

Complaints concerning racial discrimination and related matters

1 April 2003 – 31 March 2004

1. Summary

- New complaints received: 37
- Complaints carried forward from previous year: 11

2. Status as at 31 March 2004

Under investigation	5		
Investigation discontinued	13	Complainants did not want to continue	7
		Lacking in substance	3
		Beyond the Unit's purview	3
Investigation not pursuable	6	No response from complainants	5
		No response from respondents	1
Conciliated	24		
Total	48		

3. Details of complaints

No.	Case	Action taken
Area: Government departments or public bodies		
1.	An NGO asserted that the Social Welfare Department (SWD) had not provided alternative accommodation or drug rehabilitation for Nepalese street sleepers in the Yaumatei car park.	SWD advised that regular outreach visits were made to encourage the street sleepers to use its shelter facilities and drug detoxification programmes. But the sleepers insisted on living together in the Yaumatei car park and declined drug rehabilitation. The complaint was not resolved because the complainant failed to provide further information to substantiate the case.

No.	Case	Action taken
2.	The complainant, an English speaking member of a statutory body, alleged that the organisation mailed him a Chinese brochure for promoting a family golf camp.	The organisation acknowledged that there had been a clerical error and sent the complainant an English version.
3.	A Bangladeshi prisoner serving a life sentence in the Shek Pik Prison complained that the Correctional Services Department (CSD) did not serve lunch for non-Chinese prisoners when they were brought to the High Court.	The CSD denied the assertion: they provided lunch for prisoners in court, regardless of their race. The complainant later admitted that he had been provided with lunch.
4.	A Chinese woman claimed that she was verbally insulted by a messenger from the Bailiff's Office when he delivered a parcel to her office. The complainant asked to take a look at the parcel. But the messenger declined and said "You San Yee Man (new arrivals) are troublesome!"	Strictly speaking, this was not a race relations case but the Unit pursued the matter in the interests of community relations. The complaint was resolved when the Bailiff's Office issued a warning letter to the messenger.
5.	The complainant, a Chinese man, attempted to download a consultation paper from the website of the Office of the Telecommunications Authority (OFTA) but only the English version was available. He complained that the absence of the Chinese version was discriminatory.	The matter was settled when the OFTA published the Chinese version on its website.
6.	An NGO asserted that, in the Kowloon City court building, notices regarding the duty lawyer service and bail out payment were available	The Judiciary Administrator explained that the notices were only temporary. The case was resolved when the notices in the Kowloon City court building

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	in Chinese only. This made it difficult for non-Chinese speakers to access those services.	were displayed in both Chinese and English.
7.	The complainant, a Pakistani man, was interviewed by an Immigration Officer when applying for multiple entry visas for his supervisor. During the two interviews, the officer asked, “How could you get married with (<i>sic</i>) a Chinese girl?”, “Is your wife a normal person?”, “Why did she choose an Ah Cha?”, and “Why are you able to employ a domestic helper?” The complainant considered that the questions were racially discriminatory.	The Immigration Department agreed that it was inappropriate for the officer to say “You are rich. You hired a maid”. The complaint was resolved when the Immigration Department agreed to provide customer service training to frontline staff.
8.	A Nepalese person complained against a medical officer who declined to transfer him to another hospital near to his home for follow-up treatment. The complainant alleged that the medical officer declined his request on the ground of his race.	The complainant failed to substantiate his allegation. We transferred the case to the Patient Relations Officer of the subject hospital.
9.	The complainant, a British national originally from Nigeria, complained that his application for appeal to the Court of Final Appeal was declined with grave injustice.	We informed the complainant that the case was beyond the Unit’s purview.
10.	A Nepalese man complained against the Labour Department for replying in Chinese to his application for the Youth Pre-employment Training	The Labour Department admitted the mistake and immediately sent the complainant a reply in English.

