as there is no single model of best practice and shortcut to success. The

multi-ethnicity, historical and cultural background, and the language policy in Hong Kong make education, especially for EM children, even more complicated.

41. According to a rough estimate by the EDB, despite the overall decrease in school age population, the number of EM students from various ethnicities has increased from about 10,000 three years ago to about 12,000 by now. Being members of our society, they should enjoy equal right to quality education in order to develop their potential to the fullest and to fulfill their aspirations.

42. Having gone through meetings and exchanges with stakeholders and the EDB, the WG noted that there are various challenges to the academic pursuit of EM students, of which learning of Chinese remains the greatest. The WG recommends that the following actions should be considered:

- (i) The Government should commit to providing language and cultural programmes for EM children at pre-primary level to help them lay a solid language foundation for learning Chinese and integration in the mainstream primary schools. Reference should be made to overseas countries with high intake of immigrants where intensive language courses are offered to new migrant students, irrespective of their age, before their admission to mainstream school programmes. School-based immersion classes should be provided for EM students upon their first entry until they can effectively use the Chinese as the medium of learning in normal classes.

- (ii) While there have been various support and accommodation measures put in place in recent years, their adequacy, appropriateness and effectiveness are subject to criticism. One of the contributing factors is the lack of quality assurance and central support from the EDB. It is therefore recommended that the EDB should provide expert guidance and support to individual schools in curriculum design and adaptation of teaching material in Chinese language for EM students. The EDB should also facilitate those schools with expertise and extensive experience in teaching EM students to share them with their counterparts. Resource schools should be identified for each school net to enhance information and experience sharing. In addition, EDB should set up a central quality assurance system to ensure that the resources deployed for the language and related support programs are genuinely effective.
  
- (iii) To help early identification of EM children who have special education needs, it is recommended that adaptations should be made to the assessment tools, intervention and support programmes. It is also recommended that special education training for teachers should incorporate elements on racial and cultural awareness and sensitivities.
  
- (iv) Although the EDB is developing a vocational Chinese qualification for EM school leavers, it does not address the problems brought by the huge gap between the levels and recognition of

GCSE Chinese and the local Chinese curriculum. The EDB is urged to seriously consider the proposal of developing a Chinese Proficiency Programme and Testing System which can provide an alternative language qualification for educational advancement as well as a benchmark for language proficiency recognised by different trades and job groups.

- (v) The EDB should make use of the forthcoming 2011 Population Census to systematically capture more information about the EM population, in particular those of school age, for formulation of appropriate education policies and provision of focused support measures.
- (vi) Comprehensive longitudinal study to keep track of the academic and social development of EM students is recommended in order to identify the policy deficiencies and service gaps, and to assess the appropriateness and effectiveness of the current practices and support measures provided for EM students.
- (vii) A special one-stop service on education needs and career counselling for EM students should be set up by the EDB.
- (viii) Focused public education on respect for diversity and racial harmony should be launched on a continuous basis to build an inclusive school environment.

- (ix) The EDB should carefully examine its current policies and practices to ensure that they comply with the spirit and legal obligations of the anti-discrimination legislation as well as effectively fulfill the policy goal of providing quality education to all school age children.

### **The Way Forward**

43. Education for EM students has been chosen as one of the major areas for intensive action of the PARC. The primary objective of the WG is to identify the problems faced by EM students, especially in the learning of Chinese language, and to make recommendations for improvements. Implementation of the recommendations made above requires more in depth deliberation with the Government and different stakeholders in order to engage their commitments and collaboration, which may take considerable time to materialize. It is proposed that the EOC Office should follow up on the recommendations with the respective stakeholders and the EDB, and report on the progress to the PARC in due course.

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*Secretariat*

*Working Group on Education for Ethnic Minorities*

*Policy and Research Committee*

*Equal Opportunities Commission*

*April 2011*

## Submission to Education Bureau

### Introduction

The Equal Opportunities Commission (EOC) is a statutory body established to eliminate discrimination and promote equality of opportunities by way of administering anti-discrimination legislation and advocacy. The EOC Board has set up four functional committees to oversee the administrative and executive functions carried out by the EOC Office, one of which is the Policy and Research Committee (PARC).

2. Noting that education is an effective means of empowerment, and the issue has been one of the major concerns of the ethnic minorities (EM) over the past years, the Policy and Research Committee has set up a Working Group on Education for Ethnic Minorities (WG) to specifically deal with the subject with a view to exploring possible measures to provide EM students with a level-playing field in the education system and eventually in the employment market. The WG has organized sharing sessions with different stakeholders including school principals and teachers, EM parents, and NGOs serving the EM communities to ascertain their concerns and views on helping EM students in their education pursuit.

3. The right to equal access to education is protected by a number of international instruments for which the People's Republic of China, including the Hong Kong Special



Administrative Region (HKSAR) has entered into force, namely the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC). Domestic legislation of the HKSAR, i.e. the Sex Discrimination Ordinance (SDO), Disability Discrimination Ordinance (DDO) and Race Discrimination Ordinance (RDO) further specify the rights of individuals to enjoy equal access to education irrespective of their gender, race, and with or without disabilities. The Education Bureau (EDB) is responsible for the formulation and implementation of policies, and overseeing education programmes to ensure that quality education is being provided for our young generation. Therefore, the PARC and WG would like to seek EDB's support and commitment to enhancing quality education for EM students.