No.	Case	Action taken
	Programme.	
11.	An expatriate archaeologist claimed that a Leisure and Cultural Services Department (LCSD) officer had racist attitudes towards foreigners. He quoted a statement from a letter issued by the Ombudsman to the effect that the officer had warned a contractor against engaging foreigners for LCSD projects.	The complainant provided potential witnesses for investigation purposes but the witnesses said that they could not remember the date of the incident or the name of the officer involved. The LCSD conducted an internal investigation and found no substantial evidence to support the complainant.
12.	An expatriate archaeologist lodged a second complaint alleging that a staff member of the Antiquities and Monuments Office had said to an expatriate archaeologist, "Why don't you go back where you come from?" The complainant said that the incident had been witnessed by several people.	We contacted the complainant's witnesses but none of them were willing to come forward. The complainant agreed not to pursue the case further.
13.	A Chinese person complained that an Office of the Telecommunications Authority (OFTA) consultation paper was published in English only.	The matter was resolved when the Chinese version of the consultation paper was published.
14.	A Pakistani person complained that the Student Financial Assistance Agency (SFAA) had written to non-Chinese speaking applicants in Chinese, even though they had applied in English.	The SFAA replied that the Chinese version of the Guidance Notes was sent to the applicants inadvertently. The Agency apologised and sent the complainant an English version of the Guidance Notes. The complainant accepted the apology.

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15.	During a medical consultation, a Pakistani man asked the doctor - in Cantonese - to explain certain medical terms in English. The doctor declined and verbally abused him.	The matter is being investigated.
16.	A Libyan man asserted that the Immigration Department had declined his application for a SAR passport on the ground of his race.	The Unit did not pursue the case because it lacked substance.
Area: Provision of goods and services		
17.	A Chinese man claimed that, while he was queuing at an airline check-in counter, two European passengers were attended to ahead of him, even though he had been first in line.	The matter was resolved when the airline company explained the two European passengers were its VIP members.
18.	An Indian woman applied for a critical illness insurance policy. She said the insurance company took a long time to assess her application and told her the application was unlikely approved in absence of Indian mortality rates.	The insurance company denied the assertion. Their assessment of the application had been lengthy because the complainant's resident status was conditional. The complainant was satisfied with the explanation.
19.	A Chinese man claimed that a minibus dispatcher had shouted at a Pakistani passenger using the offensive remark, "damn cha chai".	The matter was resolved when the minibus company issued a warning letter to the dispatcher.
20.	Eight Filipino domestic helpers were stranded at the airport during a typhoon. The airline sent other passengers to hotels but the helpers were each given \$200 cash	The matter was resolved when the airline company agreed to review its cash compensation policy and customer services standards.

No.	Case	Action taken
	compensation and left to sleep in the airport.	
21.	A Filipino domestic helper claimed that a mobile telephone company refused to provide its service to her because she could not produce utility bills as proof of address.	The case was settled when the respondent accepted a bank statement as proof of address.
22.	A Chinese woman claimed that a Japanese flight attendant treated his son unfairly when flying to Tokyo.	The case fell outside the Unit's ambit because it occurred outside Hong Kong.
23.	The complainant, a Chinese man, bought a first class ticket from Paris to London. On boarding the flight, he was told that he had been downgraded to the business class. At the same time, he could clearly see some Europeans sitting in the first class cabin.	The airline explained that they did not always provide service in their first class cabins on short haul flights. Thus, even though the complainant held a first class round-the-world ticket, there was no first class service for the flight from Paris to London. The Europeans he had seen in the (unserved) first class cabin were already seated when the complainant boarded and were allowed to remain there during take off but were moved to the business cabin once the aircraft was airborne. The complainant had been directed to the business cabin on arrival because he was seriously overweight and the cabin crew feared for his safety if he had to move around the aircraft when it was in flight.
24.	An airline stopped an Indian man from boarding a flight from Hong Kong to London without giving any	The airline explained that they had refused to allow the complainant to board because they had received a specific 'advisory' from the British

No.	Case	Action taken
	reasons.	Consulate General. The case was not pursuable because the Unit lost contact with the complainant.
25.	A Filipino manager lost her wallet in a restaurant. She claimed the manager was not helpful and verbally insulted her.	The case was resolved when the restaurant manager offered an apology and gave the complainant a VIP card.
26.	The complainant, a Chinese merchandiser, asserted that a shopkeeper had refused to sell handbags to him but did sell them to Japanese buyers.	The complainant asked the Unit to discontinue the investigation.
27.	A Caucasian man complained that a telephone company sold a mobile telephone card to his Filipino wife but refused to sell to him.	The matter was settled when the telephone company sold the complainant a mobile telephone card.
28.	A Nigerian woman took a taxi with her two sons and a friend's mother. During the journey, the complainant alleged that the taxi driver racially abused her. The driver also wound down the window and said that black people stank.	The Unit could not complete the investigation because they lost contact with the taxi driver.
Area: Employment		
29.	A recruitment agency told a Caucasian man that they would not help a non-Chinese to find a job.	The complaint could not be resolved because the complainant failed to provide further information to substantiate the case.
30.	A Nepalese woman claimed that, while working for a restaurant, her supervisor and co-workers subjected her to racially abusive comments.	The complainant requested the Unit to discontinue the investigation.

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31.	An ethnic Chinese person complained against an airline that had stated that “native English is a must” in an advertisement for the position of project manager.	The airline agreed to change the wording of the advertisement to “fluent English is essential”.
32.	A Pakistani man’s job was terminated by a security company. His supervisor told the complainant that, “you are fired because the boss does not like Pakistanis”.	The case was resolved when the security company issued a written apology to the complainant.
33.	A Chinese woman who spoke native-level English called about a job in a school. She was told that they would only hire a native speaker of English.	The case was resolved when the school changed its selection criteria.
34.	A Chinese man complained that a property company had advertised for a “Native English-speaking manager”.	The company agreed to change the wording to “Native-level English speakers”.
35.	A Chinese woman who spoke native-level English complained a school that had advertised for an “expatriate” teacher.	The school agreed to consider applicants who were either native-speakers of English or possessed native-speaker competence in the language.
36.	A Chinese woman claimed that her job was terminated by a legal firm while her team-mate, who was an Indian, was offered a post in its Indian branch.	The firm explained that the complainant’s job was terminated because her position had become redundant. The firm had advertised the vacancy at its Indian branch on its intranet but the complainant had not expressed interest in it. The complainant was satisfied with the explanation.

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Area: Education and vocational training		
37.	Two South Asian Secondary 5 graduates alleged that the Hong Kong Institute of Vocational Education (IVE) had rejected their applications for its courses on the ground of their race.	The Institute explained applicants were selected on the basis of their academic results and their performance in the interviews. The case was settled when the IVE was able to show that it had admitted five non-Chinese speakers to the course.
38.	An Indian man complained about the admission requirements for a Bachelor of Medicine and Bachelor of Surgery programme. He alleged “good working knowledge of English and Cantonese” was a discriminatory prerequisite.	The respondent, a local university, explained that its medical students were required to communicate with patients who were predominantly Cantonese-speaking. The complainant withdrew the complaint.
39.	An ex-Mainland woman claimed that a staff member of the Hong Kong Council for Academic Accreditation (HKCAA) had told her, “Don’t waste your money to apply for assessment because your Mainland qualification will not be recognised”.	Strictly speaking, this was not a race relations case but the Unit pursued the matter in the interests of community relations. However, the HKCAA denied the assertion and the complainant failed to substantiate her allegation.
40.	An Indonesian woman who was married to a Chinese man attempted to apply for a retraining course. She claimed that her application was denied because the course was offered to local Chinese only.	The case was not substantiated as the respondent was able to produce evidence that the complainant was once selected for a retraining course, but had failed to attend classes. She was therefore disqualified from applying for other courses provided by the respondent.

No.	Case	Action taken
Area: Accommodation		
41.	An Indonesian woman used her apartment to offer computer training for Indonesian domestic helpers. She claimed that the security guard of the building prevented her students from gaining access to her apartment.	The case was not substantiated: by using a residential apartment for business purposes, the complainant was in breach of the building's Deed of Mutual Covenant.
42.	A Chinese woman claimed that the secretary to the Incorporated Owners (IC) of her building denied her the right to use English in her correspondence with the IC.	The case is under investigation.
43.	The complainant, a Frenchman, claimed that his building manager had verbally abused him while he (the complainant) was carrying out carpentry work in the building's car park.	The case was settled when the building manager offered a verbal apology.
44.	An Indian man had a long standing dispute with his neighbours. He believed that it was because of his race.	The case was not investigated because the complainant failed to identify the respondent.
Area: Media		
45.	An Indian woman claimed that she was not selected to participate in a TV game show because of her race.	The case was not substantiated as the respondent was able to prove that the selection was made by lucky draw, not on the ground of race.
46.	A reader complained about the term "Bak Pei Jue" in a newspaper article.	The case was not resolved because the respondent refused to respond.

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47.	A Chinese man claimed that a newspaper article was racist.	The complainant withdrew his complaint.
48.	A reader alleged that a newspaper article discriminated against Chinese people.	The article was a humorous piece that poked fun at Chinese people. It was written by an ethnic Chinese journalist as was the complainant. The piece did not entail racial discrimination.