### **The Race Discrimination Ordinance**

4. Section 4 of the RDO sets out that a person (the discriminator) discriminates against another person if –
  - (a) on the ground of the race of that other person, the discriminator treats that other person less favourably than the discriminator treats or would treat other persons; or
  - (b) the discriminator applies to that other person a requirement or condition which the discriminator applies or would apply equally to persons not of the same racial group as that other person but –

- (i) which is such that the proportion of persons of the same racial group as that other person who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it;
- (ii) which the discriminator cannot show to be justifiable irrespective of the race of the person to whom it is applied; and
- (iii) which is to the detriment of the other person because that person cannot comply with it.

5. Section 26 (1) of the RDO stipulates that it is unlawful for an educational establishment to discriminate against a person –

- (a) in the terms on which it offers to admit that person to the establishment as a student;
- (b) by refusing, or deliberately omitting to accept, an application for that person's admission to the establishment as a student; or
- (c) where the person is a student of the establishment –
  - (i) in the way it affords the person access to any benefits, facilities or services, or by refusing or deliberately omitting to afford the person access to them; or
  - (ii) by expelling the person from the establishment or subjecting him or her to any other detriment.

## Areas of Concerns of the PARC/WG

6. In deliberating the issue of education for EM children, the PARC/WG would like to raise the following subjects for discussion with EDB:

### *Admission and Assessment*

7. It is the Government's policy objective to provide 12 years' free and universal primary and secondary education to all children through public sector schools. While it would be rare that an EM child is refused admission to an educational establishment on the ground of his race, it is more often that he is rejected due to his lesser proficiency in Chinese as compared with other Chinese speaking competitors. The Chinese proficiency requirement, if unjustly administered by individual schools, may amount to indirect discrimination in accordance with section 4(1)(b) of the RDO.

8. Similarly, in assessing EM children's academic performance, it would be unfair to set the same Chinese proficiency requirement for EM children without adequate and appropriate support.

### *Choice of Designated Schools and Mainstream Schools*

9. At present, EM children are allowed to choose to study either in designated schools where a greater proportion of students are non Chinese speaking (NCS) and a modified (easier) Chinese curriculum is offered, or in mainstream schools where the medium of instruction is essentially Chinese with majority of Chinese speaking students.

Apparently, it is the parents' and/or the students' choice whether the children should go to designated or mainstream schools. Notwithstanding the fact that it is not conducive to integration and effective learning of Chinese in designated schools where the local language environment is lacking, some parents have but to choose designated schools due to the absence of adequate and appropriate language support, alternative Chinese curriculum, or moderated Chinese language assessment criteria for EM students in the mainstream schools, which may adversely impact the overall academic performance of their children. There is a view that the policy of giving the choice of designated schools might in itself be discriminatory because it reinforces segregation, quoting section 4(3) of the RDO which states that segregating a person from other persons on the ground of the race of that person is treating that person less favourably than the other persons are treated.

10. The PARC/WG considers that the EDB should carefully review the policy of designated schools, giving due consideration to the long term impacts on the educational and career paths of exit students who eventually have to integrate with their Chinese counterparts in post-secondary institutes and the open workforce. At the same time, EDB should review the adequacy and appropriateness, and monitor the effectiveness of the support measures for EM students in individual mainstream schools so as to ensure that the resources so deployed indeed achieve the purpose as declared.

### *Alternative Chinese Curriculum and Qualification*

11. Some frontline teachers, parents and NGOs advocate that the EDB should provide an alternative Chinese curriculum for EM students. However, the Government expresses strong reservation about the proposal on consideration of its possibly poor recognition by both the academic institutes and employers. Some educationists share this concern. On the other hand, the EDB allows NCS students to take, as an alternative language test, the General Certificate Secondary Education (GCSE) Chinese which is equivalent to Primary 3 standard of the local Chinese curriculum. Although GCSE Chinese has been accepted as an alternative Chinese Language qualification for the purpose of satisfying the basic entrance requirements to post secondary academic institutes under specified circumstances since 2008, the gap between this qualification and the mainstream Chinese language qualification is so big that it hardly satisfies the vocational requirements of most of the school leavers.

12. Some educationists have proposed a more pragmatic alternative that a Chinese Proficiency Programme and Testing System (CPPTS) should be developed with curriculum taught in stages, graded assessment and accreditation. Reference could be made to the globally recognized International English Language Testing System (IELTS). The CPPTS can provide an alternative language qualification for educational advancement as well as a benchmark for language proficiency required by different trades and job groups. Everyone including students, job seekers, EMs, local Chinese and expatriates who need a Chinese proficiency qualification can

attain it through the CPPTS. The EDB could organize support classes at schools for EM students or fund tutorial evening courses for EM adults who need such qualification for employment purpose. The PARC/WG urges EDB to reconsider the case for an alternative Chinese curriculum for those EM students who opt for it, noting that while it might very possibly be regarded as a 'second rate' Chinese language qualification, it would still be more helpful to those EM students who cannot attain the level of requirement as in the normal curriculum but yet still want a proper proof of their ability at a lower level (which would still be considerably higher than GCSE level). As an additional choice, the PARC/WG also recommends that EDB should seriously examine the CPPTS proposal.

### *Language Support Measures in Mainstream Schools*

13. Learning Chinese remains the greatest challenge to EM students as expressed by the education sector and the EM communities including parents and students. Chinese is one of the core subjects, and in most schools the medium of instruction. Proficiency in Chinese greatly impact on students' academic attainment. Unlike their Chinese speaking counterparts, Chinese is not the first language of EM students. Without adequate support but having to meet the same requirements as set out in public examinations, EM students always lag behind. The effect of low academic achievement not only impacts on their opportunities of education advancement but also spills over onto their future employability. The situation is seen by many concerned stakeholders as amounting to indirect discrimination under

section 4(1)(b) of the RDO. Hence, it is essential to provide effective support programmes to help EM students to overcome the language barrier.

14. It is universally recognized by educationists and linguists that students tend to be more receptive to and be capable of learning a foreign language much more easily at younger age. While the EDB has provided different types of support programmes to help EM students to learn Chinese, they mainly capture students of school age only. It is recommended that EDB should consider offering language programmes at pre-school level for children whose mother language is not Chinese, regardless of whether they are new arrivals or born in Hong Kong. It certainly helps EM children to lay a solid foundation for their learning of Chinese and integration in primary schools. Reference could be made to overseas countries with high intake of immigrants where intensive language courses are made available to new migrant students before they are admitted to mainstream school programmes. In addition, school-based immersion classes should be provided for EM students upon first entry until they can effectively use the Chinese language for learning in normal classes.

15. In addition to language support measures, the EDB should proactively offer education and career counseling to advise on the education needs and appropriate education paths for EM students and parents who are not familiar with the education system and available support services in Hong Kong. It is desirable to have a designated team of staff who are sensitive to EM cultures to provide a one-stop central

consultation service for EM parents and students. Interpretation services should be available in case some EM parents may not be able to communicate fluently in either English or Chinese.

### *Support for Students with Special Education Needs*

16. It is noted that EM students who have special education needs are facing double disadvantages. As expressed by some teachers and EM parents, there is a tendency for their students' deficiencies to be dismissed as being due to cultural difference and language deficiency, since the assessment tools are essentially designed to cater for Chinese speaking students. As a result, EM students with special education needs often miss the opportune time for early intervention and support.

17. Section 24(2)(c) of the DDO states that it is unlawful for an educational establishment to discriminate against a student with a disability by subjecting that student to any other detriment. Section 26(1)(c) of the RDO stipulates that it is unlawful for the responsible body for an educational establishment to discriminate against a person in the way it affords the person access to any benefits, facilities or services, or by refusing or deliberately omitting to afford the person access to them; or by expelling the person from the establishment or subjecting him or her to any other detriment.

18. It is recommended that adaptations should be made to the assessment tools to cater for the needs of EM students. Training should be provided for teachers and educational psychologists to raise their awareness and sensitivities towards the needs of EM students.



### *Creating an Inclusive School Environment*

19. While tangible resources and effective support measures are essential to enhance EM students' academic attainment in the education system, an inclusive and racially harmonious learning environment is fundamental to the delivery of quality and equitable education services. In this respect, the awareness and sensitivity of school principals and teachers are of utmost importance. Given the increasing number of EM students studying in mainstream schools, it is recommended that the skills involved in teaching EM students should form part of the curriculum for all teachers' training programmes. In addition, respect for diversity, equal opportunity values and human rights education should become one of the core modules for Liberal Studies in the New Senior Secondary Curriculum.

20. Parental influence is essential in cultivating the value and attitudes of the young generation. EDB should solicit the support and commitment of the Committee on Home-School Co-operation and the parent-teacher associations of schools to promote racial harmony in schools.

### **Observation by the PARC/WG**

21. Having considered EDB's current education policies and having examined the problems with the relevant stakeholders, the PARC/WG is of the view that while a number of accommodation measures have been adopted by EDB in recent years, they are far from adequate in fulfilling its policy goal of providing equitable and quality education for EM

students. The PARC/WG therefore urges the EDB to carefully examine its current policies and practices to ensure that they are effectively fulfilling the policy goals as declared on the one hand and that they do comply with the spirit and legal obligations of the anti-discrimination legislation on the other. There is a strong body of opinion within the PARC/WG that should there be no committed improvement to current policies and practices on this issue by the Government, action under the RDO might have to be instigated.

### **Presentation**

22. This paper is submitted to the Education Bureau prior to its meeting with Members of the PARC/WG of the EOC.

*(Note: This paper was submitted to the Education Bureau on 29 March 2011.)*

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*Secretariat*

*Working Group on Education for Ethnic Minorities*

*Policy and Research Committee*

*Equal Opportunities Commission*

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